

of the animal protection community; two representatives of Indian tribes who manage wild horses or burros; and four scientists. All advisory board members must have expertise in wildlife management, rangeland management, animal husbandry or natural resources management and must reside in States comprising the current range of wild free-roaming horses and burros.; and”.

(The information contained herein was provided by 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 ordering 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 impli-

cations. 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. MCGOVERN. Madam Speaker, we are here today because we are doing the work of the American people. And we are doing what the American people asked us to do.

As we debate this bill on the floor, there are major markups in the Education and Labor Committee and the Energy and Commerce Committee on health care. There are also hearings and markups going on on two major appropriations bills. So there is a lot of work going on here, a lot of important work, of trying to dig ourselves out of this mess that this President inherited.

It is interesting, again, to hear my friends on the other side of the aisle talk about fiscal management and about the need to control deficits and debts when they voted for tax cuts for rich people that weren't off-set. They voted for wars that weren't paid for. And there was silence. And the economy got worse and worse and worse. On November 2008, the American people said, enough, we need to change course.

The American people want us to deal with health care. The Party of No says, no, can't do health care. They are trying to scare people, again, away from a national health care reform bill that will control and lower the cost of health care for average Americans.

People want us to deal with the issue of climate change and creating green jobs. And the Party of No says, no, we can't do that. They don't want us to deal with that issue. No, no, no, no.

Well, the reality is the American people want us to deal with the issues of law enforcement, with the issues of immigration and with a whole number of issues. And the Party of No says no. They vote against everything. They are against everything. So here we are. We are dealing with this issue today.

I think this is a commonsense bill. The chairman of the Resources Committee explained that there was a hearing and there was a markup at full committee. I would urge my colleagues to vote “yes” on the previous question and “yes” on the rule.

Mr. MCGOVERN. 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.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. WALDEN. Madam Speaker, I rise to a question of privileges of the House

and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the gentleman from Oregon, Mr. Walden, submitted an amendment to the Committee on Rules to H.R. 3170, the Financial Services and General Government Appropriations Act;

Whereas the said gentleman's amendment would have protected the free speech rights of broadcasters and American citizens by prohibiting funds made available in the Act from being used to implement the Fairness Doctrine and certain broadcast localism regulations,

Whereas a similar amendment was adopted by the House in 2007 during consideration of H.R. 2829, the Financial Services and General Government Appropriations Act, 2008 by a vote of 309 yeas and 115 nays, and became law, but the Democratic leadership allowed the provision to expire;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process; but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for free speech on this Floor, and

Whereas the Speaker, Mrs. Pelosi, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 644, the rule to accompany H.R. 3170, be amended to allow the gentleman from Oregon's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Does the gentleman from Oregon wish to present argument on why the resolution is privileged for immediate consideration?

Mr. WALDEN. Yes, Madam Speaker, I do.

The SPEAKER pro tempore. The gentleman from Oregon is recognized.

Mr. WALDEN. I appreciate that, Madam Speaker. Rule IX is intended to allow a Member to raise questions which, and I quote, “those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; and those affecting the rights of Members, individually, in their representative capacity.”

So I pose the question, What is more fundamental to the rights of Members of this House than the ability to represent their constituents and affect legislation brought to this floor?

The Democratic majority, under Speaker PELOSI, has unilaterally ended a 220-year tradition of allowing any Member to amend a spending bill. When my constituents sent me to Congress, they didn't send me here to just push the buttons using this card in a voting terminal. They wanted me to exercise all of the abilities granted to a Member of Congress. And the rule which this House passed yesterday by only a handful of votes, after arm twisting by the majority, denies me and every other Member the opportunity to fully represent their constituents.

If that does not “affect the rights of this House,” if that does not affect its “dignity and the integrity of its proceedings,” if that does not affect my rights as a Representative, I don’t know what does.

For 220 years, we went along in this House with the opportunity to offer amendments. And sure, there were instances along the way where both parties probably restricted amendments that could be offered on appropriations bills, but not very often.

