

IN THE MATTER OF REPRESENTATIVE CHARLES B. RANGEL OF NEW YORK

Ms. ZOE LOFGREN of California. Mr. Speaker, I call up privileged resolution, H. Res. 1737, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1737

*Resolved*, That (1) Representative Charles B. Rangel of New York be censured; (2) Representative Charles B. Rangel forthwith present himself in the well of the House for the pronouncement of censure; (3) Representative Charles B. Rangel be censured with the public reading of this resolution by the Speaker; and (4) Representative Rangel pay restitution to the appropriate taxing authorities or the U.S. Treasury for any unpaid estimated taxes outlined in Exhibit 066 on income received from his property in the Dominican Republic and provide proof of payment to the Committee.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 30 minutes to the gentleman from New York (Mr. RANGEL) for purposes of debate only, and I ask unanimous consent that he be permitted to control those 30 minutes.

Of my remaining 30 minutes, I yield 15 minutes to the gentleman from Alabama, the ranking member on the Committee on Standards of Official Conduct, Mr. BONNER, for purposes of debate only, and I ask unanimous consent that he be permitted to control those 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

As the chair of the Committee on Standards of Official Conduct and as chair of the adjudicatory subcommittee in the matter of Mr. RANGEL, I rise in support of the resolution which calls for censure of Representative CHARLES B. RANGEL.

Article I, section 5 of the Constitution provides that "each House may punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member."

In the House, the Committee on Standards of Official Conduct is charged with recommending and enforcing ethical standards that ensure that Members and staff act in a manner befitting that public trust.

It is the role of the committee to review allegations that a Member has violated those standards. In this case, after a lengthy and thorough investigation that spanned more than 2 years and resulted in a 5,000-page report, the committee concluded that this Member violated those standards. We were charged with recommending an appropriate sanction to the House.

The entire report has been available to Members of the House and the public on the committee's Web site. Many

portions of the report have previously been publicly released, some since July.

Here is a brief summary of the findings of that report and why the committee recommended censure.

In this matter, we found that Representative RANGEL engaged in misconduct in four areas.

Mr. RANGEL improperly solicited individuals and entities with businesses and interest before the House to fund the Charles B. Rangel Center for Public Service at City College of New York. He misused official resources to make these solicitations for millions of dollars. He improperly solicited funds from lobbyists.

He failed to file full and complete financial disclosure statements for 10 years.

He accepted a favor or benefit related to his use of a residential, rent-stabilized apartment as a campaign office under circumstances that created an appearance of impropriety.

He failed to report and pay taxes for years on income he received from a property he owns in the Dominican Republic.

We found that Representative RANGEL's conduct in each of those four areas violated laws and regulations, as well as the rules of the House and standards of conduct, namely that he:

Violated the Gift and Solicitation Ban, a statute enacted by Congress in 1989;

Violated clauses 2 and 5 of the Code of Ethics for Government Service;

Violated postal service laws and regulations issued by the Franking Commission;

Violated the rules of this House, including the Code of Conduct;

Violated the Purpose Law, a statute which derives directly from the Constitution;

Violated the Ethics in Government Act; and

Violated the Internal Revenue Code.

A bipartisan majority of his colleagues concluded that 11 of the 13 counts in the Statement of Alleged Violation regarding these areas of his misconduct were proved by clear and convincing evidence.

We found his actions and accumulation of actions "reflected poorly on the institution of the House and, thereby, brought discredit to the House."

□ 1610

Nothing we say or do here today will in any way diminish his service to our country or our gratitude for his service, both in this House and as a hero of the Korean War.

But that service does not excuse the fact that Representative RANGEL violated laws. He violated regulations. He violated the rules of this House. And he violated the standards of conduct.

Because of that misconduct, the nonpartisan committee staff recommended that he be censured, and a bipartisan majority of the committee voted to recommend censure.

The committee also voted to require that he pay restitution to taxing authorities.

Censure is a very serious sanction and one rarely imposed by the House. The decision to recommend that sanction was not reached lightly.

In making its recommendation, the committee considered the aggregation of Representative RANGEL's misconduct. The committee concluded that his violations occurred on a "continuous and prolonged basis" and were "more serious in character, meriting a strong Congressional response rebuking his behavior."

For the violations related to the payment of taxes, the committee considered not only the amount of taxes he failed to pay over many years, but the fact that he served at various times in highly visible and influential positions as both chairman and ranking member of the Ways and Means Committee.

It brought discredit to the House when this Member, with great responsibility for tax policy, did not fully pay his taxes for many years.

Some have questioned whether a recommendation of censure is consistent with the committee's past precedent. It is true that in the committee's roughly 40 years of existence, the House has censured just four Members. But it is also true that for precedent to be followed, a precedent must be set.

We follow precedent, but we also set it. For example, nearly 30 years ago, the committee recommended that two Members be reprimanded for engaging in sexual relations with pages. The House rejected the recommendation and instead censured those two Members. It is possible that if that situation were to occur again today, this House might not feel censure is a severe enough action.

Many of us in this body pledged 4 years ago to create the most honest, most open, and most ethical Congress in history. Censure for this misbehavior is consistent with that pledge.

At the hearing, the nonpartisan committee counsel said clearly that Representative RANGEL's pattern of misconduct appeared to reflect "overzealousness" and "sloppiness." But he also said that did not excuse his misconduct.

In light of those considerations, a bipartisan majority of the committee concluded that it was appropriate to recommend to the House that Representative RANGEL be censured.

Throughout this matter, key decisions were made with bipartisan votes. Not all votes were unanimous, but each was made on the basis of a bipartisan, majority vote.

The purpose of the ethics process is not punishment, but accountability and credibility: accountability for the respondent and credibility for the House itself.

Where a Member has been found by his colleagues to have violated our ethical standards, that Member must be held accountable for his conduct.

Representative RANGEL has violated the public trust. While it is difficult—actually painful—to sit in judgment of our colleague, it is our duty under the Constitution to do so. And, accordingly, I bring this resolution to the floor today.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 15 minutes.

Mr. BONNER. Mr. Speaker, I yield myself such time as I may consume.

This is a solemn moment for this House in a time where, in a little under an hour, all of our Members will have an opportunity to make a statement with their vote. As such, and because the rules allow Mr. RANGEL 30 minutes to defend himself against the recommendation of the committee, and the committee's time is being evenly divided between the chair and the ranking member, I want to inform the body that there will only be three Members on this side of the aisle who will speak. I say this because there have obviously been a number of Members who have approached me, even some on this committee, asking for time. But out of respect for all, and especially in light of the rare nature of this debate, I intend to recognize our time only to myself, Mr. HASTINGS, the former chair of the Ethics Committee and our colleague who served for almost 2 years on the investigative subcommittee, as well as our colleague, Mr. MCCAUL, who served as the ranking member of the adjudicatory subcommittee during that phase of this matter.

Naturally, if other Members care to have their views inserted into the RECORD, we would have no objection.

With that, I yield 3 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL. Mr. Speaker, first let me thank the gentleman from Alabama for his leadership on this solemn occasion. This is an important day for Mr. RANGEL, for the Congress, but most importantly, for the American people. As the ranking member during the Rangel adjudicatory proceedings and as a former Federal prosecutor in the Public Integrity Section of the Department of Justice, I take this responsibility very seriously.

And let me be clear, no Member asked for this assignment. But we accept our responsibility here today for no other reason than to protect the honor, integrity, and credibility of this great institution.

