

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)	Olver
Crowley	Jefferson	Ortiz
Cuellar	Johnson, E. B.	Pallone
Cummings	Jones (OH)	Pascarella
Davis (AL)	Kagen	Pastor
Davis (CA)	Kanjorski	Payne
Davis (IL)	Kaptur	Perlmutter
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?

The SPEAKER pro tempore. The Chair cannot render such an advisory opinion.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, further parliamentary inquiry. Is the enforcement mechanism referred to previously, exercised by the gentleman from Ohio, also available to other individual Members of this House?

The SPEAKER pro tempore. Rule IX may be invoked by any Member of the House.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman.

Mr. SHADEGG. Mr. Speaker, parliamentary inquiry.

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

Mr. SHADEGG. Is it correct that the motion just brought by the gentleman from Ohio was brought pursuant to rule IX and was on a question of the privileges of the House?

The SPEAKER pro tempore. That is correct.

Mr. SHADEGG. And is it correct that that motion was then tabled and that was the action the House just took?

The SPEAKER pro tempore. The minority leader's resolution (H. Res. 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. SHADEGG. Further parliamentary inquiry. If it had not been tabled, then it would have been debatable for 1 hour, is that correct?

The SPEAKER pro tempore. The Chair will not answer a hypothetical question. The majority leader's resolution 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. SHADEGG. Is it not true that earlier this year there have been questions of the privileges of the House where they have not been tabled and they have been debated for an hour?

The SPEAKER pro tempore. The Chair cannot serve as historian for the House, but the gentleman is correct that a question of privilege could be considered by the House.

Mr. SHADEGG. And could be debated for an hour?

The SPEAKER pro tempore. And could be debated.

Mr. SHADEGG. Is it not true that in the last Congress, the then minority leader and the now Speaker raised a similar question of the privileges of the House pursuant to rule IX after a vote was held open and that on that question of privileges of the House, in fact, the majority, the then majority, now minority, allowed a debate of an hour and that the conduct of the House in holding a vote open to change the result of the vote was debated for an hour?

The SPEAKER pro tempore. It is not the function of the Chair to render historical perspectives. The Member will have to look to the RECORD for that.

Mr. SHADEGG. I'm sorry. The gentleman is correct?

The SPEAKER pro tempore. The Chair is not prepared to render historical perspectives. The Member will have to look at the RECORD for that answer.

Mr. SHADEGG. So the effect of immediately tabling the question of privileges raised by the gentleman from Ohio was to deny the minority the ability to debate that issue for an hour as was done when the same thing happened last Congress, is that correct?

The SPEAKER pro tempore. It is a summary, adverse disposition.

Mr. SHADEGG. I thank the gentleman.

Mr. WESTMORELAND. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Please state your inquiry.

Mr. WESTMORELAND. Mr. Speaker, is it not true that the last vote was called at 10:52?

The SPEAKER pro tempore. The Chair is not prepared to give exact figures. The gentleman can look at the RECORD for that.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. Please state your inquiry.

Mr. WESTMORELAND. Is it not true that the vote was closed at 11:22, which is approximately 30 minutes?

The SPEAKER pro tempore. The Chair is not prepared to render an historical perspective. The gentleman can look to the RECORD for that.

Mr. WESTMORELAND. Further parliamentary inquiry. According to the Democrats' election manifesto, floor votes should be completed within 15 minutes with a customary 2-minute extension to accommodate Members' ability to reach the House Chamber to cast a vote. No vote shall be held open in order to manipulate the outcome.

Was that the rule that we passed on January 5, 2007?

The SPEAKER pro tempore. It is not appropriate for the Chair to render an opinion on a document of the nature cited by the Member.

#### MOTION TO ADJOURN

Mr. SHADEGG. Mr. Speaker, I move the House do now adjourn.

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

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

#### RECORDED VOTE

Mr. SHADEGG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 14, noes 384, not voting 31, as follows:

[Roll No. 126]

AYES—14

Campbell (CA)  
Carter  
Cole (OK)

Hulshof  
Johnson (IL)  
Lewis (CA)

Lewis (KY)  
Linder

Marchant  
Regula

Ackerman  
Aderholt  
Akin  
Alexander  
Allen  
Altmire  
Andrews  
Arcuri  
Baca  
Bachmann  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett (MD)  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Billbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd (FL)  
Boyda (KS)  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp (MI)  
Cannon  
Cantor  
Capito  
Capps  
Capuano  
Carnahan  
Carney  
Castle  
Chabot  
Chandler  
Clarke  
Clay  
Clever  
Clyburn  
Coble  
Conaway  
Conyers  
Cooper  
Costa  
Courtney  
Cramer  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis, David  
Davis, Lincoln  
Davis, Tom  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dingell

Sessions  
Shadegg

NOES—384

Doggett  
Donnelly  
Doolittle  
Doyle  
Drake  
Dreier  
Duncan  
Edwards  
Ehlers  
Ellison  
Ellsworth  
Emanuel  
Emerson  
English (PA)  
Eshoo  
Etheridge  
Everett  
Fallin  
Farr  
Fattah  
Feeney  
Ferguson  
Filner  
Flake  
Forbes  
Fortenberry  
Fossella  
Foster  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gilchrest  
Gillibrand  
Gohmert  
Gonzalez  
Goode  
Goodlatte  
Granger  
Graves  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hall (TX)  
Hare  
Harman  
Hastings (FL)  
Hastings (WA)  
Hayes  
Heller  
Hensarling  
Herger  
Herseeth Sandlin  
Higgins  
Hill  
Hinchey  
Hinojosa  
Hirono  
Hobson  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis (SC)  
Inslee  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Jordan  
Kagen  
Kanjorski  
Kaptur  
Keller  
Kennedy  
Kildee  
Kilpatrick  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk

Sullivan  
Whitfield (KY)

Klein (FL)  
Kline (MN)  
Knollenberg  
Kucinich  
Kuhl (NY)  
LaHood  
Lamborn  
Lampson  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loehsack  
Lofgren, Zoe  
Lowey  
Lucas  
Lungren, Daniel  
E.  
Lynch  
Mack  
Mahoney (FL)  
Maloney (NY)  
Manzullo  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCauley (TX)  
McCotter  
McCrery  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNulty  
McNulty  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Musgrave  
Myrick  
Nadler  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Obey  
Oliver  
Ortiz  
Pallone  
Pastor  
Paul  
Payne  
Pearce  
Pence  
Perlmutter  
Peterson (MN)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pomeroy  
Porter  
Price (GA)  
Price (NC)