

110TH CONGRESS  
1ST SESSION

# H. RES. 623

Raising a question of the privileges of the House.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 2007

Mr. BOEHNER submitted the following resolution; which was laid on the table

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# RESOLUTION

Raising a question of the privileges of the House.

Whereas clause one of House rule XXIII (Code of Official Conduct) states, “A Member, Delegate, Resident Commissioner, officer or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House,”;

Whereas the House Ethics Manual states that, “The public has a right to expect Members, officers and employees to exercise impartial judgment in performing their duties” and “this Committee has cautioned all Members ‘to avoid situations in which even an inference might be drawn suggesting improper action’”;

Whereas clause eight of House rule XVII states, “The Congressional Record shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to the technical, grammatical, and

typographical corrections authorized by the Member, Delegate, or Resident Commissioner making the remarks”;

Whereas during proceedings of the House on August 3, 2007, the gentleman from Ohio, Mr. Boehner, the Republican Leader, offered a privileged resolution, H. Res. 612;

Whereas after the clerk completed reading the resolution, the gentlewoman from California, Ms. Tauscher, who was in the chair, recognized the gentleman from Maryland, stating, “For what purpose does the gentleman from Maryland rise?”;

Whereas the gentleman from Maryland, Mr. Hoyer, the Majority Leader, then proceeded to debate Representative Boehner’s motion, stating, “Madame Speaker, enough is enough”;

Whereas in response to the chair’s query, “Does the gentleman have an amendment?” Majority Leader Hoyer stated, “I move to table the resolution”;

Whereas the chair then recognized the Republican Leader who raised a point of order that the chair failed to acknowledge, which the chair declined to entertain;

Whereas as the chair was putting the question to the House, Republican Leader Boehner stated, “isn’t it correct that the gentleman from Maryland engaged in debate, which allows the House to then proceed with up to one hour of debate on this resolution?”;

Whereas the chair stated, “The chair did not yet rule that the question constitutes a question of privilege”;

Whereas a video recording produced by the Office of the Chief Administrative Officer confirms that the chair, in fact, never ruled on whether the resolution offered by the Republican Leader constituted a question of privilege;

Whereas the Speaker, as the presiding officer, has a duty to be a fair and impartial arbiter of the proceedings of the House, held to the highest ethical standards in deciding the various questions as they arise with impartiality and courtesy toward all Members, regardless of party affiliation;

Whereas the Republican Leader, and any other Member of the House raising a point of order, is entitled to state a point of order and to receive a ruling on it from the chair;

Whereas statements made on the floor of the House during the aforementioned proceedings of August 3, 2007, do not appear in the Congressional Record for that day, and the same Congressional Record reports as having been spoken statements that were not made;

Whereas the House adopted H. Res. 611, establishing a Select Committee to investigate voting irregularities occurring in the House on August 2, 2007; and

Whereas H. Res. 612 was offered in response to the events stemming from the incident of August 2, 2007: Now, therefore, be it

1       *Resolved*, That—

2               (1) the Select Committee to Investigate the  
3       Voting Irregularities of August 2, 2007, is directed  
4       to investigate and include in the initial report its  
5       findings and resulting recommendations concerning  
6       the actions of the gentlewoman from California (Ms.  
7       Tauscher) while presiding over the House on August  
8       3, 2007, at the time the Republican Leader offered

1 H. Res. 612 and the actions which led to the dif-  
2 ferences between the statements in the Congres-  
3 sional Record and those actually spoken on that day;  
4 and

5 (2) the Congressional Record for the legislative  
6 day of August 3, 2007, be corrected to reflect ver-  
7 batim the words actually spoken during consider-  
8 ation of H. Res. 612.

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