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110TH CONGRESS
1ST SESSION

H. RES. 428

Raising a question of the privileges of the House.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2007

Mr. ROGERS of Michigan submitted the following resolution; which was laid on the table

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RESOLUTION

Raising a question of the privileges of the House.

Whereas the Code of Official Conduct provides that a Member ''may not condition the inclusion of language to provide funding for a Congressional earmark . . . on any vote cast by another member'';

Whereas Chairman Reyes filed the Report to accompany the bill H.R. 2082, the Intelligence Authorization Act for Fiscal Year 2008;

Whereas the report states that, with respect to the requirements of clause 9 of House Rule XXI, ''The following table provides the list of such provisions included in the bill or report,'' and includes a table of 26 items identifying ''Requesting Member,'' ''Subject,'' and ''Dollar Amount (in Thousands)'';

Whereas the referenced table includes an item denoted as: Requesting Member, Mr. Murtha; Subject, NATIONAL INTELLIGENCE PROGRAM COMMUNITY MANAGEMENT ACCOUNT—National Drug Intelligence Center; Dollar Amount, $23 million;

Whereas the Gentleman from Michigan, Mr. Rogers, offered and voted for a motion to recommit the bill to change the provisions of the aforementioned Murtha earmark during its consideration in the House;

Whereas as a result of Mr. Rogers' motion and vote on the Murtha earmark, the Gentleman from Pennsylvania, Mr. Murtha subsequently threatened to withdraw support for earmarks providing funding for projects located in the Gentleman from Michigan's district;

Whereas on May 17, 2007, in the House Chamber, the Gentleman from Pennsylvania stated, in a loud voice words to the effect, to the Gentleman from Michigan as a result of offering and voting for the motion to recommit, ''I hope you don't have any earmarks in the defense appropriation bill because they are gone and you will not get any earmarks now and forever.'';

Whereas the Gentleman from Michigan responded, in words to the effect, ''this is not the way we do things here and is that supposed to make me afraid of you?'';

Whereas the Gentleman from Pennsylvania raised his voice, pointed his finger and stated, in words to the effect, ''that's the way I do it.'';

Whereas the gentleman from Pennsylvania (Mr. Murtha) is the ninth most senior member of Congress, whose seniority ranks him over 426 of his 433 colleagues in the House;

Whereas the gentleman from Pennsylvania chairs the Appropriations Subcommittee on Defense;

Whereas the gentleman from Pennsylvania (Mr. Murtha), the second-ranking and second longest serving Democrat on the Appropriations Committee, has been described in numerous media accounts as a master of the legislative process and an expert on earmarks; and

Whereas the gentleman from Pennsylvania (Mr. Murtha) has stated that he is a former member of the House Committee on Standards of Official Conduct, whose members are among the most knowledgeable in the House concerning the ethical obligations of Members of Congress: Now, therefore, be it

Resolved, That the Member from Pennsylvania, Mr. Murtha has been guilty of a violation of the Code of Official Conduct and merits the reprimand of the House for the same.

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