The America's people confidence in us is at historic lows. They want their elected representatives held accountable for their actions, just as they are held accountable as private citizens. And today, we have an opportunity to begin a new era restoring the trust of the American people.

The committee agreed on 12 of the 13 counts, finding that he violated multiple rules of the House and Federal statutes, including the most funda-

mental code of conduct, which states "a Member . . . of the House shall conduct himself at all times in a manner that shall reflect credibility on the House." And credibility is exactly what is at stake here; the very credibility of the House of Representatives itself before the American people.

Most egregiously, the committee found that Mr. RANGEL failed to pay his income taxes for 17 years. And this, while serving as chairman of the committee that writes the tax laws for the Nation. What kind of message does this send to the average working man or woman who plays by the rules and struggles every day to pay their own taxes?

Mr. RANGEL also solicited contributions from corporations, foundations, and lobbyists who had business before his committee to build a school bearing his name. I have consistently opposed Members of Congress naming monuments after themselves.

The committee recommended the most severe punishment available based upon the facts and the precedents. This sanction is both rare and historic.

Founding Father John Adams said that "moral authority and character increases as the importance of the position increases." In his letter to the Speaker, Mr. RANGEL stated that as chairman of the Ways and Means Committee, he is to be held to a higher standard of propriety. I agree. Mr. RANGEL failed to hold himself to this higher standard. And the American people deserve better.

And I sincerely feel for Mr. RANGEL as a human being.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BONNER. Mr. Speaker, I yield the gentleman another 15 seconds.

Mr. MCCAUL. And while I sincerely feel for Mr. RANGEL as a human being, I feel more strongly that a public office is a public trust. And Mr. RANGEL violated that trust.

The Speaker challenged us to enter into a new era of transparency and accountability. Let us begin today. Let justice be served. Let us begin to enter into a new era of ethics to restore the credibility and integrity of this House, the people's House.

Mr. BONNER. Mr. Speaker, at this time I now yield 3½ minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend from Alabama for yielding me this time.

Mr. Speaker, for over 2 years I served on the investigative committee that reviewed allegations and evidence involving Mr. RANGEL, and we found substantial reason to believe, which is what our threshold was, that violations occurred. Because the facts of this matter are not disputed, I will not comment on the evidence. But I will, however, comment on the length of the investigation and particularly a state-

ment made by Mr. RANGEL regarding the confidential work of the investigative committee.

First, on the length of the investigation. Chairman GREEN and I, when I was the ranking member of the subcommittee, had every intention of completing the investigation before the conclusion of the 110th Congress, but events intervened.

□ 1620

In September 2008, Mr. RANGEL publicly pledged that he would release in a timely manner a forensic analysis of 20 years of his tax returns and financial disclosures. However, we did not receive the report until May of 2009, 8 months later.

Then, in December 2008, serious new allegations involving Nabors Industries resulted in the committee's unanimous decision to expand its jurisdiction.

In August of 2009, amendments filed by Mr. RANGEL to his financial disclosures raised serious new questions, resulting in the committee unanimously expanding an investigation once again.

Finally, after receiving the information long requested from him, the subcommittee completed its work, and sent the Statement of Alleged Violations to him on May 27, 2010. Remember that date.

Now, on Mr. RANGEL's statement—and here I am going to be very critical, Mr. Speaker. Let me read a statement he made in an article dated June 6, 2010, in Politico—and I'm quoting Mr. RANGEL now.

"I would normally believe, being a former Federal prosecutor, that if the allegations involve my conduct as a Member of the House and there is a committee with Republicans and Democrats there, then that you refer to the committee. And if they're so confused after 18 months that they can't find anything, then that is a story."

Mr. RANGEL, in my view, had misrepresented the work of the subcommittee. Why do I say that? Because the comments he made were comments over a week after the subcommittee had transmitted a detailed confidential Statement of Allegations, accompanied with thousands of pages of documents, to him. He knew the contents of the report.

Confused?

There is no confusion. Everything was in his possession. He knew what the subcommittee produced, and he deliberately misrepresented its contents. In fact, he was aware of the subcommittee's work as early as December 15, 2009, when he testified before the committee. In addition, after he received the SAV, he subsequently met in executive session, at his request, two more times with his counsel.

I mention this because there is discussion of process in this matter. It is completely disingenuous to suggest that the subcommittee had treated him unfairly.

So, Mr. Speaker, the investigative subcommittee completed its responsibilities to the House and the American people in a timely, professional, and responsible manner. The facts supporting the 11 violations are not disputed.

I will vote for the resolution.

Mr. BONNER. Mr. Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from New York is recognized for 30 minutes.

Mr. RANGEL. First, let me apologize to this august body for putting you in this very awkward position today.

To the Ethics Committee, I do recognize that it is not a job that many of us would want to have.

Last week, as we were reading about the North Koreans attacking the South Koreans, I was haunted by the fact that, on November 30, 60 years ago, I was in Korea as a young, 20-year-old volunteer in the 2nd Infantry Division. On that occasion, in subzero weather—20 degrees below zero—the Chinese surrounded us and attacked, and there were hundreds of casualties wounded and killed and captured. Bugles blared and screams were heard.

I was wounded and had no thoughts that I would be able to survive. But God gave me the strength, not only to survive, although wounded, but to find my way out of the entrapment, and for 3 days, I had the strength to lead 40 of my comrades out of that situation. We all were haunted by the fact that so many of my comrades did not survive it.

I tell you that story, not for sympathy, but to let you know that, at that time, in every sense, I made up my mind that I could never complain to God for any events that occurred in my life and that I would dedicate my life to trying, in some meaningful way, to improve the quality of life for all Americans as well as do as much as I could for humankind.

It is for that reason that I stand to say that I have made serious mistakes. I do believe rules are made to be enforced. I do believe that we in the Congress have a higher responsibility than most people. I do believe that senior Members should act, in a way, as a model for new and less experienced Members. I do believe that there should be enforcement of these laws. There should be sanctions.

But if you're breaking new ground, I ask for fairness. In none of the precedents of the history of this great country has anyone ever suffered the humiliation of a censure when the record is abundantly clear and never challenged, and when, in those 2 years of investigations which I called for, counsel on the committee found no evidence at all of corruption, found no evidence of self-enrichment, found no evidence that there was an intention on my part to evade my responsibility, whether in taxes or whether in financial disclosures.

There is absolutely no excuse for my omissions for my responsibility to obey those rules. I take full credit for the responsibility of that. I brought it on myself, but I still believe that this body has to be guided by fairness. So that's all I'm saying. I'm not here to complain. I have too much to be thankful for, being from where I am and who I am today.

Once again, it has been awkward, especially for my friends and supporters, but I want to respect the dignity of the community that elected me to serve them. I want to continue to serve this Congress and this country and do what I can to make life better for other people, and I think we all agree that, in 40 years, I've tried my darndest to do that.

So, at this point, by unanimous consent, I would like to turn the remainder of the time that the Chair has given to me to my fellow colleague, BOBBY SCOTT.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia will control the time.

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, I served on the special subcommittee appointed to investigate this matter, and dissented from the subcommittee report. I rise to oppose the pending motion to adopt the resolution.

I believe that, under precedents of the House, imposing censure on one of our Members for violating procedural rules of the House under these circumstances would be singularly harsh, unfair, and without precedent. Now, Mr. RANGEL has acknowledged his mistakes, and he has asked to be punished fairly, which means punished just like everybody else similarly situated. Accordingly, I believe the punishment is appropriate, but I believe that censure is inappropriate.

