

When was a budget passed in calendar year 2007? It was passed on March 29. I would point out that the only thing bipartisan about that budget resolution was the opposition.

Calendar 2008, a bit better, the budget passed on March 13, the middle of the month, about 2 weeks from where we are today. Once again, on that budget, 212 yeas and 207 nays. But the nays were bipartisan. The yeas, of course, were of a single party.

Calendar year 2009, the budget didn't pass until the month of April, and, once again, the only thing bipartisan about the budget that year was its opposition.

Then, finally, I would point out that the following calendar year, 2010, there was no budget submitted.

So, Mr. Speaker, my understanding from the chairman of the Budget Committee is they are actively working on the budget. I wish them Godspeed. I am thankful that I don't have to be in the room while it is being done, but I have every confidence that they will produce a budget document that the House will then consider. But today—today—Mr. Speaker, today's rule provides for consideration of an important fix to the Nation's Medicaid program.

I certainly want to thank Dr. LARRY BUCSHON and Mr. COLLINS of New York—both, of the Energy and Commerce Committee, two important members of the Committee on Energy and Commerce—for their work on this legislation.

Mr. Speaker, I urge my colleagues to vote "yes" on the rule and "yes" on the underlying bill.

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

AN AMENDMENT TO H. RES. 632 OFFERED BY
MR. HASTINGS OF FLORIDA

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 624) Directing the Committee on the Budget to hold a public hearing on the President's fiscal year 2017 budget request with the Director of the Office of Management and Budget as a witness. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to adoption without intervening motion or demand for division of the question except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Budget.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H. Res. 624.

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 Democratic minority 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."

The Republican majority may 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."

In 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 and allows those with alternative views the opportunity to offer an alternative plan.

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

The previous question was ordered.
The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1245

RECESS

The SPEAKER pro tempore (Mr. BENISHEK). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 12 o'clock and 51 minutes p.m.), the House stood in recess.

□ 1301

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DOLD) at 1 o'clock and 1 minute p.m.

ENSURING REMOVAL OF TERMINATED PROVIDERS FROM MEDICAID AND CHIP ACT

GENERAL LEAVE

Mr. BUCSHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3716.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 632 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3716.

The Chair appoints the gentleman from North Carolina (Mr. HOLDING) to preside over the Committee of the Whole.

□ 1302

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3716) to amend title XIX of the Social Security Act to require States to provide to the Secretary of Health and Human Services certain information with respect to provider terminations, and for other purposes, with Mr. HOLDING in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Indiana (Mr. BUCSHON) and the gentleman from New York (Mr. TONKO) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUCSHON. Mr. Chairman, I yield myself such time as I may consume.

The bipartisan bill before us today improves access to quality healthcare providers for vulnerable Medicaid patients.

Today, State Medicaid programs too often suffer from waste, fraud, and abuse, which can harm beneficiaries and waste taxpayer dollars. At the same time, too many Medicaid patients may have a hard time finding a doctor. Our bill takes an important step forward in addressing both of these issues.

First, H.R. 3716 would ensure healthcare providers that are terminated from Medicaid or from one State's Medicaid program for reasons