

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the Senate bill, S. 1382.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 2, not voting 16, as follows:

[Roll No. 650]

AYES—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyd (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
 Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazaayoux
Chabot

Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
 Ginny
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchev
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
 (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)

Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
 E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
 Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha

NOES—2

Flake
Barton (TX)
Calvert
Costa
Cubin
Kagen
McCarthy (NY)

Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Linda
 T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg

NOT VOTING—16

Paul
Mitchell
Napolitano
Payne
Peterson (PA)
Pickering
Roskam
Shimkus
Tierney
Waters
Weller

□ 1202

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1500 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1500

Resolved, That it shall be in order at any time through the calendar day of September 28, 2008, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore. The gentleman from Vermont a recognized for 1 hour.

Mr. WELCH of Vermont. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida, my friend, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Mr. WELCH of Vermont. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 1500.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, H. Res. 1500 authorizes the Speaker to entertain motions that the House suspend the rules at any time through the calendar day of Sunday, September 28, 2008. The rule is necessary because under clause 1(a), rule XV, the Speaker may entertain motions to suspend the rules, as you know, only on Monday, Tuesday and Wednesday of each week. In order for suspensions to be considered on other days, the Rules Committee must authorize such consideration.

This is not an unusual procedure, particularly at the end of the legislative session. In the 109th Congress, for instance, my friends on the other side of the aisle reported at least six rules that provided for additional suspension days. We are doing the same.

This rule will help us move important bipartisan legislation before we adjourn. Of course, all bills considered under suspension of the rules must receive strong bipartisan support in order to pass the House.

I urge my colleagues to join me in supporting this rule, which will simply help us move important, noncontroversial legislation before we adjourn.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, Mr. WELCH, the gentleman from Vermont, for the time,

and I yield myself such time as I may consume.

Mr. Speaker, this rule, which is a framework under which legislation is brought to the floor, if passed, will allow the House to consider legislation under suspension of the rules until Sunday.

Suspension of the rules is a procedure by which the House of Representatives generally acts to approve legislation promptly. Legislation considered under suspension of the rules is usually non-controversial. It usually has bipartisan support, by virtue of the fact that in order for bills to pass under that procedure known as suspension of the rules bills have to pass with at least two-thirds of the votes of the House.

Yesterday I came to the floor to manage for the minority a similar rule. I did not ask for a vote in opposition regarding that rule yesterday. But today I must rise and oppose this rule, because unlike yesterday's rule, today's rule does not specify which bills the House of Representatives will consider. Instead, this rule, this framework that we are going to vote on now, in a few minutes, this rule provides blanket or blind authority to the majority.

Now, yesterday we received a list of 44 bills that the House was being authorized to consider. But today we received nothing, just a request in effect for absolute power to bring legislation to the floor. So this will allow the majority to bring legislation to the floor that most Members haven't even heard about, much less read, not to mention that we will have absolutely no chance to amend any of the bills.

According to a senior member of the majority on the Rules Committee, such a procedure is "outside the normal parameters of the way the House should conduct its business. It effectively curtails our rights and responsibilities as serious legislators."

Mr. Speaker, I believe it is quite unfortunate that the majority has opted to pursue this path. In reality, this is the sixth time that the majority is bringing forth a rule like this during this Congress. I know the majority will claim that is the same number, the same amount of times that the 109th Congress used this procedure, but I would remind our friends on the other side of the aisle that in every other record for limiting debate in the House, they have far exceeded the 109th Congress, and that is so even though on the opening day of the 110th Congress the distinguished chairwoman of the Rules Committee, Ms. SLAUGHTER, came to the floor and said that the new majority would "begin to return this Chamber to its rightful place as the home of democracy and deliberation in our great Nation."

So, let us take a look at their record-breaking performance, Mr. Speaker. First let us begin with closed rules.

There can be few, if any, parliamentary procedures that are more offensive to the spirit of representative democ-

racy than the closed rule. Those rules, closed rules, block Members from both sides of the aisle from offering amendments to legislation, no matter their party affiliation. When the House of Representatives is operating under a closed rule, all Members are shut out from the legislative process on the floor. Even though the majority promised a more open Congress, they silenced the voice of every Member and of all the constituents of every Member a record 64 times, Mr. Speaker. Sixty-four times.

No other Congress in the history of the Republic has ever brought forth so many closed rules. No other Congress in the history of the Republic has brought forth 64 pieces of legislation during one Congress under the parliamentary procedure known as the closed rule, that shuts out all amendments, all possibility of Members, from both sides of the aisle from introducing amendments.