Congressman CHARLES B. RANGEL is a dedicated public servant and a decorated soldier who has made outstanding contributions to the people of his congressional district, to the United States, and to this institution.

□ 1630

Yet he has made mistakes which have resulted in violations of the rules of official conduct for Members of the House and he will be punished for those violations. The question is what is the appropriate punishment?

We need not answer this question in a vacuum. Congressman RANGEL is not the first Member to violate rules of official conduct, so we have ample precedents from which to glean the appropriate punishment. It is clear from the precedents of the House that censure is not a fair and just punishment for these violations. When censure or even reprimand has been imposed for violations in past cases, they have involved direct financial gain or criminal or corrupt conduct. The committee counsel during the hearings acknowledged that

those elements are not found in this case. Furthermore, the committee report in this matter acknowledges that the recommendation of censure in this case is in violation of prior case precedents. The point is made in the report on page 7, and I quote:

“Although prior committee precedent for recommendation of censure involved many cases of direct financial gain, this committee's recommendation for censure is based on the cumulative nature of the violations and not direct personal gain.” But using “cumulative nature of the violations” to support the committee's recommendation of censure is without precedent. In the case of former Congressman George Hansen, the committee stated that, and I quote, “It has been the character of the offenses which established the level of punishment imposed, not the cumulative nature of the offenses.” And so a review of prior precedents establish that neither the character nor the cumulative nature of the violations warrant censure.

Eight of the 11 counts that the committee found that Congressman RANGEL has violated are for raising money for a center at a public university in his congressional district. The program is to train young people to go into public service, using his life experience as an inspiration. Assisting a constituent institution with such a project is not a violation in and of itself, but there are proper procedures to be followed if you're going to raise money for a local college. He openly assisted the institution, clearly with no intent to do anything improper, but he did unfortunately violate the rules by not following proper procedures. Once the determination was made that he used official resources to help the local college, that one mistake has been converted into almost eight different counts:

One, he used the letterhead; two, he used the staff; three, he used office equipment; he used franked mail; all from the fact that he cannot use official resources. That was a mistake for which he should be punished. The question is what should the punishment be for messing up and raising money improperly?

Well, we have the case of former Speaker Newt Gingrich who was found to have violated House rules by misusing tax-exempt entities to fund a partisan college course aimed at recruiting new members to the Republican Party after he had been warned not to. Moreover, he was found to have filed four false reports to the committee about the matter in 13 instances, causing substantial delays and expense to the committee. Yet he was reprimanded, not censured, and did not lose his job as Speaker. Congressman RANGEL did not lie about his activities, he gained no partisan advantage, he believed that he was doing right although he made mistakes, and he received no prior warning, as did Speaker Gingrich. Yet Congressman RANGEL lost his

chairmanship on Ways and Means and now faces the possibility of a censure, not a reprimand, as Speaker Gingrich received.

Another example of raising money in violation of House rules involved former House majority leader Tom DeLay. He was admonished by the committee for participating in and facilitating an energy company fund-raiser which the committee found created an appearance of "impermissible special treatment or access." Mr. DeLay was also cited for his "intervention in a partisan conflict in the Texas House of Representatives using the resources of a Federal agency, the FAA." An ethics investigation involved accusations of solicitation and receipt of campaign contributions in return for legislative assistance, use of corporate political contributions in violation of State law, and improper use of official resources for political purposes. I think everybody here is aware of recent news reports that Mr. DeLay has been convicted of charges of money laundering in connection with circumventing a State law against corporate contributions to political campaigns. For being found guilty of money laundering and conspiracy, the media reports that he faces possible prison sentences of between 5 and 99 years in prison. Yet the House did not censure Mr. DeLay, nor did they even impose a reprimand. They only issued a committee letter. Mr. RANGEL has made mistakes and he should be punished, just like everyone else in the past, consistent with precedents.

On the issue of Mr. RANGEL's rent-stabilized apartment for use as a campaign office, let the record reflect that Mr. RANGEL's landlord knew of his use of the apartment for a campaign office and did not see it as illegal. And the committee records reflect that an attorney for the New York housing authority testified that the use decision was up to the landlord. If somebody rented the apartment that was not technically protected by the rent stabilization law, the tenant is not protected; however, the lease is permitted. That's what the attorney for the housing authority said. And I don't know whether that's right or wrong, but that's what CHARLIE RANGEL believed, that's what his landlord believed, and that's what the housing authority lawyer believed.

Now let's talk about this apartment. It had been vacant for months. CHARLIE paid sticker price for the rent. He passed nobody on the waiting list. This is not a corrupt scheme. To the extent that there is a violation, let's punish him consistent with others who have had problems. Earl Hilliard, for example, was found by the committee to have been paying more than market rent for his campaign headquarters; the rent paid to family members who owned the building. He was not censured. He wasn't even reprimanded. He received a committee letter.

Other cases involving campaign violations and use of official resources

have not resulted in censure. One example is the case of Bud Shuster for violations of House rules related to campaign and other violations. He was found to have knowingly allowed a former employee-turned-lobbyist to communicate with him within 12 months following her resignation, to influence his schedule and give him advice pertaining to his office. He was also found to have violated the House gift rule, to have misused official congressional resources, misused official congressional staff for campaign purposes, and to have made certain expenditures from his campaign accounts for expenses that were not for bona fide campaign or political purposes. Yet he received a letter, not a censure, not even a reprimand. Although both of those cases involved personal financial gain and intentional violations of the rules, the sanction for both was a letter of reproof. Mr. RANGEL neither personally benefited nor intended to violate the rules.

There is an issue now of his failure to report income on rental property, on property he owned in the Dominican Republic, and report those appropriately on his disclosure statement. I say "properly," because ownership and some rental payments were in fact reported on his disclosure, so there's nothing to cover up. And while he did not file all his reports properly, these are not matters that warrant censure. Mistakes made on disclosure are usually corrected with nothing more said. The only cases where there is a violation, a sanction, for failing to disclose are cases where there is some corrupt cover-up. For example, failing to file campaign contributions from Tonsong Park during Korea-Gate or failing to have loans or assets with those who would reveal a conflict of interest. The committee found no evidence that failure to report was for financial gain or cover-up.

The tax issues. Comment was made that he hadn't paid taxes for 17 years. Let's say a word about those taxes. Tax matters involved a deal where he and many others had pooled their rents and paid expenses and anything left over was profit. Well, it wasn't as profitable as they hoped. He got a couple of small checks over all those years and that was it. However, one of the bills paid was his mortgage. And diminution of principal is technically income on which you have to pay taxes. Whatever sanction there should be for that transgression should be consistent with precedents. The only example of anybody sanctioned for tax matters in this House in the history of the United States have been those who did not pay taxes on bribes they received. That's it. All we ask is that he be sanctioned like everyone else.

Since there is no indication that CHARLIE RANGEL's reporting violations were intended for financial gain, concealment or other corruption, censure is clearly not the just sanction. Moreover, he hired a forensic accountant to

assure that all of the matters have been cleared up. He knows he messed up. He knows he'll be punished. We just ask that he be punished like everybody else. Unfortunately, CHARLIE RANGEL will be punished for his transgressions but neither the nature of the offenses nor their cumulative impact has been a sufficient basis for censure of any other Member in the past. Nor has the level of one's position been a basis for sanction as we said in the case of Newt Gingrich or Tom DeLay. Both had multiple serious violations that were intentional with aggravations such as concealment, lying and failure to heed warnings, none of which are in this case.

