

Price (NC)	Scott (VA)	Tiberi
Putnam	Sensenbrenner	Tierney
Radanovich	Serrano	Towns
Rahall	Sessions	Tsongas
Ramstad	Sestak	Turner
Regula	Shadegg	Udall (NM)
Rehberg	Shays	Upton
Reichert	Shea-Porter	Van Hollen
Reyes	Sherman	Velázquez
Reynolds	Shimkus	Visclosky
Richardson	Shuler	Walberg
Rodriguez	Shuster	Walden (OR)
Rogers (AL)	Sires	Walsh (NY)
Rogers (KY)	Skelton	Walz (MN)
Rogers (MI)	Slaughter	Wamp
Rohrabacher	Smith (NE)	Wasserman
Ros-Lehtinen	Smith (NJ)	Schultz
Roskam	Smith (TX)	Waters
Ross	Smith (WA)	Watson
Rothman	Snyder	Watt
Roybal-Allard	Solis	Waxman
Royce	Souder	Weiner
Ruppersberger	Space	Welch (VT)
Ryan (WI)	Spratt	Weldon (FL)
Salazar	Stark	Weller
Sánchez, Linda T.	Stearns	Westmoreland
Sanchez, Loretta	Stupak	Whitfield (KY)
Sarbanes	Sullivan	Wilson (NM)
Saxton	Tanner	Wilson (OH)
Schakowsky	Tauscher	Wilson (SC)
Schiff	Taylor	Wittman (VA)
Schmidt	Terry	Wolf
Schwartz	Thompson (CA)	Wu
Scott (GA)	Thornberry	Yarmuth
	Tiahrt	Young (FL)

NOT VOTING—49

Bachus	Gingrey	Pryce (OH)
Baird	Gordon	Rangel
Bishop (UT)	Grijalva	Renzi
Boucher	Hall (TX)	Rush
Brown, Corrine	Hinchey	Ryan (OH)
Burgess	Hooley	Sali
Cardoza	Jefferson	Simpson
Carnahan	Johnson (GA)	Sutton
Clay	Jones (OH)	Tancred
Costello	Kaptur	Thompson (MS)
Cubin	Marchant	Udall (CO)
Culberson	Markey	Wexler
Cummings	McCauley (TX)	Woolsey
Dicks	Meek (FL)	Wynn
Doolittle	Murtha	Young (AK)
Fossella	Oberstar	
Gilchrest	Peterson (PA)	

□ 1040

Ms. KILPATRICK, Mrs. GILLI-BRAND and Messrs. DUNCAN, PENCE, LINDER, PASTOR, BARTON of Texas, LEWIS of Georgia and SESTAK changed their vote from “yea” to “nay.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2745. An act to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk.

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

The Clerk read the resolution, as follows:

H. RES. 1039

Whereas on January 5, 2007, the House of Representatives adopted a rule of the House

amending clause 2(a) of rule XX to include that, “A record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.”;

Whereas on the evening of March 11, 2008, the Speaker pro tempore repeated an announcement regarding enforcement of such rule, stating “An alleged violation of clause 2(a) of rule XX may subject the vote to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.”;

Whereas a press release dated October 7, 2005 from then Minority Leader Nancy Pelosi stated, “Democrats have proposed guidelines for how we think the House of Representatives should operate, a Minority Bill of Rights.” Included in this document is the declaration that “No vote shall be held open in order to manipulate the outcome. When we take back the People’s House, we will heed that declaration.”;

Whereas H. Res. 1031 provided that “House Resolution 895, amended by the amendment printed in the report of the Committee on Rules accompanying this resolution, is hereby adopted.”;

Whereas on March 11, 2008 the publication Roll Call reported, “Republicans nearly defeated the measure on a procedural maneuver, but House leaders held the vote open for at least 10 additional minutes to turn a handful of Democrats—sealing the win with the votes of Reps. Emanuel Cleaver (D-Mo.), Sanford Bishop (D-Ga.), G.K. Butterfield (D-N.C.) and Bart Stupak (D-Mich.). With their support, the bill was allowed to come to the floor.” (“House Passes Ethics Bill; Pelosi Hails Victory,” Roll Call, March 11, 2008.);

Whereas on March 11, 2008 the publication The Politico reported, “Republicans, backed by 18 Democrats, thought they had won a parliamentary vote prior to consideration of the new ethics office, a victory that would have derailed [sic] But Speaker Nancy Pelosi (D-Calif.) and the Democratic leadership held the vote open for 16 minutes beyond the allotted 15-minute deadline, and in that period, convinced several Democrats to switch their votes.” (“New Ethics Office Approved by House After Controversial Quote,” The Politico, March 11, 2008.);