The consistent use of closed rules by the majority is most unfortunate. It is really, I believe, quite offensive to the democratic spirit, and really obviously a contradiction with regard to the promises made by the majority.

They have also systematically bypassed the conference process, the process by which the House and Senate reconcile differences on legislation before voting on a final version, an identical, final version of legislation before sending it to the President. They have systematically bypassed this conference process, effectively shutting out the minority from having a say on legislation that makes its way to the President's desk.

They also have used a technique known as ping-pong 14 times to subvert the rights of the minority to offer motions to recommit and amendments. Now, in comparison, in the 108th and 109th Congresses combined, that technique, ping-pong, that the majority has used 14 times during this Congress, that technique was used a total of three times in the prior two Congresses.

So, again, the tendency can be seen time and time again, in contradiction, direct contradiction to the promises to go in the other direction, to go in the direction of transparency and fairness and openness. So with ping-pong we also see the tendency of the majority not fail.

□ 1215

They also considered 45 bills outside the regular order. They blocked minority substitute amendments, allowing only 10 minority substitute amendments, again, even though they promised a procedure that, "grants the minority the right to offer its alternatives, including a substitute." Again, the majority contradicted its own promise, directly, directly contradicted its own promise again.

Now, these records that I have alluded to, do not etch them in stone yet. We still have a few days left in the

110th Congress. I would bet that the majority will break their own records yet again and, once again, their promises for a fair and open Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. I want to respond to some of the points made by my friend from Florida.

Mr. Speaker, this process of allowing for suspensions on days late in the week, particularly towards the end of the session, is something that we have done quite a bit, generally on a cooperative basis, and there is a self-policing mechanism that applies.

The self-policing mechanism, of course, is the fact that to pass a suspension bill requires two-thirds vote, and the majority party does not have a two-thirds majority, so anything that's going to pass is going to require a substantial positive vote, a "yes" vote, from Members on both sides of the aisle.

It also is kind of a practical thing to do. Our session is getting extended a bit because we are trying to come to some resolution to ease the credit crisis that is afflicting our economy, and that's incredibly serious, requires us to stay as long as it takes to address that issue.

But many of us are not involved in the minute-to-minute negotiations, as our committee chairs are, as our leadership is. We are still on the clock, working for the American taxpayer. So if there is an opportunity to use our time productively by bringing up suspension bills that meet the two-thirds test, advances concerns of importance, if not as grave importance as the issue about Wall Street, why not take the opportunity together to move ahead on things that will be helpful to our country.

Also, just a little bit of history here, the Republicans, of course, were in the majority from 1994 until 2006. In the last session of Congress, the 109th session of Congress, they found themselves in similar circumstances at the end of the session. They had time that could be utilized and did, by bringing up some suspension bills. Then, as now, it did require a two-thirds vote before any suspension bill could pass.

I will just go through a few things. My friend probably knows all this, but I will remind him, anyway, a little education here. He was here. I wasn't.

I am told that on June 30, 2005, H. Res. 345 provided for a blanket suspension day on June 30, and that was pending the July adjournment of that year. The House took up a number of bills under that suspension authority.

Similarly, on July 28, 2005, there was a blanket suspension for suspension day. Again, the House took advantage of that. September 8, 2005, provided another day for a blanket suspension.

There are others. H. Res. 623 provided for suspension day on December 17. That applied to a number of pending House bills, H.R. 4519, H.R. 2520, H.R. 4568, H.R. 3402, H.R. 4579, H.R. 4525; a

Senate bill, S. 1281. There was a conference on Senate 467. It was a joint resolution providing for a fiscal year 2006 continuing resolution.

That was all pretty important business. It all passed with that two-thirds majority. It took advantage of the fact that many people from both sides of the aisle, who were not involved in what was the end of the session, intense negotiations on other legislation, they could use their time productively.

There were a couple of combination rules with suspension day authority. H. Res. 1096 waived the two-thirds requirement on December 7 on any rule, providing for a blanket suspension day. It tabled H. Res. 810, 939, 951 and 1047.

There was another such action on December 8, 2006, H. Res. 1102, and that waived the two-thirds rule on the December 8 proceedings on any rule and that provided for a blanket suspension on that date. There is a strong precedent here for allowing suspension authority to occur at the end of the week, rather than just the beginning of the week. Again, it's grounded in the practicality, using the time that we have, that we didn't expect to have, to advance the legislative calendar.

