

electronic vote will be conducted as a 5-minute vote.

MEDICARE AND MEDICAID EXTENDERS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendments to the bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. STARK) that the House suspend the rules and concur in the Senate amendments.

The vote was taken by electronic device, and there were—yeas 409, nays 2, not voting 22, as follows:

[Roll No. 626]

YEAS—409

Ackerman	Castle	Foxx
Aderholt	Castor (FL)	Frank (MA)
Adler (NJ)	Chaffetz	Franks (AZ)
Akin	Chandler	Frelinghuysen
Alexander	Childers	Fudge
Altmire	Chu	Galleghy
Andrews	Clarke	Garamendi
Arcuri	Clay	Garrett (NJ)
Austria	Cleaver	Gerlach
Baca	Clyburn	Giffords
Bachmann	Coble	Gingrey (GA)
Bachus	Coffman (CO)	Gohmert
Baldwin	Cole	Gonzalez
Barrett (SC)	Conaway	Goodlatte
Barrow	Connolly (VA)	Gordon (TN)
Bartlett	Conyers	Graves (GA)
Barton (TX)	Cooper	Graves (MO)
Bean	Costa	Grayson
Becerra	Costello	Green, Al
Berkley	Courtney	Green, Gene
Berman	Crenshaw	Grijalva
Biggert	Critz	Guthrie
Bilbray	Crowley	Gutierrez
Bilirakis	Cuellar	Hall (NY)
Bishop (GA)	Culberson	Hall (TX)
Bishop (NY)	Cummings	Halvorson
Bishop (UT)	Dahlkemper	Hare
Blackburn	Davis (AL)	Harman
Blumenauer	Davis (CA)	Harper
Boccieri	Davis (IL)	Hastings (FL)
Bonner	Davis (KY)	Hastings (WA)
Bono Mack	Davis (TN)	Heinrich
Boozman	DeFazio	Heller
Boren	DeGette	Hensarling
Boswell	DeLauro	Herger
Boustany	Dent	Herseth Sandlin
Brady (PA)	Deutch	Higgins
Brady (TX)	Diaz-Balart, L.	Hill
Braley (IA)	Diaz-Balart, M.	Himes
Bright	Dicks	Hinchey
Broun (GA)	Dingell	Hinojosa
Brown (SC)	Djou	Hirono
Brown, Corrine	Doggett	Hodes
Brown-Waite,	Donnelly (IN)	Hoekstra
Ginny	Doyle	Holden
Buchanan	Dreier	Holt
Burgess	Driehaus	Honda
Burton (IN)	Duncan	Hoyer
Butterfield	Edwards (MD)	Hunter
Buyer	Edwards (TX)	Inglis
Calvert	Ehlers	Inslee
Camp	Ellison	Israel
Campbell	Ellsworth	Issa
Cantor	Emerson	Jackson (IL)
Cao	Engel	Jackson Lee
Capito	Eshoo	(TX)
Capps	Etheridge	Jenkins
Capuano	Farr	Johnson (GA)
Cardoza	Fattah	Johnson (IL)
Carnahan	Filner	Johnson, E. B.
Carney	Fleming	Johnson, Sam
Carson (IN)	Forbes	Jones
Carter	Fortenberry	Jordan (OH)
Cassidy	Foster	Kagen