□ 1640

All the instances of censure, reprimand, reproof, admonishment and other cases of sanctioning make it clear that censure is not an appropriate sanction in this case. Now, CHARLIE is not asking to be excused for his conduct. He accepts responsibility. All we ask is that we cite what has been done in the past for conduct similar to his and apply a sanction similar to those sanctions. And based on the precedent, there is no precedence for a censure in this case.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the gentleman for yielding.

Mr. Speaker, at the outset, let me express my profound respect for Chairperson LOFGREN, Ranking Member BONNER, my friends Mr. HASTINGS and Mr. MCCAUL, and all the members of the Ethics Committee for their dedicated efforts in this very, very painful matter. Having said that, I will vote against this censure resolution because I do not believe the findings warrant the severe penalty of censure. I reached this conclusion after reading and studying hundreds of pages of committee documents, including the subcommittee findings, the minority views of Congressman SCOTT, the report of the full committee, and myriad exhibits and correspondence.

Mr. Speaker, censure is an extremely severe penalty. In the more than 200-year history of this body, only 22 Members have been subjected to censure. None in more than a quarter century.

If expulsion is the equivalent of the death penalty, then censure is life imprisonment.

Mr. Speaker, I have found no cases where charges similar to or analogous to those against Congressman RANGEL resulted in censure. Thus far, this penalty has been reserved for such violations as supporting armed insurrection against the United States and sexual abuse of minors. In Congressman RANGEL's case, as Mr. SCOTT pointed out, the committee chief council said he found no evidence of corruption, and the committee report itself said there was no "direct personal gain" to Congressman RANGEL.

Mr. Speaker, my religious faith is based on Scripture and tradition. My

training as a lawyer has taught me to respect precedent. Why, today, are we being asked to reverse more than 200 years of tradition and precedent?

There is no doubt that Congressman RANGEL has violated rules of this House, but these violations are *malum prohibitum*, not *malum in se*. There is no evidence or finding of criminal intent, no *mens rea*. As Congressman SCOTT pointed out, it was public record that CHARLIE RANGEL was living in a rent-stabilized apartment. That was hidden from nobody. It was public record that his campaign headquarters was in a rent-stabilized building. It was hidden from nobody. It was also public record that CHARLIE RANGEL had a home in the Dominican Republic. It was public record that CHARLIE RANGEL was trying to obtain funding for a public university in his district. Nothing was hidden. So where is the criminal intent? That is why I strongly believe the appropriate penalty is a reprimand.

Why are we departing so significantly from tradition and precedent in the case of CHARLIE RANGEL? Certainly it can't be because of who he is or what he has achieved in his life—a kid from the inner city who emerged from very troubled surroundings to be a combat soldier and an authentic war hero who left his blood in Korea, who worked his way through law school, who became a distinguished prosecutor in the United States Attorney's Office, who was elected to the New York State Legislature and to the United States Congress, where he has served with distinction 40 years.

Now, lest my Republican friends get nervous, let me make it clear; while CHARLIE RANGEL is a friend and colleague, we disagree on virtually every issue. I can't begin to tell you how many times CHARLIE and I have gone at it and debated over the years on local news shows back in New York—maybe not as bad as my debates with ANTHONY WEINER, but they were very significant debates. During that entire time, I have never heard anyone question CHARLIE RANGEL's integrity nor have I ever seen CHARLIE RANGEL treat anyone with disrespect—which is very unusual for somebody in his high position, as many of us know—whether it be flight attendants, cab drivers, staff members, or the guy on the street corner on 125th Street.

My colleagues, I know we can get caught up in the zeitgeist of media attacks and political storms, but I am imploring you today to pause for a moment and step back, to reflect upon not just the lifetime of CHARLIE RANGEL, but more importantly the 220-year history of tradition and precedent of this body. Let us apply the same standard of justice to CHARLIE RANGEL that has been applied to everyone else and which all of us would want applied to ourselves.

Mr. Speaker, I respectfully urge a vote against censure.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1½ minutes to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise today in defense of the gentleman from New York (Mr. RANGEL), and I appeal to my colleagues and your sense of fairness as you deliberate on this matter.

Censure is a very serious sanction, one step short of expulsion. Only 22 times in the history of this body has the House censured a colleague, and not once in the last 27 years.

In the past, this punishment has been reserved for serious acts of corruption—taking bribes, lying under oath, gross sexual misconduct, profiting from one's office. Carelessness and minor rules violations have never been grounds for censure. Far more serious ethical lapses than Mr. RANGEL's have not met with censure; for example, Newt Gingrich and Tom Delay. But they were not censured. In fact, Newt Gingrich continued to serve as Speaker of the House.

Mr. RANGEL has cooperated fully with the Ethics investigation, acting with transparency and expressing regret and apologies for his actions. Quite simply, Mr. RANGEL's transgressions and lapses in judgment do not rise to the level of censure. Fairness, my colleagues, demands that we vote "no."

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Thank you, Mr. SCOTT. I too have, as Mr. KING said, enormous respect for the Ethics Committee. It's a job that none of us ask for and none of us want, but it has to be done to protect the House of Representatives.

As a lawyer, I also believe in precedent. And I have searched this record and find no activity involving moral turpitude or any activity that could be classified as one with criminal intent. Therefore, I think an appropriate action that would protect the House as well as punish Congressman RANGEL would be a reprimand. I think that is the appropriate punishment commensurate with what has occurred here, unfortunately.

Mr. SCOTT of Virginia. I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I would concur with what was just last said. I have great respect for the committee. Nobody wants your job.

I came here 14 years ago, and looking back on years that have gone by, I met CHARLIE RANGEL as a colleague here, and then I learned sometime after that we were fellow veterans and fellow soldiers. I realized that he had served with honor and distinction. One year ago last December, I led a *codel* and we flew to Korea. And reflecting back on my time as a student, a teacher in the Command and General Staff College, and read a lot of that history, the conflict that I served in, as many of you, I thought of CHARLIE. And he was valiant and did his job.

□ 1650

CHARLIE's erred. We know that. I'm not going to repeat those things. He's erred.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of Virginia. I yield the gentleman 10 more seconds.

Mr. BOSWELL. But I think censure is too much. A reprimand is appropriate, and he would accept that. And I would ask this House to recognize that, his history, and do the right thing. I would support the reprimand.

Mr. SCOTT of Virginia. I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I, too, rise along with my colleague from Texas to protect the integrity of this House. I just simply want to do it in a different manner than the wording that is reflected in this resolution, which is not there. And it is not just. And I think we have an opportunity to still protect the integrity and reputation of this House, but to do it in a fair and reasonable manner.

You have heard about all of the allegations, but I want to quote from what transpired during that committee hearing.

Mr. BUTTERFIELD states: "In all of your investigation of this matter, do you see any evidence of personal financial benefit or corruption?"

And the prosecuting attorney, the one that may have recommended the censure, replies, "I see no evidence of corruption. Do I—do I believe, based on this record, that Congressman RANGEL took steps to enrich himself based on his position in Congress? I do not."

This is a chance for this House to rise to the occasion and to do the right thing. And that's what furthers the reputation and the good name of this House, by doing the fair and just thing. We are held to a higher standard, and that's why Mr. RANGEL has admitted to his misdeeds. But since when do we forfeit the right to fair and just treatment? Since when? When we take the oath of Members of Congress? I think not.