The gentleman from Florida mentioned the ping-pong procedure that has allowed this House and the Congress to pass critical legislation for working and middle class Americans. The fact is that we have utilized the ping-pong approach because of some of our colleagues on the other side of the aisle in the Senate that have blocked motions to go to conference.

Incidentally, I think I probably agree with my friend that going into conference is the better way for us to try to resolve differences between the two bodies. It takes two to conference, just like it takes two to do that famous south Miami dance, the tango. I know on our side, Republicans and Democrats would prefer to be able to use the tried-and-true method of a conference committee to resolve our differences.

It certainly allows our body to be fully represented on both sides of the aisle, members of the conference would come from the Democrat and Republican Parties. It would allow for more vigorous debate about the differences between the legislation that's passed by the House and passed by the Senate. In fact, I think it's a little sad, and, frankly, dangerous a bit, that we don't have a conferencing process, because it really does allow the focus on the issues and allows for a fuller debate from which, in the ideal circumstances, a better solution emerges.

I think I am in agreement, maybe I can hear from the Member from Florida, but I think I am in agreement with him about the preference for a conference procedure. It's just not something that's unilaterally within the control of this body. That's true, whether there is a Republican majority or a Democratic majority. There certainly has to be a level of cooperation in the other body in order for the

House to be able to participate in a conference.

So what we find ourselves, oftentimes, is confronted with a situation where the negotiating gets done at leadership level or at the chair of committee level. It leaves a good number of Members out of those final and often very critical negotiations about the final points of legislation that's in contention.

So maybe the Member from Florida and I can work together to try to persuade our friends in the other body to return to the tradition of House-Senate conferences.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend for his presentation.

Mr. Speaker, it's important to point out, that we make distinct and analyze a number of the matters that we have brought forth.

With regard to the ability of the House to consider suspension bills, it's evident that that is a process that has much tradition. My objection, and I know that in the last Congress it was done six times, and it's done six times in this Congress, but I think it's unfair, really, in an exceptional way to the membership, for them, for Members not to know even the title of legislation that is being brought forth so that, along with their staffs, they can study bills that are expected to be non-controversial because of the two-thirds requirement, but there is a great difference. We all accept that suspension bills are a part of the process towards the end of the session, but there is a great difference between authorizing suspensions that are identified, legislation bills that are identified, like we did yesterday, and, you know, in a blanket way authorizing the majority to bring forth any bills on suspension without even identifying them, which is what we are doing today.

There is a difference. Yes, it was done six times in the last Congress, and it has been done six times in this Congress.

What I pointed out was that the tendency toward unfairness becomes evident when one analyzes the entire spectrum of activity by the majority, procedurally, six and six on what I consider to be inappropriate formats for presenting suspension bills.

But when we leave that particular aspect of the suspension bills unidentified, and we analyze, for example, the closed rules, there the majority broke the record in a significant way, 64 closed rules. That's extraordinary, that's unprecedented.

I would remind you that the closed rule is most undemocratic. Then my friend referred to the ping-pong process, the process by which conference is avoided. In the last Congress, there was a similar situation of one party in control of both Houses as there is in this Congress. Yet the times in this Congress that conference has been avoided

just went through the ceiling, went through the roof, in comparison to the past. I think it was three versus 14 times. It's extraordinary, the difference. And when we analyze all of this in conjunction with and in the context of the promises made by the majority to improve instead of to worsen significantly. In other words, the promise was, with regard to these questionable procedural processes, or manners of acting, rather, the promise was, we are going to improve, we are going to have transparency, we are going to have openness, we are going to have fairness. That was the promise.

Then when you see that promise and you juxtapose it to the reality of performance, and the reality of performance is much worse, is much more unfair, it really becomes dramatic, the contrast between promise and performance. That's what I was alluding to.

With regard to some points made by my friend, it's almost inevitable for my friend from Vermont not to make appropriate and quite defensible statements, because he is one of the most respected Members of this House, and in the short period of time that he has been here, he has earned that respect on both sides of the aisle.

But I think it's appropriate to analyze, without passion, the points that I brought forth with regard to the great contrast between promise and performance of this majority. It's a dramatic contrast and an unfortunate contrast.

I would ask at this time, my friend, if he has any other speakers.

□ 1230

Mr. WELCH of Vermont. Mr. Speaker, I have no further speakers.