Kanjorski	Mollohan	Schauer
Kaptur	Moore (KS)	Schiff
Kennedy	Moore (WI)	Schmidt
Kildee	Moran (VA)	Schock
Kilpatrick (MI)	Murphy (CT)	Schrader
Kilroy	Murphy (NY)	Schwartz
Kind	Murphy, Patrick	Scott (GA)
King (IA)	Murphy, Tim	Scott (VA)
King (NY)	Myrick	Sensenbrenner
Kingston	Nadler (NY)	Serrano
Kirkpatrick (AZ)	Napolitano	Sessions
Kissell	Neal (MA)	Sestak
Klein (FL)	Neugebauer	Shadegg
Kline (MN)	Nunes	Shea-Porter
Kosmas	Nye	Sherman
Kratovil	Oberstar	Shimkus
Kucinich	Obey	Shuster
Lamborn	Olson	Simpson
Lance	Olver	Sires
Langevin	Ortiz	Slaughter
Larsen (WA)	Owens	Smith (NE)
Larson (CT)	Pallone	Smith (NJ)
Latham	Pascarell	Smith (TX)
LaTourette	Pastor (AZ)	Smith (WA)
Latta	Paul	Snyder
Lee (CA)	Paulsen	Space
Lee (NY)	Payne	Speier
Levin	Pence	Spratt
Lewis (CA)	Perlmutter	Stark
Lewis (GA)	Perriello	Stearns
Lipinski	Peters	Stupak
LoBiondo	Peterson	Stutzman
Loeb sack	Petri	Sullivan
Lofgren, Zoe	Pingree (ME)	Sutton
Lowe y	Pitts	Tanner
Lucas	Platts	Taylor
Luetkemeyer	Poe (TX)	Teague
Lujan	Polis (CO)	Terry
Lummis	Pomeroy	Thompson (CA)
Lungren, Daniel	Posey	Thompson (MS)
E.	Price (GA)	Thompson (PA)
Lynch	Price (NC)	Thornberry
Mack	Quigley	Tiaht
Maffei	Rahall	Tiberi
Maloney	Rangel	Tierney
Manzullo	Reed	Titus
Markey (CO)	Rehberg	Tonko
Markey (MA)	Reichert	Towns
Marshall	Reyes	Tsongas
Matheson	Richardson	Turner
Matsui	Rodriguez	Upton
McCarthy (CA)	Roe (TN)	Van Hollen
McCarthy (NY)	Rogers (AL)	Velázquez
McCaul	Rogers (KY)	Visclosky
McCollum	Rogers (MI)	Walden
McCotter	Rohrabacher	Walz
McDermott	Rooney	Wamp
McGovern	Ros-Lehtinen	Wasserman
McHenry	Roskam	Schultz
McIntyre	Ross	Waters
McKeon	Rothman (NJ)	Watt
McMahon	Roybal-Allard	Waxman
McNerney	Royce	Weiner
Meeks (NY)	Ruppersberger	Welch
Melancon	Rush	Westmoreland
Mica	Ryan (OH)	Whitfield
Michaud	Ryan (WI)	Wilson (OH)
Miller (FL)	Salazar	Wilson (SC)
Miller (MI)	Sánchez, Linda	Wittman
Miller (NC)	T.	Wolf
Miller, Gary	Sanchez, Loretta	Woolsey
Miller, George	Sarbanes	Yarmuth
Minnick	Scalise	Young (AK)
Mitchell	Schakowsky	Young (FL)

NAYS—2

NOT VOTING—22

Baird	McClintock	
Berry	Flake	Moran (KS)
Blunt	Granger	Putnam
Boehner	Griffith	Radanovich
Boucher	Linder	Shuler
Boyd	Marchant	Skelton
Cohen	McMorris	Watson
Delahunt	Rodgers	Wu
Fallin	Meek (FL)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1309

Messrs. FRANK of Massachusetts and DAVIS of Tennessee changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GRANGER. Mr. Speaker, on rollcall No. 626 I was absent from the House. Had I been present, I would have voted “yes.”

QUESTION OF PERSONAL PRIVILEGE

Ms. WATERS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentlewoman from California's point of personal privilege.

The gentlewoman from California is recognized for 1 hour.

Ms. WATERS. To the Members, I will only take about 7 or 8 minutes. I know that they are anxious to go home.

On Tuesday, I introduced a privileged resolution that calls for a bipartisan staff force to investigate the disciplinary action taken against two professional staff members of the Ethics Committee. Since then, I have had a chance to speak with dozens of Members regarding concerns about the ethics process and the impact it has on this institution.

Regardless of region or political ideology, they all agreed that we must take every opportunity we can to improve the ethics process and, by extension, increase the faith of the American people in our ability to uphold the highest standards of ethical conduct.

We now have such an opportunity.

There have been press reports of misconduct by the committee attorneys responsible for handling my case, which has been with the committee for almost 1½ years. Although we do not know the circumstances surrounding their conduct nor the disciplinary action taken against them, we can all agree, as Majority Leader HOYER stated last week, that the developments are “troubling.”

To be sure, this issue is of great concern to me. However, after talking to Members, I have confirmed that it is also of great concern to you—my colleagues and friends—because the issue of transparency and fairness in the ethics process is one that transcends any individual.

What is at stake is the integrity of this institution that we all cherish and of which we are privileged to be a part.

If information regarding this matter is not made public, we will continue to see press reports and commentators across the political spectrum publicly criticizing the ethics process. Allow me to read you some of the press quotes on this issue.