Whereas on March 11, 2008 The Politico further reported, “In response to GOP manipulation of votes during their years of control, Pelosi promised at the beginning of the 110th Congress that floor votes would only last 15 minutes, and ‘no vote shall be held open to manipulate the outcome.’ Pelosi, however, appeared to go back on that promise during the previous question vote, which was open for a total of 31 minutes before it was gavelled closed.” (“New Ethics Office Approved by House After Controversial Quote,” The Politico, March 11, 2008.);

Whereas on March 11, 2008 The Politico further reported, “The most vocal Democratic opponent of the OCE, Rep. Neil Abercrombie (D-Hawaii), who made an impassioned speech on the floor urging his colleagues to vote against the measure, insisted that the opposition had actually won the parliamentary vote, regardless of the final outcome. ‘We did win,’ Abercrombie declared afterwards. ‘This thing is totally discredited.’” (“New Ethics Office Approved by House After Controversial Quote,” The Politico, March 11, 2008.);

Whereas on March 12, 2008 Associated Press reported, “Republicans yelled in protest as Democrats held the 15-minute vote open for 27 minutes while Democratic leaders urged holdouts in the party to support the party position.” (“House Approves Ethics Panel,” Associated Press, March 12, 2008.);

Whereas on March 11, 2008, Roll Call reported, “‘There are still plenty of people trying to keep it from coming to the floor,’ said one Democratic lawmaker, who spoke in advance of the vote on the condition of anonymity, fearing reprisals from party leadership. The Member added that colleagues ex-

pressed a ‘lot of unhappiness’, as many acknowledged they would have to vote for the bill once it reached the floor.”;

Whereas at 9:31 p.m. the vote on Ordering the Previous Question on H. Res. 1031, was ordered and was to be a 15-minute vote;

Whereas that vote was held open for 27 total minutes;

Whereas 413 Members of the House, which was the total number of Members present and voting, had registered their votes after 21 minutes had elapsed;

Whereas no new Member of the House voted after 21 minutes into the vote who had not previously recorded their vote;

Whereas at 21 minutes elapsed, the vote was 204 yeas and 209 nays, the motion failing;

Whereas for approximately the next 5 minutes, no further votes were cast or changed and the previous question vote was held open for the sole purpose of changing the outcome of the vote;

Whereas during the final moments of Roll Call Vote 121, after conversing with Democratic leaders in full view of the House, three Democratic Members changed their votes from Nay to Aye;

Whereas Speaker Nancy Pelosi left the floor during this time and returned with Representative Bart Stupak who changed his vote from a no to a yes;

Whereas Speaker Nancy Pelosi and Majority Whip James Clyburn approached Representatives Sanford Bishop and Emanuel Cleaver on the Democratic side of the aisle and had them change their votes from a no to a yes;

Whereas according to Speaker Nancy Pelosi’s document entitled “A New Direction for America,” page 24 states that “floor votes should be completed within 15 minutes with the customary 2 minute extension to accommodate members’ ability to reach the House Chamber to cast their votes. No vote shall be held open in order to manipulate the outcome.”;

Whereas the result of the 3 Democratic vote changes, after 12 minutes of extended vote time and pressure from Democratic leadership, manipulated the outcome and changed the result from 204 yeas and 209 nays, the motion failing, to 207 yeas and 206 nays, the motion passing; and

Whereas a Democratic Member approached Members and staff of the minority following the announced outcome of the vote and revealed that, “Deals were made to get Cleaver and Bishop.”; Now, therefore, be it

Resolved, That

(1) the House denounces this action in the strongest terms possible, rejects the practice of holding votes open beyond a reasonable period of time for the sole purpose of circumventing the will of the House, and directs the Speaker to take such steps as necessary to prevent any further abuse;

(2) The votes on ordering the previous question and adoption of House Resolution 1031 are hereby vacated;

(3) the Committee on Standards of Official Conduct is directed to investigate without further delay violations of House rules by Speaker Nancy Pelosi and other Members of the Democratic leadership and report its findings and recommendations to the House, including a recommendation regarding the appropriate actions for the Speaker’s activities; and,

(4) The Select Committee to Investigate the Voting Irregularities of August 2, 2007, is hereby directed to investigate and include in the report its findings and resulting recommendations concerning the actions of the Speaker, concerning the time the vote was held open and the changes in votes cast by

members, resulting in passage of the previous question vote to H. Res. 1031 on March 11, 2008.