Mr. LINCOLN DIAZ-BALART of Florida. That being the case, Mr. Speaker, "man is man plus his circumstances." That is one, I think, of the wisest sayings I have ever heard by one of the great philosophers of the 20th century, Jose Ortega y Gasset, who led a fascinating life. He was a professor in various universities in Spain, actually dabbled in politics, was a member of the parliament during the Second Republic in the 1930s in Spain, and then was a long-time exile.

Toward the end of his life, I think he returned to Spain but just for a short period of time because he did not outlive the Franco dictatorship and Ortega y Gasset never wanted to live nor, quite frankly, visit his country under dictatorship.

But that phrase, "man is man plus his circumstances," I think, summarizes so much of life. And so we today, while not engaged, because this is a procedural debate and I would expect my friend on the other side of the aisle to agree that perhaps it is not one of the most popular to watch if a guest were here in the galleries because it is procedural, this debate. And yet process really is key to the functioning of representative democracy, Mr. Speaker.

Why do I say that: because the rights of the minority are just as important

as the right of the majority to rule. You can't have a functioning, a genuine, representative democracy unless, along with the right of the majority to rule, the minority has the right to be heard. And the opposition, the minority, has the right to play a significant role. And so process is what makes that possible. Without process, guaranteeing the rights of the majority to rule and the minority to be heard and to have all of the procedural rights followed by the majority, without that process, there can be no representative democracy. And so even though this debate may seem somewhat technical, process is important.

I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I want to respond to some of the comments made by my friend from Florida. But first of all, I thank my friend. He is very generous in his comments about me. The feelings are mutual. I have enjoyed working with you on the Rules Committee, and love hearing you speak and argue, and I know the affection people have for you here in this body. And for you to be here with your brother, what a wonderful family story, to have brothers serving together keeping an eye on each other. And you need to have an eye kept on you.

I missed the name of the philosopher from Spain.

I yield.

Mr. LINCOLN DIAZ-BALART of Florida. Ortega y Gasset. In Spain, you often have compound names or long names. Ortega y Gasset. An extraordinary philosopher, really a liberal in the best sense of the word and an open man, a man open to realize, my distinguished friends, that good ideas often come from not only both but all political viewpoints. And Ortega y Gasset was one such thinker. I highly recommend him to such an erudite, studious not only here Member of the House but generally a man of the law as my friend.

Mr. WELCH of Vermont. Well, thank you. I am going to take you up on that because you are probably more familiar with that history of Spain during the preceding Franco years and the internal revolution and during the period of the republic.

That phrase you used, man and his circumstances, is very, very powerful.

I yield.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend.

"Man is man plus his circumstances."

Mr. WELCH of Vermont. And he had to contend with that, as did all Spaniards during the period of the republic in the revolution with just this wrenching upheaval in their own society where brothers were fighting brothers and the worst of all things were happening, as they were here during our Civil War and countrymen were pitted one against another, and people were forced to deal with circumstances that were just beyond what they ever

could have imagined. And then the struggle in those circumstances for people of conscience to make a decision about what was right to do when the implication of following through and doing that right could be frightening, physically dangerous to themselves, the person who was making the decision to act, but it was equally frightening about a decision not to act and what the consequences would be for other people. So I look forward to reading that.

I am just going to make a suggestion to you. That phrase "man is man plus his circumstances," and I have to write that down.

But Graham Greene is one of my favorite authors. And the reason I like Graham Greene, he writes articles about flawed human beings. The protagonists in his novels are all deeply flawed people, like all of us. They have real limitations. Some of them are alcoholics. They can't control certain parts of their behavior. But what he writes about is individuals who find themselves in circumstances where they have to make decisions that require them to act in ways that ultimately may be physically dangerous to them, but where they have a capacity to respond, to see, what the moral imperative is. And then they are able, despite their flaws and weaknesses, to summon the internal courage to do the right thing. They don't do it to be a hero. They are reluctant heroes. They end up being heroes. And in some cases they sacrifice their lives. It is not that they wanted to do it or anything that they thought about as an image of themselves. In fact, they oftentimes took refuge in their weakness, by alcohol, frequently, in the Graham Greene novels.

But when they were confronted with a situation where they had an opportunity, by circumstance beyond their control, accidental almost, where their action could save a fellow human being or turn the tide of events in a way where more people would be spared suffering, despite their weakness, despite not wanting to do it, despite their resistance, there was something deeply moral embedded in who they were where the decision they made was for others, not for themselves.