“You have ethics issues in the Ethics Committee. These two attorneys are left on the government payroll. We still don't even know why they dismissed them.” This is from “The Willis Report,” Fox Business, 12/1/10.

"Can you imagine, in a court of law, if the prosecutor basically got completely taken off of the case, and suddenly the defense lawyer walked in, and there was somebody new? It's like bells and whistles would go off." This is from "AC 360," which is Anderson Cooper, CNN, 12/1/10.

"I am confident some of the folks on the committee are more political than anything else." That is from someone who has been very critical of me, Melanie Sloan of CREW, quoted in Talking Points Memo, 12/1/10.

"Rarely has the ethics process looked worse." This is by Dana Milbank, Washington Post, 12/4/10.

Unfortunately, if a resolution like the one I noticed passed, its authority, like the authority of the investigation against me, would expire at the end of this Congress, which could come as early as next week. The investigation and report called for by the resolution would have to be completed immediately, which apparently is not feasible now given the calendar.

Many colleagues who share the concerns I have raised about the disciplinary action of the committee are also concerned that a task force established now would have insufficient time to finish its work.

I share that concern and have been working with my colleagues over the last few days to find an alternative that would allow for the exploration of this important topic without further undermining the process by not allowing for adequate time and resources. Because news about the committee's activities just came to light last week, the options seem to be limited.

We all know how a vote on a privileged resolution plays out. The leadership, for reasons which are both practical and political, would use a parliamentary procedure, either a motion to table or a motion to refer, to essentially kill the bill.

This maneuver is not unique to this resolution. It is, as history shows us, seemingly standard practice. Functionally, that would be the end of this particular resolution, and it could have the unintended consequence of suggesting falsely to the public that the House as a whole is not concerned with the integrity of the ethics process.

In fact, during those conversations with colleagues, Members have come alive, and the basic concepts of justice and fairness have permeated every conversation. They have suggested that this issue is one that should be explored willingly, not just by the force of a vote by the whole House, and that parliamentary procedure should not thwart transparency.

Let me note that, while they expressed concern with some of the events that have occurred as related to my case and the implications for the broader institution, Members also indicated they believe that our colleagues who lead the Ethics Committee—ZOE LOFGREN and JO BONNER—fundamentally share our commitment to justice

and fairness despite the circumstances which have led us here today.

This is a view that I share as well.

Although the committee is built on secrecy and confidentiality, it should have the ability to be flexible and provide transparency in extraordinary circumstances. This is one such extraordinary circumstance when the House as a whole and the public need the committee to reveal information so we can have confidence in the process.

Those who know me know that I am aggressive by nature and philosophy. I believe that it is important that we be relentless about our constant search for truth and justice.

But here, upon the advice of my colleagues whom I trust and admire, I am not pushing for a vote on this resolution today. In doing so, however, I am requesting that the committee set the record straight, on its own accord, in a bipartisan manner, with a joint statement signed by the chair and ranking member, as provided by its rules, which both protects the confidentiality required by the committee and respects the public's and this body's right to know the circumstances of the events that led to the discipline of the two attorneys leading the case against me.

Today, I will again notice the House with my privileged resolution. I am hopeful it will not be necessary to take it up, because the Ethics Committee will, indeed, set the record straight.

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

ACCESS TO CRIMINAL HISTORY RECORDS FOR STATE SENTENCING COMMISSIONS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6412) to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POLIS. 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 371, nays 1, not voting 61, as follows:

[Roll No. 627]

