

Frankly, most of the measures that my good friend talked about, if they were brought up, would have to be brought up under the very same closed rules he so often voices his concern about.

We are told this Congress somehow operates differently than the others. I simply want to provide for the information of our body some information provided to me by the Congressional Research Service. Same day rules during the last week of session during the final three Democratic Congresses, the Hundred First, the Hundred Second and the Hundred Third, totaled six. Same day rules under the last three Republican Congresses, the Hundred Seventh, the Hundred Eighth and the Hundred Ninth, totaled five. Basically, the body operates about the same way procedurally that it has operated throughout most of its history and certainly throughout its recent history.

I also want to remind my friends who talk about the minimum wage that they had the opportunity to vote for a minimum wage increase. I voted for it. I certainly am happy that I did. I wish more of my friends had. A majority of this body did. Indeed, a bipartisan majority. A bipartisan majority of the United States Senate favored it.

It was my friends' friends on the other side of the rotunda that decided not to enter in and allow that increase to take place because they wanted a perfect bill from their perspective. They didn't want to compromise. They didn't want to give and take. They didn't want to have some discussion. Frankly, what they wanted is what they got, or what they believe they got, which is a political issue for the November elections.

I am hopeful that after the elections are over we can come back here and actually have a discussion and come to a compromise solution, such as was crafted on the floor in this body.

Our friends talk to us a lot about education. I think they should. They probably ought to thank President Bush for being the best friend education ever had. It is President Bush who came up with No Child Left Behind, and it was President Bush who has recommended throughout his tenure over a 50 percent increase in Federal funding of education.

My friends are concerned about the cost of tuition. So am I. I just had a son who graduated. I am very grateful. But, quite frankly, most of that problem is at the State level, where we have State government after State government running enormous surpluses, yet not passing some of that surplus on to higher education institutions and to their own students.

The reality is that after coming in with a recession beginning in 2001, followed by September 11, something that all of us on both sides of the aisle recognize as a dastardly and disastrous event, this administration and this Republican Congress has gotten the economy moving again and has accomplish-

ment after accomplishment to run on. I am not surprised that our friends on the other side see it differently or want to obscure it, but I have profound faith in the good judgment of the American people to understand fiction and understand fact and know the difference between the two.

Mr. Speaker, today, in closing, I want to reiterate the importance of passing this rule. This rule allows us to move forward, pass the necessary legislation, and to do the business of the American people. It is interesting how we have heard complaints by the other side of the aisle that this is a do-nothing Congress, yet at the same time the other side wants to slow down the process today to prevent important bipartisan legislation from being passed. It wants, in effect, to do less, not more.

Mr. Speaker, I am sure it is no surprise that I intend to vote for the rule and the underlying legislation, and I would urge my colleagues to do the same.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 1053, BLANKET MARTIAL LAW RULE WAIVING CLAUSE 6(a), RULE XIII

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

Sec. 3. Notwithstanding any other provisions in this resolution and without intervention of any point of order it shall be in order immediately upon adoption of this resolution for the House to consider the bills listed in Sec. 4:

Sec. 4. The bills referred to in Sec. 3. are as follows:

(1) a bill to implement the recommendations of the 9/11 Commission.

(2) a bill to increase the minimum wage to \$7.25 per hour.

(3) a bill to provide authority to the Secretary of Health and Human Services to negotiate for lower prescription drug prices for senior citizens and people with disabilities.

(4) a bill to repeal the massive cuts in college tuition assistance imposed by the Congress and to expand the size and availability of Pell Grants.

(5) a bill to roll back tax breaks for large petroleum companies and to invest those savings in alternative fuels to achieve energy independence.

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 Republican 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 Republican 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 Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

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 Republican majority's agenda to offer an alternative plan.

Mr. COLE of Oklahoma. Mr. Speaker, 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. MCGOVERN. 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 House Resolution 1053, if ordered; and passage of S. 3930.

The vote was taken by electronic device, and there were—yeas 215, nays 197, not voting 20, as follows:

[Roll No. 506]

YEAS—215

Aderholt	Alexander	Baker
Akin	Bachus	Barrett (SC)