Your comments about the Spanish philosopher brought to mind the reactions I have had from reading so many Graham Greene novels.

Mr. LINCOLN DIAZ-BALART of Florida. Repeat the name of the author.

Mr. WELCH of Vermont. Graham Greene. I just really appreciate your remarks.

And I want to talk about a second topic you mentioned, the importance in a democracy about procedure. The gentleman is right. One of the things that I have admired about our majority leader, Mr. HOYER, is that I believe he does his best, it is always debatable, but I think he does his best to scrupulously abide by the procedural rights.

We have battles about the rule we are bringing forward and whether it is the right thing to do or not, but I agree, procedure is important. Procedure is often substance. How you design it and allow something to be taken up really affects the outcome of what will occur.

One of the constant decisions that we have to make, you had to make when you were in the majority and we have to make while we are in the majority, is how to get a specific question to this body for an up-or-down vote. And it requires the Rules Committee, and you know better than I do, you are much more experienced on the Rules Committee than I am, it requires the Rules Committee to decide what the question will be, to decide what amendments will be allowed. There is always an ongoing tension between the majority and the minority, and that flips as the voters decide to change the majority here.

So your aggression, and that is not the right word, your defense of procedure is well taken by me.

Before I came here I served for a period of time in the State Senate in Vermont. It is a much different situation. We had 30 members, very small, very intimate. No staff. Literally no staff. The one member of the Senate who had one staff person was the President pro tempore, and I served in that job for the 4 years before I came here. But nobody else had a staff. I have gotten to like staff, don't get me wrong, but there was something quite wonderful about the fact that the members had to do all of their own work. What it meant is that we were talking to one another constantly. And the problems that were being developed couldn't be mitigated or muted by having staff talk to staff for another member.

That very intense, immediate interaction I actually thought was very helpful. I know there are a number of Members on both sides of the aisle who talk, and we have this opportunity when we are on the floor voting to try to hear where each of us are coming from and what ways we may be able to find a path to getting "yes."

But as Senate President, I had a lot of responsibility about procedures. So I did two things that were kind of unusual, and we can't do them around here, but in the small circumstances of the Vermont Senate we could. We had 21-9 majority, and I had the cooperative power of appointment. And I appointed three members of the Republican Party to serve as chairs of important committees.

The reason that I did that, two reasons, it just so happened that the three people who got appointed were the best people for the job. They were terrific. The second reason was it allowed us to find ways to work together because we all had a stake in the future.

So any time that we can work together, I want to do it. I appreciate your openness and willingness to do that as well.

But getting back to the question before us, mainly this question of the

suspension authority and your concern about it being “blanket,” I understand that. But the self-correcting mechanism here is the requirement under suspension that there be a two-thirds vote. That by definition means that there has to be a good deal of support on the Republican side as well as on the Democratic side for this suspension authority to allow consideration and for a bill considered to be passed.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my distinguished colleague for his remarks, and for this opportunity of being able to bring forward the points that we both brought forward today.

Mr. Speaker, let me say at this point that Americans are really upset with regard to spending more and more of their paycheck for energy needs. For months they have been calling on Congress to consider legislation to help lower the price of gasoline.

Just like the American people, the minority has been calling for legislation that will help the American consumer with the skyrocketing price of energy. Yet every time the minority has tried to debate comprehensive energy legislation, the majority has blocked and stymied our efforts.

□ 1245

In August, the majority decided to close shop, head back to their districts, instead of really seeking to solve, in a comprehensive manner, this extraordinary issue facing our constituents, which is the rising price of gasoline.

So I would imagine the majority heard quite a bit from their constituents in August, because when they returned in September they decided that they would finally, at least, debate energy legislation.

Last week the majority brought to the floor their so-called Comprehensive American Energy Security and Consumer Protection Act, which really, ironically, did nothing to produce energy or provide Americans with energy security since really it only, that legislation, increased our dependence on unstable foreign sources of energy. So that bill is most unfortunate. Also, it won't be enacted into law, and it was only put together to provide the majority with a kind of political cover to say that they actually passed energy legislation, when, in reality, they did nothing.

Now, the majority is set to end this Congress and, really, any chance to actually pass a comprehensive energy bill, comprehensive energy legislation will also end with this Congress for now. Our point is that this is not appropriate. We think that the energy issue is of extraordinary importance, and that we should not leave without comprehensive energy legislation.