We are a jury today. And if you were a jury, you'd be admonished, do not let prejudice, bias, or sympathy play any part in your deliberations. But the truth is we are a very different kind of jury. We worry that we are going to be scrutinized and whatever decision we reach today in our vote may result in political criticism. That's the greatest fear.

But we will overcome that and do the fair and just thing.

Mr. SCOTT of Virginia. Could the Speaker advise me how much time is remaining.

The SPEAKER pro tempore. The gentleman from Virginia has 2¼ minutes left, the gentleman from Alabama has 6½ minutes, and the gentlewoman from California has 9 minutes.

Mr. SCOTT of Virginia. I yield the balance of my time to the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. Mr. Speaker, like many Members of the House, I have long considered CHARLIE RANGEL a friend and a great public servant, but that is not before us now.

We must now consider a report from the Ethics Committee finding that Mr. RANGEL violated the rules of the House and recommending that he be censured for that. I do not disagree that he violated the rules of the House in serious ways; but under our standards and precedents, his conduct merits a reprimand, not a censure.

In his actions, Mr. RANGEL showed carelessness, poor judgment, and a severe disregard for the rules of the House. Some sanction is necessary and appropriate, but our precedents command a reprimand, not a censure.

Censure has been reserved for corruption, personal corruption, improper personal financial gain and intent to gain money, or sexual misconduct. None of that is present here. You heard the discussion of people who were censured for personal financial gain, for bribery, for lying to the committee, such as Messrs. Wilson and Diggs and people like Mr. Gingrich and Mr. Hansen who committed severe infractions but were reprimanded.

In this case, the staff director and chief counsel of the Ethics Committee said he saw “no evidence of corruption.” Further, he admitted he did not believe Mr. RANGEL was trying to enrich himself.

What happened according to the chief counsel and the finding of the committee was that Mr. RANGEL was overzealous in his advocacy for City College and sloppy in his financial dealings. Neither overzealousness nor sloppiness merits censure.

While not as severe as censure, reprimand is a very serious punishment. If passed in this case, it would reflect the collective judgment of the entire House that the conduct of Mr. RANGEL was wrong and deserves a serious sanction.

The decision by the Ethics Committee to recommend censure was based, it said, on the “cumulative nature of the violations” and “because the 11 violations committed by Representative RANGEL on a continuous and prolonged basis were more serious in character, meriting a strong congressional response rebuking his behavior.”

What this ignores, however, is that eight of the 11 separate counts all stemmed from just one factor: Mr. RANGEL’s belief that certain advocacy for City College, an institution in his district, amounted to constituent service and therefore constituted official action.

Second, Mr. RANGEL did not, as Mr. BONNER said, fail to pay taxes for 17 years. Of course he paid taxes, and filed every one of those years. He did fail to report some income from a villa he owned.

The SPEAKER pro tempore. The time of the gentleman has expired.

The time of the gentleman from Virginia has expired.

Ms. ZOE LOFGREN of California. I would yield 30 seconds to the gentleman.

Mr. NADLER. He did fail to report some income because he mistakenly believed that the income which was plowed back into the mortgages from which he never saw a check was not reportable. This was wrong. But it was one ongoing error, not cumulative and not a continuing error.

I ask my colleagues to consider all of this. A reprimand is a serious punishment that reflects our precedents and standards. That will reflect credibly on the House. A censure, a punishment never previously imposed for this level of violation of House rules with no adequate explanation for the sudden change in standards offends one’s sense of fair play and therefore does not reflect credibly on the House.

Mr. BONNER. Mr. Speaker, I yield myself such time as I may consume.

This is a sad day, but a necessary day, to complete final action on a matter that honestly should have been concluded with a public trial. Mr. RANGEL chose to walk out of that hearing and failed to present his case. Instead, we are left with a vote, an important vote, I would suggest, not only for Mr. RANGEL, but equally a significant vote for this House as an institution and for how we are seen by our employers, the American people.

Watching at home, some are probably looking on with a curiosity of sorts as we dispense with this unpleasant yet constitutionally mandated responsibility to punish our own when necessary.

In fairness, today’s action may also confirm what many of us already know—that Washington, D.C. truly is disconnected from the real challenges and worries that much of the rest of America is facing every day: the angst of a father whose son is standing guard in some dangerous remote location in Afghanistan, or the uncertainty of that single mom who was just told this week that she had been fired. Not only does she have to worry about whether she can afford Christmas for her children, but whether she can pay the car note or the rent without a job.

All across America, these are the real life crises that our constituents are facing. And yet here on the House floor, one of our colleagues is dealing with something that to him, and I believe to all of us, should be considered a serious matter and one that deserves our utmost attention.

As I noted back on July 29 when the investigative subcommittee reported this case, there is no debate but that Congressman CHARLES RANGEL has led a compelling life story, one that all of us, including myself, can respect. He was a private, as his autobiography said, left to die on that battlefield in North Korea. He earned the Purple Heart and the Bronze Star for bravery. And he was a fatherless high school dropout who went from pushing that handcart in the streets of New York

City to becoming one of the most powerful figures on Capitol Hill. We all know the story.

But my friends, Mr. RANGEL’s life story is not why we are here. After all, every American has their own unique story to tell. Regretfully, this is a day that did not have to be if only Mr. RANGEL had settled for the lesser sanctions that today he hopes this body will somehow consider.

During the course of the investigation, he was given multiple opportunities to settle. Instead, he chose to fight on, declaring his innocence in saying the committee did not have a case.

If only Mr. RANGEL had paid his taxes, as we are all required to do. As chairman of the Ways and Means Committee, he certainly knew something about requiring Americans to pay their taxes.

□ 1700

But the Ethics Committee found by clear and convincing evidence that Mr. RANGEL himself had failed to pay his taxes for 17 years, violating U.S. as well as State and local tax laws on income derived from his beach villa in the Dominican Republic.

My friends, when you go back home this weekend try explaining to your constituents that it’s okay for a powerful Member of Congress, the chairman of the tax-writing committee, to not pay his taxes. Just don’t ask your constituents to do the same.

If Mr. RANGEL had just used the Ethics Committee as it is intended to be used, to give advice and counsel on how we can use our names to benefit worthy causes, such as creating a school for underprivileged minority students to encourage them to consider public service. There’s nothing wrong with that idea. Actually, it is rooted in the most noble of American missions: education. But rather than finding out how he could do it the right way and legally, Mr. RANGEL instead chose to use both his personal and committee staff, as well as other official resources of his office, to help solicit donations of up to \$30 million each for a school and library to ensure his legacy. Donations from some of the 100 biggest and wealthiest corporations in America, many of whom had direct interests before this very committee that he chaired. The Ethics Committee found by clear and convincing evidence that Mr. RANGEL solicited those donations from the very lobbyists of those companies who were coming before his committee.

As Members of Congress, we are all required to file financial disclosure statements. It’s not easy to do, and sometimes it’s easy to make a mistake. But again, this committee found on clear and convincing evidence that Mr. RANGEL for 10 years failed to file his reports promptly, and they had numerous omissions, including the failure to disclose over a half a million dollars.

Ladies and gentlemen, my colleagues, there is a lot to be said today,

and a lot has been said. Keep this in mind as you consider the report of the only truly bipartisan committee that stands in this Congress, the only one that's evenly divided, and sent this recommendation of censure to you for your consideration.