This is unprecedented and historic in terms of the gagging of Members on both sides of the aisle. We had them on the floor yesterday trying to offer an amendment, a Democrat, and he too was turned down and upset. So I’m sure the Chair can find some technical reason why my resolution to protect free speech rights on the public’s airwaves may not be in order.

All we were trying to do is offer an amendment that had been offered up in 2007 and approved by over 300 Members of this House. When it was allowed to be considered and voted upon, it was approved by over 300 Members to protect the free speech rights of broadcasters, the citizens of this country as well. And instead, what we have now operating, I believe, affects the very rights of this House collectively, affects the dignity and integrity of its proceedings and affects the rights of its Members as described under rule IX individually in their representative capacity.

That is why I brought this privileged resolution to the floor, because I believe, as a citizen of this country and a Member of this great institution, that our rights have been diminished, and that indeed the integrity of this very House is on the line.

In fact, when you go to the Speaker’s Web site, at least I think it is still up, she pledged an open debate and an opportunity for Members of Congress to be able to come to the floor and offer amendments, much like the chairwoman has done over time, and relishes that, as I do. It is part of what we do here, or what we were sent to do here.

It is pretty hard to offer up alternatives to spending bills to reduce deficits and to put ideas into law when the Speaker’s Rules Committee acts and shuts down our very opportunity to even bring amendment up for debate.

□ 1015

Whether it passes or not will be up to the collective votes of this body. But we know that if we can never bring them up for debate, there will never be a vote. Now, maybe that’s convenient to those who don’t like to vote on difficult issues, or stand up for the free speech rights of broadcasters, whether they be religious broadcasters or those on the right or the left on talk radio, which is what my amendment would have sought to protect in the future.

But I really believe that rule IX is intended to allow Members to raise ques-

tions affecting the rights of the House collectively, to discuss its safety, and that’s not at issue here, but its dignity is. The integrity of its proceedings are. Those rights, these are fundamental to each of us, regardless of the label behind our name that designates our party.

This is the one time we’ve had in this institution, to come forward with our ideas on how to control the bureaucracy, to offer an amendment that controls it. It’s the only time I, as an individual, have that opportunity in the appropriations process, because I’m not a member of that committee, to represent my constituents. That’s why I believe, under rule IX, my representative capacity is diminished, and that of many other Members in this Chamber, many who are watching right now. The public needs to understand this as well, that something has changed here, and it’s not for the good. And I think it reflects badly on our proceedings. And I think it injures the integrity of this institution, let alone its dignity. And that’s why I make this parliamentary argument, that under rule IX, under rule IX, Members, it talks about collectively affecting the House.

Tell me, when Members of the minority or majority come before the Rules Committee and seek—well, first of all, have to even go to the Rules Committee. That didn’t use to occur on appropriations bills, did it? It didn’t used to occur. Only rarely, maybe once or twice in a year.

The SPEAKER pro tempore. The Chair must remind the gentleman to confine his remarks to his parliamentary question.

Mr. WALDEN. I appreciate the gentlelady’s counsel and I will attempt to do that. I was trying to do that here, and certainly I’m arguing in favor of the rules of this House being observed; that’s why I argue about the integrity of its proceedings.

In my view, proceedings have been shattered. Members of both parties are denied the opportunity, as our predecessors were allowed to have, to come to this floor and offer up amendments during the appropriations process. So I think my privileged resolution should be made in order, because I think my rights have been affected, and not in a good way. The rights of other Members are affected. I had more than one person on my amendment. And so individually, our representative capacity has been diminished. The voices I’m trying to represent are not allowed to be considered if I can’t get my privileged resolution to be considered. All it did was ask for a vote on my amendment, that it be made in order, so that we could vote on it on the rule, which, oh, by the way, at this point, the way this process has been conducted, not only has the rule been passed, but also the bill has been passed. So it’s kind of ironic now we’d have this argument about whether my privileged resolution was in order, which would have allowed me, had it been secured, it would have allowed me

to have some additional representative capacity and be able to have a vote on the amendment or a vote on whether I could offer the amendment. I guess that’s what would have occurred.