Mr. Speaker, I will be urging my colleagues to vote “no” to vote with me to defeat the previous question so that the House can finally consider comprehensive solutions to rising energy

costs. If the previous question is defeated, I will move to amend this rule to prohibit the consideration of a concurrent resolution providing for an adjournment until comprehensive energy legislation has been enacted into law.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. By voting “no” on the previous question, Members can assure their constituents that they are committed to enacting legislation to help their constituents with rising energy prices.

I also remind Members that the previous question in no way would prevent consideration of any of the suspension bills.

I urge a “no” vote on the previous question.

I yield back the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I am about to yield back, but I just want to thank the gentleman. I enjoyed this conversation. What a privilege it was to spend a little time with you talking about philosophy and literature, as well as the business of the House.

I am the last speaker on this side. Mr. Speaker, I urge a “yes” vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1500 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution add the following new section:

SEC. 2. It shall not be in order in the House to consider a concurrent resolution providing for an adjournment of either House of Congress until comprehensive energy legislation has been enacted into law that includes provisions designed to—

(A) allow states to expand the exploration and extraction of natural resources along the Outer Continental Shelf;

(B) open the Arctic National Wildlife Refuge and oil shale reserves to environmentally prudent exploration and extraction;

(C) extend expiring renewable energy incentives;

(D) encourage the streamlined approval of new refining capacity and nuclear power facilities;

(E) encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies; and

(F) minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production.

(The information contained herein was provided by the Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against or-

dering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Democratic majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's “American Congressional Dictionary”: “If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.”

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and the motion to suspend with regard to S. 2932, if ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 192, not voting 16, as follows:

[Roll No. 651]

YEAS—225

Abercrombie Gordon
Ackerman Green, Al
Allen Green, Gene
Altmire Grijalva
Andrews Gutierrez
Arcuri Hall (NY)
Baca Hare
Baird Harman
Baldwin Hastings (FL)
Barrow Herseth Sandlin
Bean Higgins
Becerra Hill
Berkley Hinchey
Berman Hinojosa
Berry Hirono
Bishop (GA) Hodes
Bishop (NY) Holden
Blumenauer Holt
Boren Honda
Boswell Hooley
Boucher Hoyer
Boyd (FL) Inslee
Boyd (KS) Israel
Brady (PA) Jackson (IL)
Braley (IA) Jackson-Lee
Brown, Corrine (TX)
Butterfield Jefferson
Capps Johnson (GA)
Capuano Johnson (IL)
Cardoza Johnson, E. B.
Carnahan Kagen
Carney Kanjorski
Carson Kaptur
Castor Kennedy
Chandler Kildee
Clarke Kilpatrick
Clay Kind
Cleaver Klein (FL)
Clyburn Kucinich
Cohen Langevin
Cooper Larsen (WA)
Costello Larson (CT)
Courtney Lee
Cramer Levin
Crowley Lewis (GA)
Cuellar Lipinski
Cummings Loeb sack
Davis (AL) Lowey
Davis (CA) Lynch
Davis (IL) Mahoney (FL)
Davis, Lincoln Maloney (NY)
DeFazio Markey
DeGette Marshall
Delahunt Matheson
DeLauro Matsui
Dicks McCarthy (NY)
Dingell McCollum (MN)
Doggett McDermott
Donnelly McGovern
Doyle McIntyre
Edwards (MD) McNeerney
Edwards (TX) McNulty
Ellison Meek (FL)
Ellsworth Meeks (NY)
Emanuel Melancon
Engel Michaud
Eshoo Miller (NC)
Etheridge Miller, George
Farr Mitchell
Fattah Mollohan
Filner Moore (KS)
Foster Moore (WI)
Frank (MA) Moran (VA)
Giffords Murphy (CT)
Gillibrand Murphy, Patrick
Gonzalez Murtha

NAYS—192

Aderholt Bartlett (MD)
Akin Barton (TX)
Alexander Biggert
Bachmann Bilbray
Barrett (SC) Bilirakis