Mr. RANGEL is a man who has spent more years on the Hill than all but five of our colleagues, and he has served his district for longer than 26 of our Members have been alive. Even so, this recommendation of censure was not made lightly, and it was not made without respect for the totality of his life or the seriousness and number of charges for which he has been found guilty.

It is a sad day for sure, Mr. Speaker. But now the entire House has a responsibility to join the Ethics Committee in rendering your judgment. I have no doubt that the people that we work for will be watching with interest.

I yield back the balance of my time. Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD), a member of the committee.

Mr. BUTTERFIELD. Let me thank the gentledady for the time.

As a member of the committee, I rise today to oppose the pending motion. There is no question that Mr. RANGEL violated House rules. For more than a year he has admitted his misconduct and has apologized for it. But it must be clear, Mr. Speaker, there is nothing in this record to suggest that Congressman RANGEL engaged in dishonest or corrupt conduct. Nor is there evidence suggesting that he sought to enrich himself while violating his oath.

The record shows that Mr. RANGEL was approached by City College of New York to seek assistance in obtaining funds to establish an inner city school for disadvantaged youth, and he did so. My colleagues, you must know that it is not unethical or improper for Members to raise funds for a charitable purpose. Many of you do this every year, and it's a good thing. Our rules simply require any Member desiring to raise funds for a 501(c)3 charitable purpose to refrain from using official resources.

In this case, Congressman RANGEL improperly used official resources to make the solicitation. Yes, that was a mistake. But it was not corruption. Had he written his solicitation letters on other than official stationery and mailed them with 44-cent stamps, that would not be a problem.

The other observation I make, Mr. Speaker, concerns the appropriate sanction for a Member who has been found to have violated House rules not involving dishonesty or corruption. The punishment in this case, in my humble opinion, should be reprimand or less. Censure has always been reserved for extreme and outrageous conduct, touching upon corruption and intent to gain a financial benefit.

As many of you perhaps know, I spent much of my former life as a superior court judge. For nearly 15 years, I

made difficult sentencing decisions every day. In making difficult decisions, the judge must first decide a baseline punishment and then adjust that punishment by weighing aggravating and mitigating circumstances. As applied to this case, the baseline punishment was offered by our committee counsel. He stated that the proper punishment, in his opinion, was between reprimand and censure.

If that be so, Mr. Speaker, it seems to me that aggravating and mitigating circumstances become important. There are mitigating circumstances, my colleagues, that you should consider that substantially outweigh any aggravating factors that you may find. In deciding whether to round up to censure or round down to reprimand, I ask you to consider a dozen factors: his age, 80 years of age; combat military service of 3 years as a volunteer; Bronze Star; Purple Heart; left on the battlefield for dead; length of legislative service here is 40 years; he requested our committee to investigate these matters; he acknowledged mistakes at an early stage, and was willing, he was willing to settle this matter without a trial; he did not participate in the evidentiary hearing. Some of you may see that as a negative. But failing to participate in the hearing essentially admitted the essential facts of this case, precluding a long trial. He could not afford counsel after spending \$2 million, and we refused to waive the rule to allow for pro bono counsel. Over the years, he has mentored Democratic and Republican members on this floor. And he has been a person of good moral character.

These, my colleagues, are mitigating factors that support reprimand. I urge my colleagues to vote to reprimand our dear colleague. Let him know that he must be sanctioned for his carelessness, but let him know that this House understands fairness and justice and legal precedent. A censure is not justified in this case.

I thank you, Madam Chair, for the time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I want to just make a couple of brief comments before turning back to Mr. BUTTERFIELD.

First, although the issue of two Members in 1983 being censured for sexual misconduct has been mentioned, historically censure has been used a variety of times, including the very first time, for insulting the Speaker of the House; insulting the House, Mr. John Chandler, by introduction of a resolution containing unparliamentary language; Mr. Hunter, using unparliamentary language; Mr. Holbrook, using unparliamentary language. So I think it is important to at least have that history.

I want to say one other thing. And we do not discuss the executive session deliberations of the committee, but I feel obliged to note, since I think a misimpression could be had, that in fact Mr. RANGEL did sign a settlement

effort, and the committee was unable to reach a settlement agreement with Mr. RANGEL earlier this year.

Now, it may well be that the committee and the House could do a different sanction. Mr. SCOTT identified several Members and former Members and staffers who are either still serving sentences in prison or still in court being tried in ongoing proceedings of misconduct. I think it's precisely because of that failure to put Members of this body and the American public first, to demand a higher standard, that the committee on a 9-1 vote recommended this sanction.

We need a higher standard. Mr. RANGEL himself has acknowledged that we must meet a higher standard. Process is about protecting the integrity of the House as much as it is about sanctioning an individual who has violated the rules. The nonpartisan committee counsel recommended this. On a 9-1 vote the bipartisan committee recommended this.

This is a wrenching decision for us all. It is not with any pleasure at all that I stand here today presenting the committee's report. And finally, it is for each and every one of us to sort through our own conscience, mindful of the obligation we have first and foremost to the American people, to protect the integrity of the House as we decide what to do.

□ 1710

Each of us must cast the vote that we think is right, and I will respect each Member who does that.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

AMENDMENT OFFERED BY MR. BUTTERFIELD

Mr. BUTTERFIELD. Mr. Speaker, I have an amendment at the desk.

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

The Clerk read as follows:

Strike "be censured;" and insert "be reprimanded and", strike paragraphs (2) and (3), and redesignate paragraph (4) as paragraph (2).

Mr. BUTTERFIELD. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The previous question was ordered.

The question is on the amendment.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 267, not voting 20, as follows:

[Roll No. 606]

AYES—146

Ackerman	Baldwin	Boswell
Andrews	Barrow	Boucher
Arcuri	Becerra	Boyd
Baca	Berkley	Brady (PA)
Baird	Bishop (GA)	Brown, Corrine