So I posit this point: That under rule IX, we are allowed to raise questions about issues that affect the rights of the House collectively. I can’t think of something that affects the House more collectively than our inability to offer amendments. And so I think our integrity is at issue here, these proceedings. I think Americans have come to understand, bills are rammed through here without the opportunity to be read. We’ve got a 1,026-page bill in the Energy and Commerce Committee that I can’t imagine anybody has read yet.

So, Madam Speaker, I’ll conclude; that I hope you’ll rule in my favor because I know, in your heart of hearts, you’re a woman who believes in fairness, and you believe in the integrity of these proceedings, and you believe firmly and fervently in protecting the rights of Members, both individually and collectively, and that you, in no way, would want to diminish the capacity for yourself, when you’re not in the chair, Members of this body, and for Members who will follow us. So I plead with you to do the right thing and allow a vote on my privileged resolution.

The SPEAKER pro tempore. The Chair is prepared to rule.

In evaluating the resolution offered by the gentleman from Oregon under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual. The basic principle is that a question of the privileges of the House may not be invoked to prescribe a special order of business for the House.

The Chair finds that the resolution offered by the gentleman from Oregon, by proposing directly to amend House Resolution 644, prescribes a special order of business. Under a long and well-settled line of precedent presently culminating in the ruling of July 9, 2009, such a resolution cannot qualify as a question of the privileges of the House.

The Chair therefore holds that the resolution is not privileged under rule IX for consideration ahead of other business. Instead, the resolution may be submitted through the hopper in the regular course.

Mr. WALDEN. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. MCGOVERN. Madam Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

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

Mr. WALDEN. Madam 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 the motion that the appeal be laid on the table will be followed by 5-minute votes on:

ordering the previous question on House Resolution 653; and adopting House Resolution 653, if ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 174, not voting 21, as follows:

[Roll No. 573]

YEAS—238

Abercrombie	Fudge	Mollohan
Adler (NJ)	Giffords	Moore (KS)
Altmire	Gonzalez	Moore (WI)
Andrews	Gordon (TN)	Moran (VA)
Arcuri	Grayson	Murphy (CT)
Baca	Green, Al	Murphy (NY)
Baird	Green, Gene	Murtha
Baldwin	Griffith	Nadler (NY)
Barrow	Grijalva	Napolitano
Bean	Hall (NY)	Neal (MA)
Becerra	Halvorson	Nye
Berkley	Hare	Oberstar
Berman	Harman	Obey
Berry	Hastings (FL)	Olver
Bishop (GA)	Heinrich	Ortiz
Bishop (NY)	Herseth Sandlin	Pallone
Blumenauer	Higgins	Pascrell
Bocchieri	Hill	Pastor (AZ)
Boren	Himes	Payne
Boswell	Hinchev	Perlmutter
Boucher	Hirono	Perriello
Boyd	Hodes	Peters
Brady (PA)	Holden	Peterson
Braley (IA)	Holt	Pingree (ME)
Bright	Honda	Polis (CO)
Brown, Corrine	Hoyer	Pomeroy
Butterfield	Insee	Price (NC)
Capps	Israel	Quigley
Capuano	Jackson (IL)	Rahall
Cardoza	Jackson-Lee	Rangel
Carnahan	(TX)	Ross
Carney	Johnson (GA)	Rothman (NJ)
Carson (IN)	Johnson, E. B.	Roybal-Allard
Castor (FL)	Kagen	Ruppersberger
Chandler	Kanjorski	Rush
Childers	Kaptur	Ryan (OH)
Chu	Kennedy	Salazar
Clarke	Kilpatrick (MI)	Sánchez, Linda
Clay	Kilroy	T.
Cleaver	Kind	Sanchez, Loretta
Clyburn	Kirkpatrick (AZ)	Sarbanes
Cohen	Kissell	Schauer
Connolly (VA)	Klein (FL)	Schiff
Conyers	Kucinich	Schrader
Cooper	Langevin	Schwartz
Costa	Larsen (WA)	Scott (GA)
Costello	Larson (CT)	Scott (VA)
Courtney	Lee (CA)	Serrano
Crowley	Levin	Sestak
Cuellar	Lewis (GA)	Shea-Porter
Cummings	Lipinski	Sherman
Dahlkemper	Loeb sack	Shuler
Davis (AL)	Lofgren, Zoe	Sires
Davis (CA)	Lowey	Skelton
Davis (IL)	Luján	Slaughter
Davis (TN)	Lynch	Smith (WA)
DeFazio	Maffei	Snyder
DeGette	Maloney	Space
Delahunt	Markey (CO)	Speier
DeLauro	Markey (MA)	Spratt
Dicks	Marshall	Stark
Dingell	Massa	Stupak
Doggett	Matheson	Tanner
Donnelly (IN)	Matsui	Teague
Doyle	McCollum	Thompson (CA)
Driehaus	McDermott	Thompson (MS)
Edwards (MD)	McGovern	Tierney
Edwards (TX)	McIntyre	Titus
Ellison	McMahon	Tonko
Ellsworth	McNerney	Towns
Engel	Meek (FL)	Tsongas
Etheridge	Meeks (NY)	Van Hollen
Farr	Melancon	Velázquez
Fattah	Michaud	Visclosky
Filner	Miller (NC)	Walz
Foster	Miller, George	Waters
Frank (MA)	Mitchell	Watson