□ 1045

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Speaker, I move to lay the resolution on the table.

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.

PARLIAMENTARY INQUIRY

Mr. BOEHNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. BOEHNER. As the gentleman called the vote, I couldn't hear, Mr. Speaker.

The SPEAKER pro tempore. The Chair noted that the ayes had it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 193, not voting 21, as follows:

[Roll No. 125]

YEAS—215

Abercrombie	Dingell	Lampson
Ackerman	Doggett	Langevin
Allen	Donnelly	Larsen (WA)
Altmire	Doyle	Larson (CT)
Andrews	Edwards	Lee
Arcuri	Ellison	Levin
Baca	Ellsworth	Lewis (GA)
Baird	Emanuel	Lipinski
Baldwin	Eshoo	Loeb
Barrow	Etheridge	Lofgren, Zoe
Bean	Farr	Lowe
Becerra	Fattah	Lynch
Berkley	Filner	Mahoney (FL)
Berman	Foster	Markey
Berry	Frank (MA)	Marshall
Bishop (GA)	Giffords	Matheson
Bishop (NY)	Gillibrand	Matsui
Blumenauer	Gonzalez	McCarthy (NY)
Boren	Green, Al	McCollum (MN)
Boucher	Green, Gene	McDermott
Boyd (FL)	Grijalva	McGovern
Boyd (KS)	Gutierrez	McIntyre
Brady (PA)	Hall (NY)	McNerney
Braley (IA)	Hare	McNulty
Brown, Corrine	Harman	Meek (FL)
Butterfield	Hastings (FL)	Meeks (NY)
Capps	Herstatt Sandlin	Michaud
Capuano	Higgins	Miller (NC)
Carnahan	Hill	Miller, George
Carney	Hinchee	Mitchell
Castor	Hinojosa	Mollohan
Chandler	Hirono	Moore (KS)
Clarke	Hodes	Moore (WI)
Clay	Holden	Moran (VA)
Cleaver	Holt	Murphy (CT)
Clyburn	Honda	Murphy, Patrick
Cohen	Hoyer	Murtha
Conyers	Inslee	Nadler
Cooper	Israel	Napolitano
Costa	Jackson (IL)	Neal (MA)
Courtney	Jackson-Lee	Obeys
Cramer	(TX)	Oliver
Crowley	Jefferson	Ortiz
Cuellar	Johnson, E. B.	Pallone
Cummings	Jones (OH)	Pascarella
Davis (AL)	Kagen	Pastor
Davis (CA)	Kanjorski	Payne
Davis (IL)	Kaptur	Perlmuter
Davis, Lincoln	Kennedy	Peterson (MN)
DeFazio	Kildee	Pomeroy
DeGette	Kilpatrick	Price (NC)
Delahunt	Kind	Rahall
DeLauro	Klein (FL)	Reyes
Dicks	Kucinich	Richardson

Rodriguez	Shuler	Udall (NM)
Ross	Sires	Van Hollen
Roybal-Allard	Skelton	Velázquez
Ruppersberger	Slaughter	Visclosky
Ryan (OH)	Smith (WA)	Walz (MN)
Salazar	Snyder	Wasserman
Sánchez, Linda	Solis	Schultz
T.	Space	Waters
Sanchez, Loretta	Spratt	Watson
Sarbanes	Stark	Watt
Schakowsky	Stupak	Waxman
Schiff	Sutton	Weiner
Schwartz	Tanner	Welch (VT)
Scott (GA)	Tauscher	Wexler
Scott (VA)	Thompson (CA)	Wilson (OH)
Serrano	Tierney	Wu
Sestak	Towns	Wynn
Shea-Porter	Tsongas	Yarmuth
Sherman	Udall (CO)	