Butterfield	Honda	Paul	McCarthy (NY)	Poe (TX)	Simpson	Castor (FL)	Jordan (OH)	Platts
Capps	Hoyer	Payne	McClain	Polis (CO)	Skelton	Chaffetz	Kagen	Poe (TX)
Capuano	Jackson (IL)	Pingree (ME)	McClintock	Posey	Smith (NE)	Chandler	Kaptur	Polis (CO)
Carson (IN)	Jackson Lee	Pomeroy	McCotter	Price (GA)	Smith (NJ)	Childers	Kildee	Pomeroy
Chu	(TX)	Price (NC)	McHenry	Quigley	Smith (TX)	Coble	Kilroy	Posey
Clarke	Johnson (GA)	Rangel	McIntyre	Radanovich	Snyder	Coffman (CO)	Kind	Price (GA)
Clay	Johnson, E. B.	Reyes	McKeon	Rahall	Space	Cohen	King (IA)	Price (NC)
Cleaver	Kagen	Richardson	McMahon	Reed	Stearns	Cole	Kingston	Quigley
Clyburn	Kanjorski	Rodriguez	McNerney	Rehberg	Stutzman	Conaway	Kirkpatrick (AZ)	Radanovich
Cohen	Kaptur	Rothman (NJ)	Mica	Reichert	Sullivan	Connolly (VA)	Kissell	Rahall
Conyers	Kennedy	Roibal-Allard	Michaud	Roe (TN)	Sutton	Cooper	Klein (FL)	Reed
Critz	Kildee	Ruppersberger	Miller (FL)	Rogers (AL)	Taylor	Costa	Kline (MN)	Rehberg
Crowley	Kilpatrick (MI)	Rush	Miller (MI)	Rogers (KY)	Terry	Costello	Kosmas	Reichert
Cummings	King (NY)	Salazar	Miller, George	Rohrabacher	Thompson (CA)	Courtney	Kratovil	Rodriguez
Dahlkemper	Kissell	Sanchez, Loretta	Minnick	Rooney	Thompson (PA)	Creshaw	Kucinich	Roe (TN)
Davis (CA)	Kosmas	Sarbanes	Mitchell	Ros-Lehtinen	Thornberry	Critz	Lamborn	Rogers (AL)
Davis (IL)	Kucinich	Schakowsky	Mollohan	Roskam	Tiahrt	Cuellar	Lance	Rogers (KY)
DeLauro	Larson (CT)	Schauer	Moran (KS)	Ross	Tiberi	Culberson	Langevin	Rogers (MI)
Dicks	Lee (CA)	Scott (GA)	Murphy (CT)	Royce	Tierney	Dahlkemper	Larsen (WA)	Rohrabacher
Dingell	Levin	Scott (VA)	Murphy (NY)	Ryan (OH)	Titus	Davis (AL)	Larson (CT)	Rooney
Doyle	Lewis (GA)	Serrano	Murphy, Patrick	Ryan (WI)	Tonko	Davis (CA)	Latham	Ros-Lehtinen
Driehaus	Lowey	Sires	Murphy, Tim	Sánchez, Linda	Tsongas	Davis (KY)	LaTourette	Roskam
Edwards (MD)	Luján	Slaughter	Myrick	T. T.	Turner	Davis (TN)	Latta	Ross
Edwards (TX)	Maffei	Smith (WA)	Neugebauer	Scalise	Upton	DeGette	Lee (NY)	Rothman (NJ)
Ellison	Maloney	Spratt	Nunes	Schiff	Visclosky	DeLauro	Lewis (CA)	Royce
Engel	Markey (MA)	Stark	Nye	Schmidt	Walden	Dent	Linder	Ruppersberger
Etheridge	Matsui	Stupak	Olson	Schrock	Walz	Deutch	Lipinski	Ryan (OH)
Farr	McColum	Swartz	Owens	Schrader	Wamp	Diaz-Balart, L.	LoBiondo	Ryan (WI)
Fattah	McDermott	Tanner	Pallone	Schwartz	Welch	Diaz-Balart, M.	Loebsack	Sánchez, Linda
Filner	McGovern	Teague	Paulsen	Sensenbrenner	Westmoreland	Dicks	Lofgren, Zoe	T. T.
Frank (MA)	Meeks (NY)	Thompson (MS)	Pence	Sessions	Whitfield	Dingell	Lucas	Sanchez, Loretta
Fudge	Melancon	Towns	Perlmutter	Sestak	Wilson (OH)	Djou	Luetkemeyer	Sarbanes
Garamendi	Miller (NC)	Van Hollen	Perriello	Shadegg	Wilson (SC)	Doggett	Luján	Scalise
Gonzalez	Moore (KS)	Velázquez	Peters	Shea-Porter	Wittman	Donnelly (IN)	Lummis	Schakowsky
Gordon (TN)	Moore (WI)	Wasserman	Peterson	Sherman	Wolf	Doyle	Lungren, Daniel	Schauer
Grayson	Moran (VA)	Schultz	Petri	Shimkus	Yarmuth	Dreier	E.	Schiff
Green, Al	Nadler (NY)	Waters	Pitts	Shuler	Young (FL)	Driehaus	Lynch	Schmidt
Green, Gene	Napolitano	Watson	Platts	Shuster		Duncan	Mack	Schock
Grijalva	Neal (MA)	Watt				Edwards (TX)	Maffei	Schrader
Gutierrez	Oberstar	Waxman	Bachmann	Buyer	McMorris	Ehlers	Manzullo	Schwartz
Hinchee	Obey	Weiner	Barrett (SC)	DeFazio	Rodgers	Ellsworth	Markey (CO)	Sensenbrenner
Hinojosa	Oliver	Woolsey	Berry	Delahunt	Meek (FL)	Emerson	Markey (MA)	Sessions
Hirono	Ortiz	Wu	Brown (SC)	Fallin	Miller, Gary	Eshoo	Marshall	Sestak
Hodes	Pascarell	Young (AK)	Brown-Waite,	Granger	Putnam	Etheridge	Matheson	Shadegg
Holt	Pastor (AZ)		Ginny	Hastings (FL)	Rogers (MI)	Farr	Matsui	Shea-Porter
			Buchanan	Inglis	Speier	Flake	McCarthy (CA)	Sherman
			z	Marchant		Fleming	McCarthy (NY)	Shimkus
						Forbes	McClintock	Shuster
						Fortenberry	McCotter	Simpson
						Foster	McCotter	Sires
						Fox	McCotter	Skelton
						Franks (AZ)	McGovern	Smith (NE)
						Frelinghuysen	McHenry	Smith (NJ)
						Gallely	McIntyre	Smith (TX)
						Garamendi	McKeon	Snyder
						Garrett (NJ)	McMahon	Space
						Gerlach	McNerney	Speier
						Giffords	Mica	Spratt
						Gingrey (GA)	Michaud	Stearns
						Gohmert	Miller (FL)	Stutzman
						Goodlatte	Miller (MI)	Sullivan
						Gordon (TN)	Miller (NC)	Sutton
						Graves (GA)	Miller, George	Taylor
						Graves (MO)	Minnick	Teague
						Green, Gene	Mitchell	Terry
						Griffith	Mollohan	Thompson (CA)
						Guthrie	Moran (KS)	Thompson (PA)
						Hall (NY)	Moran (VA)	Thornberry
						Hall (TX)	Murphy (CT)	Tiahrt
						Halvorson	Murphy (NY)	Tiberi
						Hare	Murphy, Patrick	Tierney
						Harman	Murphy, Tim	Titus
						Harper	Myrick	Tonko
						Hastings (WA)	Neal (MA)	Tsongas
						Heinrich	Neugebauer	Turner
						Heller	Nunes	Upton
						Hensarling	Nye	Van Hollen
						Herger	Oberstar	Visclosky
						Herseth Sandlin	Obey	Walden
						Higgins	Olson	Walz
						Hill	Olver	Wamp
						Himes	Owens	Wasserman
						Hodes	Pallone	Schultz
						Hoekstra	Pascarell	Waxman
						Holden	Paul	Welch
						Holt	Paulsen	Westmoreland
						Hoyer	Pence	Whitfield
						Hunter	Perlmutter	Wilson (OH)
						Inslee	Perriello	Wilson (SC)
						Israel	Peters	Wittman
						Jenkins	Peterson	Wolf
						Johnson (IL)	Petri	Wu
						Johnson, Sam	Pingree (ME)	Yarmuth
						Jones	Pitts	Young (FL)