Watt	Welch	Woolsey
Waxman	Wexler	Wu
Weiner	Wilson (OH)	Yarmuth

NAYS—174

Aderholt	Frelinghuysen	Moran (KS)
Akin	Galleghy	Murphy, Tim
Alexander	Garrett (NJ)	Myrick
Austria	Gerlach	Neugebauer
Bachmann	Gingrey (GA)	Nunes
Bachus	Gohmert	Olson
Bartlett	Goodlatte	Paul
Barton (TX)	Granger	Paulsen
Biggart	Guthrie	Pence
Bilbray	Hall (TX)	Petri
Bilirakis	Harper	Pitts
Bishop (UT)	Hastings (WA)	Platts
Blackburn	Heller	Poe (TX)
Blunt	Hensarling	Posey
Boehner	Herger	Price (GA)
Bonner	Hoekstra	Putnam
Bono Mack	Hunter	Radanovich
Boozman	Inglis	Rehberg
Boustany	Issa	Reichert
Brady (TX)	Jenkins	Rodriguez
Broun (GA)	Johnson (IL)	Roe (TN)
Brown (SC)	Johnson, Sam	Rogers (AL)
Brown-Waite,	Jones	Rogers (KY)
Ginny	Jordan (OH)	Rogers (MI)
Buchanan	King (IA)	Rohrabacher
Burgess	King (NY)	Rooney
Burton (IN)	Kingston	Ros-Lehtinen
Buyer	Kirk	Roskam
Calvert	Kline (MN)	Royce
Camp	Kosmas	Ryan (WI)
Campbell	Kratovil	Scalise
Cao	Lamborn	Schmidt
Capito	Lance	Schock
Carter	Latham	Sensenbrenner
Cassidy	LaTourette	Sessions
Castle	Latta	Shadegg
Chaffetz	Lee (NY)	Shimkus
Coble	Lewis (CA)	Shuster
Coffman (CO)	Linder	Simpson
Cole	LoBiondo	Smith (NE)
Conaway	Luetkemeyer	Smith (NJ)
Crenshaw	Lummis	Smith (TX)
Culberson	Lungren, Daniel	Souder
Davis (KY)	E.	Stearns
Deal (GA)	Mack	Sullivan
Deant	Manzullo	Terry
Diaz-Balart, L.	Marchant	Thompson (PA)
Diaz-Balart, M.	McCauley	Thornberry
Dreier	McClintock	Tiahrt
Duncan	McCotter	Tiberi
Ehlers	McHenry	Turner
Emerson	McHugh	Upton
Fallin	McKeon	Walden
Flake	McMorris	Wamp
Fleming	Rodgers	Whitfield
Forbes	Mica	Wilson (SC)
Fortenberry	Miller (FL)	Wittman
Fox	Miller (MI)	Wolf
Franks (AZ)	Minnick	Young (FL)

NOT VOTING—21

Ackerman	Lucas	Sutton
Barrett (SC)	McCarthy (CA)	Taylor
Cantor	McCarthy (NY)	Wasserman
Eshoo	Miller, Gary	Schultz
Graves	Murphy, Patrick	Westmoreland
Gutierrez	Reyes	Young (AK)
Hinojosa	Richardson	
Kildee	Schakowsky	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1045

Messrs. DAVIS of Illinois and PERRIELLO changed their vote from “nay” to “yea.”