NAYS—193

Aderholt	Gallegly	Neugebauer
Akin	Garrett (NJ)	Nunes
Alexander	Gerlach	Paul
Bachmann	Gilchrest	Pearce
Bachus	Gohmert	Pence
Barrett (SC)	Goode	Peterson (PA)
Bartlett (MD)	Goodlatte	Petri
Barton (TX)	Granger	Pickering
Biggart	Graves	Pitts
Bilbray	Hall (TX)	Platts
Bilirakis	Hastings (WA)	Poe
Bishop (UT)	Hayes	Porter
Blackburn	Heller	Price (GA)
Blunt	Hensarling	Pryce (OH)
Boehner	Herger	Putnam
Bonner	Hobson	Radanovich
Bono Mack	Hoekstra	Ramstad
Boozman	Hulshof	Regula
Boustany	Hunter	Rehberg
Brady (TX)	Inglis (SC)	Reichert
Broun (GA)	Issa	Reynolds
Brown (SC)	Johnson (IL)	Rogers (AL)
Brown-Waite,	Johnson, Sam	Rogers (KY)
Ginny	Jones (NC)	Rogers (MI)
Buchanan	Jordan	Rohrabacher
Burgess	Keller	Ros-Lehtinen
Burton (IN)	King (IA)	Roskam
Buyer	King (NY)	Royce
Calvert	Kingston	Ryan (WI)
Camp (MI)	Kirk	Sali
Campbell (CA)	Kline (MN)	Saxton
Cannon	Knollenberg	Schmidt
Cantor	Kuhl (NY)	Sensenbrenner
Capito	LaHood	Sessions
Carter	Lamborn	Shadegg
Castle	Latham	Shays
Chabot	LaTourette	Shimkus
Coble	Latta	Shuster
Cole (OK)	Lewis (CA)	Simpson
Conaway	Lewis (KY)	Smith (NE)
Crenshaw	Linder	Smith (NJ)
Culberson	LoBiondo	Smith (TX)
Davis (KY)	Lucas	Souder
Davis, David	Lungren, Daniel	Stearns
Davis, Tom	E.	Sullivan
Deal (GA)	Mack	Terry
Dent	Manzullo	Thornberry
Diaz-Balart, L.	Marchant	Tiahrt
Diaz-Balart, M.	McCarthy (CA)	Tiberi
Doolittle	McCaul (TX)	Turner
Drake	McCotter	Upton
Dreier	McCrery	Walberg
Duncan	McHenry	Walden (OR)
Emerson	McHugh	Walsh (NY)
English (PA)	McKeon	Wamp
Everett	McMorris	Weldon (FL)
Fallin	Rodgers	Weller
Feeney	Melancon	Westmoreland
Ferguson	Mica	Whitfield (KY)
Flake	Miller (FL)	Wilson (NM)
Forbes	Miller (MI)	Wilson (SC)
Fortenberry	Miller, Gary	Wittman (VA)
Fossella	Moran (KS)	Wolf
Fox	Murphy, Tim	Young (FL)
Franks (AZ)	Musgrave	
Frelinghuysen	Myrick	

NOT VOTING—21

Gordon	Rothman
Hooley	Rush
Johnson (GA)	Tancredo
Maloney (NY)	Taylor
Oberstar	Thompson (MS)
Rangel	Woolsey
Renzi	Young (AK)

□ 1122

Mr. McCAUL of Texas changed his vote from “yea” to “nay.”

Messrs. ALTMIRE, WEXLER, BERMAN, COHEN and HILL 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.

PARLIAMENTARY INQUIRIES

Mr. DANIEL E. LUNGREN of California. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Please state your inquiry.

Mr. DANIEL E. LUNGREN of California. Is it true that the rule that was the subject of the motion of the gentleman from Ohio with respect to not holding a vote open for the purpose of changing votes was adopted by this Congress at the beginning of this Congress?

The SPEAKER pro tempore. That is correct.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, further parliamentary inquiry. Is it true that that rule was, in fact, a separate title and voted separately by this House by a vote of 430-0?

The SPEAKER pro tempore. The Chair is not currently aware of the exact vote on that.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, further parliamentary inquiry. Consistent with the rulings of the Chair last night, is it true that the only enforcement mechanism of that rule adopted by this House is a privileged resolution such as offered by the gentleman from Ohio?

The SPEAKER pro tempore. That is correct.

Mr. DANIEL E. LUNGREN of California. Further parliamentary inquiry, Mr. Speaker. If such a privileged resolution is tabled, as was just done by this body, is it true that there is no alternative enforcement mechanism?

The SPEAKER pro tempore. The minority leader's resolution, House Resolution 1039, was held to present a question of privilege and was considered as such. The will of the House was that it be laid on the table.

Mr. DANIEL E. LUNGREN of California. Further parliamentary inquiry, Mr. Speaker. Is it available to other Members of this House who feel aggrieved by the vote last night to bring a privileged resolution similar to that brought by the gentleman from Ohio?

The SPEAKER pro tempore. Yes, it is.

Mr. DANIEL E. LUNGREN of California. Is it true, Mr. Speaker, that if individual Members brought such motion seriatim that that would not be considered dilatory but, rather, within the authority of each Member of this House as a separate and individual Member of this House?