YEAS—371

Ackerman	Austria	Barton (TX)	Bilirakis	Garrett (NJ)	Marshall
Aderholt	Bachmann	Bean	Bishop (GA)	Gerlach	Matheson
Adler (NJ)	Baird	Becerra	Bishop (NY)	Giffords	Matsui
Akin	Baldwin	Berkley	Bishop (UT)	Gingrey (GA)	McCarthy (CA)
Alexander	Barrett (SC)	Berman	Blackburn	Gohmert	McCarthy (NY)
Altmire	Barrow	Biggert	Blumenauer	Gonzalez	McCaul
Andrews	Bartlett	Bilbray	Bocieri	Goodlatte	McClintock
			Boehner	Gordon (TN)	McCollum
			Bonner	Graves (GA)	McCotter
			Bono Mack	Grayson	McDermott
			Boozman	Green, Al	McGovern
			Boren	Green, Gene	McHenry
			Boswell	Grijalva	McIntyre
			Boucher	Guthrie	McMahon
			Boustany	Gutierrez	McNerney
			Brady (PA)	Hall (NY)	Meek (FL)
			Brady (TX)	Hall (TX)	Meeks (NY)
			Braley (IA)	Halvorson	Melancon
			Bright	Hare	Mica
			Broun (GA)	Harman	Michaud
			Brown (SC)	Harper	Miller (FL)
			Brown, Corrine	Hastings (FL)	Miller (MI)
			Brown-Waite,	Hastings (WA)	Miller (NC)
			Ginny	Heinrich	Minnick
			Buchanan	Heller	Mitchell
			Burgess	Hensarling	Mollohan
			Burton (IN)	Herger	Moore (KS)
			Butterfield	Herseth Sandlin	Moore (WI)
			Calvert	Higgins	Moran (VA)
			Camp	Himes	Murphy (CT)
			Campbell	Hinchey	Murphy (NY)
			Cantor	Hinojosa	Murphy, Patrick
			Cao	Hirono	Murphy, Tim
			Capito	Hodes	Nadler (NY)
			Capps	Hoekstra	Neal (MA)
			Capuano	Holden	Neugebauer
			Carney	Holt	Nunes
			Carson (IN)	Honda	Nye
			Carter	Hoyer	Oberstar
			Cassidy	Hunter	Obey
			Castle	Inglis	Olson
			Castor (FL)	Inslee	Ortiz
			Chaffetz	Israel	Owens
			Chandler	Issa	Pallone
			Childers	Jackson (IL)	Pascarell
			Chu	Jackson Lee	Pastor (AZ)
			Clarke	(TX)	Paulsen
			Clay	Jenkins	Payne
			Clever	Johnson (GA)	Pence
			Cole	Johnson (IL)	Perlmutter
			Conaway	Johnson, E. B.	Perriello
			Conyers	Johnson, Sam	Peterson
			Cooper	Jones	Pitts
			Costa	Jordan (OH)	Platts
			Costello	Kagen	Poe (TX)
			Courtney	Kanjorski	Polis (CO)
			Critz	Kaptur	Pomeroy
			Crowley	Kennedy	Posey
			Cuellar	Kildee	Price (GA)
			Culberson	Kilpatrick (MI)	Price (NC)
			Cummings	Kilroy	Quigley
			Dahlkemper	King (IA)	Rahall
			Davis (AL)	Kingston	Rangel
			Davis (IL)	Kissell	Reed
			Davis (KY)	Klein (FL)	Rehberg
			Davis (TN)	Kline (MN)	Reichert
			DeFazio	Kosmas	Reyes
			Dent	Kratovil	Richardson
			Deutch	Kucinich	Rodriguez
			Diaz-Balart, L.	Lamborn	Roe (TN)
			Diaz-Balart, M.	Lance	Rogers (AL)
			Dicks	Langevin	Rogers (KY)
			Dingell	Larsen (WA)	Rogers (MI)
			Djou	Larson (CT)	Rohrabacher
			Doggett	Latham	Rooney
			Donnelly (IN)	LaTourrette	Ros-Lehtinen
			Doyle	Latta	Roskam
			Dreier	Lee (CA)	Ross
			Duncan	Lee (NY)	Rothman (NJ)
			Edwards (MD)	Levin	Roybal-Allard
			Edwards (TX)	Lewis (CA)	Royce
			Ehlers	Lewis (GA)	Ruppersberger
			Ellison	Lipinski	Rush
			Emerson	LoBiondo	Ryan (OH)
			Engel	Loebuck	Ryan (WI)
			Eshoo	Lofgren, Zoe	Salazar
			Etheridge	Lowey	Sanchez, Linda
			Farr	Lucas	T.
			Fattah	Luetkemeyer	Sanchez, Loretta
			Filner	Lujan	Scalise
			Fleming	Lummis	Schakowsky
			Forbes	Lungren, Daniel	Schauer
			Fortenberry	E.	Schiff
			Foster	Lynch	Schock
			Fox	Mack	Schrader
			Frank (MA)	Maffei	Schwartz
			Franks (AZ)	Maloney	Scott (VA)
			Frelinghuysen	Manzullo	Sensenbrenner
			Garamendi	Markey (MA)	Serrano