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HINOJOSA. Madam Speaker, on rollcall No. 573, had I been present, I would have voted “yea.”

PROVIDING FOR CONSIDERATION OF H.R. 1018, RESTORE OUR AMERICAN MUSTANGS ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 653, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 188, not voting 13, as follows:

[Roll No. 574]

YEAS—232

Abercrombie	Grayson	Mollohan
Adler (NJ)	Green, Al	Moore (WI)
Altmire	Green, Gene	Moran (VA)
Andrews	Grijalva	Murphy (CT)
Arcuri	Gutierrez	Murphy (NY)
Baca	Hall (NY)	Murphy, Patrick
Baird	Halvorson	Murtha
Baldwin	Hare	Napolitano
Barrow	Harman	Neal (MA)
Bean	Hastings (FL)	Nye
Becerra	Heinrich	Oberstar
Berkley	Herseth Sandlin	Obey
Berman	Higgins	Olver
Berry	Himes	Ortiz
Bishop (GA)	Hinchev	Pallone
Bishop (NY)	Hinojosa	Pascrell
Blumenauer	Hirono	Pastor (AZ)
Bocchieri	Hodes	Payne
Boswell	Holden	Perlmutter
Boucher	Holt	Peters
Boyd	Honda	Peterson
Brady (PA)	Hoyer	Pingree (ME)
Bright	Insee	Polis (CO)
Brown, Corrine	Israel	Pomeroy
Butterfield	Jackson (IL)	Price (NC)
Capps	Jackson-Lee	Quigley
Capuano	(TX)	Rahall
Cardoza	Johnson (GA)	Reyes
Carnahan	Johnson, E.B.	Richardson
Carney	Jones	Rodriguez
Carson (IN)	Kagen	Rothman (NJ)
Castor (FL)	Kanjorski	Roybal-Allard
Chandler	Kaptur	Ruppersberger
Chu	Kennedy	Rush
Clarke	Kildee	Ryan (OH)
Clay	Kilpatrick (MI)	Sánchez, Linda
Cleaver	Kilroy	T.
Clyburn	Kirkpatrick (AZ)	Sanchez, Loretta
Cohen	Kissell	Sarbanes
Connolly (VA)	Klein (FL)	Schakowsky
Conyers	Kosmas	Schauer
Cooper	Kucinich	Schiff
Costello	Langevin	Schrader
Courtney	Larsen (WA)	Schwartz
Crowley	Larson (CT)	Scott (GA)
Cuellar	Lee (CA)	Scott (VA)
Cummings	Levin	Serrano
Dahlkemper	Lewis (GA)	Sestak
Davis (AL)	Lipinski	Shea-Porter
Davis (CA)	Loeb sack	Sherman
Davis (IL)	Lofgren, Zoe	Sires
DeFazio	Lowey	Skelton
DeGette	Luján	Slaughter
Delahunt	Lynch	Smith (WA)
DeLauro	Maffei	Snyder
Dicks	Maloney	Space
Dingell	Markey (MA)	Speier
Doggett	Marshall	Spratt
Doyle	Massa	Stark
Driehaus	Matsui	Stupak
Edwards (MD)	McCarthy (NY)	Sutton
Edwards (TX)	McCollum	Tanner
Engel	McDermott	Thompson (CA)
Eshoo	McGovern	Thompson (MS)
Etheridge	McIntyre	Tierney
Farr	McMahon	Titus
Fattah	McNerney	Tonko
Filner	Meek (FL)	Towns
Foster	Meeks (NY)	Tsongas
Frank (MA)	Melancon	Van Hollen
Fudge	Michaud	Velázquez
Giffords	Miller (NC)	Visclosky
Gonzalez	Miller, George	Walz
Gordon (TN)	Mitchell	