## NOES—267

Aderholt	Connolly (VA)	Heller						
Adler (NJ)	Cooper	Hensarling						
Akin	Costa	Herger						
Alexander	Costello	Herseth Sandlin						
Altmire	Courtney	Higgins						
Austria	Crenshaw	Hill						
Bachus	Cuellar	Himes						
Bartlett	Culberson	Hoekstra						
Barton (TX)	Davis (AL)	Holden						
Bean	Davis (KY)	Hunter						
Berman	Davis (TN)	Inslee						
Biggart	DeGette	Israel						
Bilbray	Dent	Issa						
Bilirakis	Deutch	Jenkins						
Bishop (NY)	Diaz-Balart, L.	Johnson (IL)						
Bishop (UT)	Diaz-Balart, M.	Johnson, Sam						
Blackburn	Djou	Jones						
Blumenauer	Doggett	Jordan (OH)						
Blunt	Donnelly (IN)	Kilroy						
Bocieri	Dreier	Kind						
Boehner	Duncan	King (IA)						
Bonner	Ehlers	Kingston						
Bono Mack	Ellsworth	Kirkpatrick (AZ)						
Boozman	Emerson	Klein (FL)						
Boren	Eshoo	Kline (MN)						
Boustany	Flake	Kratovil						
Brady (TX)	Fleming	Lamborn						
Braley (IA)	Forbes	Lance						
Bright	Fortenberry	Langevin						
Broun (GA)	Foster	Larsen (WA)						
Burgess	Fox	Latham						
Burton (IN)	Franks (AZ)	LaTourette						
Calvert	Frelinghuysen	Latta						
Camp	Gallely	Lee (NY)						
Campbell	Garrett (NJ)	Lewis (CA)						
Cantor	Gerlach	Linder						
Cao	Giffords	Lipinski						
Capito	Gingrey (GA)	LoBiondo						
Cardoza	Gohmert	Loebsack						
Carnahan	Goodlatte	Lofgren, Zoe						
Carney	Graves (GA)	Lucas						
Carter	Graves (MO)	Luetkemeyer						
Cassidy	Griffith	Lummis						
Castle	Guthrie	Lungren, Daniel						
Castor (FL)	Hall (NY)	E.						
Chaffetz	Hall (TX)	Lynch						
Chandler	Halvorson	Mack						
Childers	Hare	Manzullo						
Coble	Harman	Markey (CO)						
Coffman (CO)	Harper	Marshall						
Cole	Hastings (WA)	Matheson						
Conaway	Heinrich	McCarthy (CA)						

## NOT VOTING—20

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1736

Mr. BISHOP of New York changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

## RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 333, noes 79, not voting 21, as follows:

[Roll No. 607]

AYES—333

Aderholt	Bilbray	Bright
Adler (NJ)	Bilirakis	Broun (GA)
Akin	Bishop (NY)	Burgess
Alexander	Bishop (UT)	Burton (IN)
Altmire	Blackburn	Calvert
Andrews	Blumenauer	Camp
Arcuri	Blunt	Campbell
Austria	Bocieri	Cantor
Bachus	Boehner	Cao
Baird	Bonner	Capito
Baldwin	Bono Mack	Capps
Barrow	Boozman	Capuano
Bartlett	Boren	Cardoza
Barton (TX)	Boswell	Carnahan
Bean	Boucher	Carney
Berkley	Boustany	Carter
Berman	Brady (TX)	Cassidy
Biggart	Braley (IA)	Castle

## NOES—79

Ackerman	Bishop (GA)	Butterfield
Baca	Brady (PA)	Carson (IN)
Becerra	Brown, Corrine	Chu

Clarke	Jackson (IL)	Rangel
Clay	Jackson Lee	Reyes
Cleaver	(TX)	Richardson
Clyburn	Johnson (GA)	Roybal-Allard
Conyers	Johnson, E. B.	Rush
Crowley	Kanjorski	Salazar
Cummings	Kennedy	Scott (GA)
Davis (IL)	Kilpatrick (MI)	Scott (VA)
Edwards (MD)	King (NY)	Serrano
Ellison	Lee (CA)	Slaughter
Engel	Levin	Smith (WA)
Fattah	Lewis (GA)	Stark
Filner	Lowe	Stupak
Frank (MA)	Maloney	Tanner
Fudge	McDermott	Thompson (MS)
Gonzalez	Meeks (NY)	Towns
Grayson	Melancon	Velázquez
Green, Al	Moore (KS)	Waters
Grijalva	Moore (WI)	Watson
Gutierrez	Nadler (NY)	Watt
Hinche	Napolitano	Ortiz
Hinojosa	Ortiz	Weiner
Hirono	Pastor (AZ)	Woolsey
Honda	Payne	Young (AK)

## NOT VOTING—21

Bachmann	Buyer	Marchant
Barrett (SC)	DeFazio	McMorris
Berry	Delahunt	Rodgers
Boyd	Fallin	Meek (FL)
Brown (SC)	Granger	Miller, Gary
Brown-Waite,	Hastings (FL)	Putnam
Ginny	Inglis	Shuler
Buchanan	Issa	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1753

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Will the gentleman from New York (Mr. RANGEL) kindly appear in the well.

By its adoption of House Resolution 1737, the House has resolved—that Representative CHARLES B. RANGEL of New York be censured; that Representative CHARLES B. RANGEL forthwith present himself in the well of the House for the pronouncement of censure; that Representative CHARLES B. RANGEL be censured with the public reading of this resolution by the Speaker; and that Representative RANGEL pay restitution to the appropriate taxing authorities or the U.S. Treasury for any unpaid estimated taxes outlined in Exhibit 066 on income received from his property in the Dominican Republic and provide proof of payment to the Committee.

IN RESPONSE TO ADOPTION OF  
HOUSE RESOLUTION 1737

(Mr. RANGEL asked and was given permission to address the House for 1 minute.)

Mr. RANGEL. I fully recognize that constitutionally this body has the full jurisdiction to determine the conduct of one of its Members. My predecessor suffered because they didn't allow him to be a Member before they decided that he should be expelled. But notwithstanding that, we do know that we are a political body; and even though it is painful to accept this vote, I am fully aware that this vote reflects perhaps the thinking not just of the Members but the political tide and the constituency of this body.

Having said that and having my opportunity to do what I wanted to do initially, and, that is, to make certain that this body and this country would know that at no time has it ever entered my mind to enrich myself or to do violence to the honesty that's expected of all of us in this House. I think that has been proven, and that has been what I have been asking for. That's why I have admitted to mistakes and was prepared to do what I have done.

I understand that this is a new criteria and a breakthrough in order to teach somebody a higher lesson than those that in the past have done far more harm to the reputation of this body than I. But I just would want all of you to know that, in my heart, I truly feel good. It's not all the commitments that I made to God in 1950. A lot of it has to do with the fact that I know in my heart that I am not going to be judged by this Congress, but I am going to be judged by my life, my activities, my contributions to society. I just apologize for the awkward position that some of you are in. But at the end of the day, as I started off saying, compared to where I've been, I haven't had a bad day since. Thank you.

SUPPORTING AMERICAN DIABETES  
MONTH

The SPEAKER pro tempore (Mrs. KIRKPATRICK of Arizona). The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1690) supporting the observance of American Diabetes Month, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1800

COMMERCIAL ADVERTISEMENT  
LOUDNESS MITIGATION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 2847) to regulate the volume of audio on commercials.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ESHOO) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## COMMENDING THE NATO SCHOOL

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 527) commending the NATO School for its critical support of North Atlantic Treaty Organization (NATO) efforts to promote global peace, stability, and security, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

COMMENDING THE MARSHALL  
CENTER

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 528) commending the George C. Marshall European Center for Security Studies for its efforts to promote peace, stability and security throughout North America, Europe, and Eurasia.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL HOME-  
LESS PERSONS' MEMORIAL DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 325) supporting the goals and ideals of National Homeless Persons' Memorial Day.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. PETERS) that the House suspend the rules and agree to the concurrent resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.