Bono Mack
Boozman Graves
Boustany Hall (TX)
Brady (TX) Hastings (WA)
Broun (GA) Hayes
Brown (SC) Heller
Brown-Waite, Hensarling
Ginny Herger
Buchanan Hobson
Burgess Hoekstra
Burton (IN) Hulshof
Buyer Hunter
Calvert Inglis (SC)
Camp (MI) Issa
Campbell (CA) Johnson, Sam
Cannon Jones (NC)
Cantor Jordan
Capito Keller
Carter King (IA)
Castle King (NY)
Cazayoux Kingston
Chabot Kirk
Childers Kline (MN)
Coble Knollenberg
Cole (OK) Kuhl (NY)
Conaway LaHood
Crenshaw Lamborn
Culberson Lampson
Davis (KY) Latham
Davis, David LaTourette
Davis, Tom Latta
Deal (GA) Lewis (CA)
Dent Lewis (KY)
Diaz-Balart, L. Linder
Diaz-Balart, M. LoBiondo
Doolittle Lucas
Drake Lungren, Daniel
Dreier E.
Duncan Mack
Ehlers Manullo
Emerson Marchant
Everett McCaul (CA)
Fallin Ryan (OH)
Feeney Ryan (TX)
Ferguson McCotter
Flake McCrery
Forbes McHenry
Fortenberry McHugh
Fossella McKeon
Foxy McMorris
Franks (AZ) Rodgers
Frelinghuysen Mica
Gallegly Miller (FL)
Garrett (NJ) Miller (MI)
Gerlach Miller, Gary
Gilchrest Moran (KS)
Gingrey Murphy, Tim
Gohmert Musgrave
Goode Myrick
Goodlatte Neugebauer
Nunes Nunes

NOT VOTING—16

Bachus Payne
Conyers Peterson (PA)
Costa Pickering
Cubin Rangel
English (PA) Tierney
Lofgren, Zoe Udall (CO)

□ 1313

Messrs. REHBERG, HALL of Texas, PRICE of Georgia, and CHILDERS changed their vote from “yea” to “nay.”

Mr. JOHNSON of Illinois changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 196, not voting 15, as follows:

Paul Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancred
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Witman (VA)
Wolf
Young (AK)
Young (FL)

[Roll No. 652]

YEAS—222

Abercrombie Gordon
Ackerman Green, Al
Allen Green, Gene
Altmire Grijalva
Andrews Gutierrez
Arcuri Hall (NY)
Baca Hare
Baird Harman
Baldwin Hastings (FL)
Barrow Herseth Sandlin
Bean Higgins
Becerra Hill
Berkley Hinchey
Berman Hinojosa
Berry Hirono
Bishop (GA) Hodes
Bishop (NY) Holden
Blumenauer Holt
Boren Honda
Boswell Hooley
Boucher Hoyer
Boyd (FL) Inslee
Boyd (KS) Israel
Brady (PA) Jackson (IL)
Braley (IA) Jackson-Lee
Brown, Corrine (TX)
Butterfield Jefferson
Capps Johnson (GA)
Capuano Johnson, E. B.
Cardoza Kagen
Carnahan Kanjorski
Carney Kaptur
Carson Kennedy
Castor Kildee
Chandler Kilpatrick
Clarke Kind
Clay Klein (FL)
Cleaver Kucinich
Clyburn Lampson
Cohen Langevin
Cooper Larsen (WA)
Costello Larson (CT)
Courtney Lee
Cramer Levin
Crowley Lewis (GA)
Cuellar Lipinski
Cummings Loeb sack
Davis (AL) Lofgren, Zoe
Davis (CA) Lynch
Davis (IL) Mahoney (FL)
Davis, Lincoln Maloney (NY)
DeFazio Markey
DeGette Marshall
Delahunt Matheson
DeLauro Matsui
Dicks McCarthy (NY)
Dingell McCollum (MN)
Doggett McDermott
Donnelly McGovern
Doyle McIntyre
Edwards (MD) McNeerney
Edwards (TX) McNulty
Ellison Meek (FL)
Ellsworth Meeks (NY)
Emanuel Meek (NY)
Engel Melancon
Eshoo Michaud
Etheridge Miller (NC)
Farr Miller, George
Fattah Mollohan
Filner Moore (KS)
Foster Moore (WI)
Giffords Moran (VA)
Gillibrand Murphy (CT)
Gonzalez Murphy, Patrick

NAYS—196

Aderholt Broun (GA)
Akin Brown (SC)
Alexander Brown-Waite,
Bachmann Ginny
Barrett (SC) Buchanan
Bartlett (MD) Burgess
Barton (TX) Burton (IN)
Biggert Buyer
Bilbray Calvert
Bilirakis Camp (MI)
Bishop (UT) Campbell (CA)
Blackburn Cannon
Blunt Cantor
Boehner Capito
Bonner Carter
Bono Mack Castle
Boozman Cazayoux
Boustany Chabot
Brady (TX) Childers

Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Lee
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNeerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha

Fallin
 Feeney
 Ferguson
 Flake
 Forbes
 Fortenberry
 Fossella
 Foxx
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Garrett (NJ)
 Gerlach
 Gilchrest
 Gingrey
 Gohmert
 Goode
 Goodlatte
 Granger
 Graves
 Hall (TX)
 Hastings (WA)
 Hayes
 Heller
 Hensarling
 Herger
 Hobson
 Hoekstra
 Hulshof
 Hunter
 Inglis (SC)
 Issa
 Johnson (IL)
 Johnson, Sam
 Jones (NC)
 Jordan
 Keller
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kline (MN)
 Knollenberg
 Kuhl (NY)
 LaHood
 Lamborn
 Latham
 LaTourette

NOT VOTING—15

Bachus
 Conyers
 Costa
 Cubin
 English (PA)

Frank (MA)
 Lowey
 Payne
 Peterson (PA)
 Pickering

Tierney
 Udall (CO)
 Waters
 Weller
 Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1325

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

POISON CENTER SUPPORT, ENHANCEMENT, AND AWARENESS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 2932.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the Senate bill, S. 2932. The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. WELCH of Vermont. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 403, noes 6, not voting 24, as follows:

[Roll No. 653]

AYES—403

Abercrombie
 Ackerman
 Aderholt
 Akin
 Alexander
 Allen
 Altmire
 Andrews
 Arcuri
 Baca
 Bachmann
 Baird
 Baldwin
 Barrett (SC)
 Barrow
 Bartlett (MD)
 Barton (TX)
 Bean
 Becerra
 Berkley
 Berry
 Biggert
 Bilbray
 Bilirakis
 Bishop (GA)
 Bishop (NY)
 Bishop (UT)
 Blackburn
 Blumenauer
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boren
 Boswell
 Boucher
 Boustany
 Boyd (FL)
 Boyda (KS)
 Brady (PA)
 Brady (TX)
 Braley (IA)
 Brown (SC)
 Brown, Corrine
 Brown-Waite,
 Ginny
 Buchanan
 Burgess
 Burton (IN)
 Butterfield
 Buyer
 Calvert
 Camp (MI)
 Cannon
 Cantor
 Capito
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson
 Carter
 Castle
 Castor
 Cazayoux
 Chabot
 Chandler
 Childers
 Clarke
 Clay
 Cleaver
 Clyburn
 Coble
 Cohen
 Cole (OK)
 Conaway
 Cooper
 Costello
 Courtney
 Cramer
 Crenshaw
 Crowley
 Cuellar
 Culberson
 Cummings
 Davis (AL)
 Davis (CA)
 Davis (IL)

Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy (CT)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Musgrave
 Myrick
 Nadler
 Napolitano
 Neal (MA)
 Neugebauer
 Nunes
 Oberstar
 Obey
 Olver
 Ortiz
 Pallone
 Pascrell
 Pastor
 Pearce
 Pence
 Perlmutter
 Peterson (MN)
 Petri
 Pitts
 Platts
 Pomeroy
 Porter
 Price (GA)
 Price (NC)
 Pryce (OH)
 Putnam
 Radanovich
 Rahall
 Ramstad
 Rangel
 Regula
 Rehberg
 Reichert
 Renzi
 Reyes
 Reynolds
 Richardson
 Rodriguez
 Rogers (AL)
 Rogers (KY)

NOES—6

Campbell (CA)
 Duncan
 Flake
 Foxx
 Paul
 Poe

NOT VOTING—24

Bachus
 Berman
 Blunt
 Broun (GA)
 Capps
 Conyers
 Costa
 Cubin
 DeFazio
 English (PA)
 Hooley
 Kind
 Miller, George
 Payne
 Peterson (PA)
 Pickering
 Royce
 Shea-Porter
 Slaughter
 Tierney
 Udall (CO)
 Waters
 Weller
 Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1332

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROYCE. Mr. Speaker, on rollcall No. 653, I was unavoidably detained. Had I been present, I would have voted “aye.”

PERSONAL EXPLANATION

Mr. BACHUS. Mr. Speaker, on September 26, 2008, I missed rollcall votes 651, 652, and 653 while attending a meeting to discuss the Nation’s financial crisis. had I been present I would have voted “nay” on rollcall 651, “nay” on rollcall 652, and “aye” on rollcall 653.