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

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

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

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

Mr. SHADEGG. Mr. Speaker, parliamentary inquiry.

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

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

The SPEAKER pro tempore. That is correct.

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

The SPEAKER pro tempore. The minority leader's resolution (H. Res. 1039) was held to present a question of privilege and was considered as such. The will of the House was that it be laid on the table.

Mr. SHADEGG. Further parliamentary inquiry. If it had not been tabled, then it would have been debatable for 1 hour, is that correct?

The SPEAKER pro tempore. The Chair will not answer a hypothetical question. The majority leader's resolution was held to present a question of privilege and was considered as such. The will of the House was that it be laid on the table.

Mr. SHADEGG. Is it not true that earlier this year there have been questions of the privileges of the House where they have not been tabled and they have been debated for an hour?

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

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

The SPEAKER pro tempore. And could be debated.

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

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

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

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

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

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

Mr. SHADEGG. I thank the gentleman.

Mr. WESTMORELAND. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Please state your inquiry.

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

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

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. Please state your inquiry.

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

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

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

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

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

MOTION TO ADJOURN

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

[Roll No. 126]

AYES—14

Campbell (CA)
Carter
Cole (OK)
Hulshof
Johnson (IL)
Lewis (CA)
Lewis (KY)
Linder
Marchant
Regula
Sessions
Shadegg
Sullivan
Whitfield (KY)

NOES—384

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)

Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—31

Abercrombie
Bachus
Baird
Blumenauer
Cardoza
Castor
Cohen
Costello
Cubin
Dicks
Engel
Frank (MA)
Gingrey
Gordon
Hooley
Israel
Johnson (GA)
McCollum (MN)
Miller, George
Oberstar
Pascrell
Peterson (PA)
Rangel
Renzi
Rothman
Rush
Tancredo
Thompson (MS)
Weldon (FL)
Woolsey
Young (AK)

□ 1150

Ms. SHEA-PORTER changed her vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

QUESTION OF PERSONAL PRIVILEGE

Mr. HASTINGS of Washington. Mr. Speaker, pursuant to clause 1 of rule IX, I rise to a question of personal privilege.

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

The gentleman from Washington is recognized for 1 hour.

Mr. HASTINGS of Washington. Thank you, Mr. Speaker.

Mr. Speaker, no one in this House takes more seriously than I do the rules governing confidentiality of matters before the House Ethics Committee.

Each of us privileged to serve on the committee signs an oath pledging not to disclose information related to our work in the committee except as authorized under our committee rules.

During nearly 8 years of service on the Ethics Committee, including 2 years as the chairman, I have never found it necessary to disclose committee documents or any other privileged information. Mr. Speaker, that changed yesterday when it became clear that the Democrat leadership would, indeed, force Members to vote on a proposed independent ethics entity.

You see, I knew, and Chairwoman STEPHANIE TUBBS JONES knew, something that the other Members of this House did not know. Several months ago, we had been advised by the nonpartisan, professional attorneys at the Ethics Committee that they believed the proposed independent ethics entity would infringe upon Members' due process protections under the rules of the House and that it would seriously hamper the Ethics Committee's ability to carry out its important responsibilities.

When the ranking member of the bipartisan task force, Mr. SMITH of Texas, sent a letter asking for our committee's official comments on Representative CAPUANO's proposal, I took his request to Chairwoman TUBBS JONES and asked her to prepare a formal response with me to the ranking member of that task force. I did so because I felt strongly that the proposed entity would so greatly impact the work of the Ethics Committee that it would be irresponsible, Mr. Speaker, irresponsible not to share with task force members our official views of this plan.

Last night, in a Dear Colleague letter to every Member of this House, that was printed in the CONGRESSIONAL RECORD, it was printed in Roll Call, it was printed in other publications, Representative TUBBS JONES has attempted to rewrite the history on this issue.

For reasons that I have trouble fathoming, she now claims, and I quote, Mr. Speaker, ''Both Representative HASTINGS and I agreed that the Ethics Committee could not and should not give advice to the committee charged by House leadership with reviewing the ethics process itself.''

Mr. Speaker, nothing could be further from the truth. I could not possibly have stated more clearly to Mrs. TUBBS JONES my desire to respond fully and jointly to Ranking Member SMITH's request for guidance on how the task force proposal would affect our committee.

Now I recognize the difficulty that she must have explaining to her colleagues why she did not believe that they should be made aware of the concerns expressed by our nonpartisan attorneys on the committee. But, Mr. Speaker, those attorneys don't work for her and they don't work for me. They work for every Member of this House. So, I don't understand, I didn't understand then and I don't understand now, why my distinguished colleague, the gentlelady from Ohio, sought to keep that information from every Member of the House, but she did. And I do not stand by and permit her to call into question my integrity on setting that record straight, as I did so with a letter I sent out to every Member, along with the e-mail of the attorneys on their advice on that issue.

Now, Mr. Speaker, Members should be advised that this is not the first time that I have had to set the record straight following ill-considered public comments by Representative TUBBS JONES. Last June, she issued a press release declaring that the Ethics Committee would empanel an investigative subcommittee into the matter of Representative WILLIAM JEFFERSON. Under the committee's rules, Representative TUBBS JONES had no authority to issue such a statement and lacked the authority to establish such a subcommittee. She not only knew that such an action would require a bipartisan vote of the committee, but she also knew that the committee had never voted on the matter. And she knew, Mr. Speaker, that I had pressed her for months to reestablish the Jefferson subcommittee which had lapsed at the end of the last Congress before it completed its work. And I said so, Mr. Speaker, when she issued that because she did not consult with me and ask me to give permission for her to release that statement. She simply did not do so. So, once again, I cannot fathom her reason for making such an inaccurate and irresponsible statement as I mentioned earlier.

Mr. Speaker, I make no apology to this House for insisting that Members benefit from the advice and counsel of the skilled attorneys at the Ethics Committee before voting on a proposed independent entity. After all, Mr. Speaker, this affects them. I'm a Member, also, of the Rules Committee. And at the Rules Committee 2 weeks ago, when we had testimony on this issue, I expressed my concern then as to what would come of this outside entity.

So, Mr. Speaker, I resent the claim by Representative TUBBS JONES that I have violated the rules of the House and the Ethics Committee in this manner. As she no doubt intended, Representative TUBBS JONES' false allegations have now made their way into the news, bringing further discredit to the House. But most disturbing, Mr. Speaker, is her public threat to use her position as chairman of the House Ethics Committee to bring sanctions against me. Such a threat can only be motivated by a desire to intimidate and embarrass, while distracting attention from her decision to keep every Member of this House from receiving information that I think every Member deserved to have before we voted on that proposal last night.

Mr. Speaker, I think her action in calling into question and impugning my reputation, and what she did last night, is wrong, and I think she failed in her effort of trying to do that.

So I rise today, point of personal privilege, to point out the history of this, and my position, and the reason why I felt that every Member of this House had to have this important information, notwithstanding the fact that we had a very short time frame to even debate the matter at hand.