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(Original Signature of Member)

110TH CONGRESS
2D SESSION

H. RES.

Raising a question of the privileges of the House.

IN THE HOUSE OF REPRESENTATIVES

Mr. BOEHNER submitted the following resolution; which was referred to the
Committee on _____

RESOLUTION

Raising a question of the privileges of the House.

Whereas on January 5, 2007, the House of Representatives adopted a rule of the House amending clause 2(a) of rule XX to include that, “A record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.”;

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

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

Whereas on the evening of March 11, 2008, the House debated House Resolution 1031, providing for the adoption of the resolution (H. Res. 895) establishing within the House of Representatives an Office of Congressional Ethics, and for other purposes;

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

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

Whereas on March 11, 2008 the publication The Politico reported, “Republicans, backed by 18 Democrats, thought they had won a parliamentary vote prior to consideration of the new ethics office, a victory that would have derailed [sic] But Speaker Nancy Pelosi (D–Calif.) and the

Democratic leadership held the vote open for 16 minutes beyond the allotted 15-minute deadline, and in that period, convinced several Democrats to switch their votes.” (“New Ethics Office Approved by House After Controversial Quote,” The Politico, March 11, 2008.);

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

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

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

Whereas on March 11, 2008, Roll Call reported, “‘There are still plenty of people trying to keep it from coming to the floor,’ said one Democratic lawmaker, who spoke in advance of the vote on the condition of anonymity, fearing reprisals from party leadership. The Member added that colleagues expressed a ‘lot of unhappiness’, as many acknowledged they would have to vote for the bill once it reached the floor.”;

Whereas the rule provided for no debate or vote on the underlying rule change, merely deeming such change as adopted upon adoption of the special order of business;

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

Whereas that vote was held open for 27 total minutes;

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

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

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

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

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

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

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

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

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

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

1 *Resolved*, That—

2 (1) the House denounces this action in the
3 strongest terms possible, rejects the practices of
4 holding votes open beyond a reasonable period of
5 time for the sole purpose of circumventing the will

1 of the House, and directs the Speaker to take such
2 steps as necessary to prevent any further abuse.

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

6 (3) the Committee on Standards of Official
7 Conduct is directed to investigate without further
8 delay violations of House rules by Speaker Nancy
9 Pelosi and other Members of the Democratic leader-
10 ship and report its findings and recommendations to
11 the House, including a recommendation regarding
12 the appropriate actions for the Speaker's activities;
13 and,

14 (4) The Select Committee to Investigate the
15 Voting Irregularities of August 2, 2007, is hereby
16 directed to investigate and include in the report its
17 findings and resulting recommendations concerning
18 the actions of the Speaker, concerning the time the
19 vote was held open and the changes in votes cast by
20 members, resulting in passage of the previous ques-
21 tion vote to H. Res. 1031 on March 11, 2008.