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PROVIDING FOR CONSIDERATION OF H. RES. 78, PERMITTING DELEGATES AND THE RESIDENT COMMISSIONER TO CAST VOTES IN THE COMMITTEE OF THE WHOLE

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 86 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 86

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 78) amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and on any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate on the resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Kirk of Illinois or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which may not contain instructions.

SEC. 2. During consideration of H. Res. 78 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purposes of debate only, I yield to my friend from California, the distinguished ranking member of the Committee on Rules, Mr. DREIER, 30 minutes; pending which I yield myself such time as I may consume. And during consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, the rule before us provides 1 hour of general debate in the House equally divided and controlled by the chairman and ranking minority member on the Committee on Rules. The rule waives all points of order against consideration of the resolution and provides that the resolution shall be considered as read. The rule makes in order the amendment printed in the Rules report accompanying this resolution, if offered by Representative KIRK of Illinois or his designee. The amendment shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question. The rule also waives all

points of order against consideration of the amendment printed in the report, and contains one motion to recommit, which may not contain instructions. Finally, the rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

Mr. Speaker, let me clearly state that there is no obligation for any Member to offer the amendment. The rule simply allows Mr. KIRK or his designee the option of offering this amendment if they choose to do so.

Also, Mr. Speaker, the Republicans were given the option to offer a substitute, and they declined.

This resolution will amend the House rules and allow the five Delegates who were elected to the House of Representatives to vote in the Committee of the Whole.

The Committee of the Whole is comprised of all Members of the House of Representatives, and is a procedural forum in which the House considers debates and votes on amendments to most of the legislation reported out of committee. After consideration of amendments in the Committee of the Whole, legislation is reported to the floor of the House for final consideration.

As we all know, Mr. Speaker, Delegates and Resident Commissioner have the same powers, rights and responsibilities as full Members of the House, with some exceptions. They cannot vote on the floor in the House or in the Committee of the Whole, they cannot offer a motion to reconsider, and they are not counted for quorum purposes.

Mr. Speaker, this resolution provides certain protections that have been ruled constitutional by Federal courts. Specifically, no Delegate or Resident Commissioner can provide the deciding margin of any amendment considered in the Committee of the Whole. In other words, if the vote in the Committee of the Whole is decided by five or fewer votes, it must be reconsidered immediately by the House of Representatives.

Let me state this clearly for all my colleagues. No Delegate or Resident Commissioner will provide the margin of victory or defeat of any amendment. It is that clear.

Delegates and the Resident Commissioner will not be able to vote on final passage, nor will they be able to vote on procedural motions.

Mr. Speaker, the Delegates and Resident Commissioner represent people who serve in our Armed Forces. Thirty thousand residents of Guam are military personnel. Over 2,400 soldiers from the territories and the District of Columbia are fighting in Iraq and Afghanistan today, wars that this Chamber voted in favor of. American Samoa has the highest per capita casualty rate of any State or territory for the war in Iraq.

We believe that the people who fight and die wearing the uniform of the

United States deserve to have their voices heard in the people's House.

Beyond that, Mr. Speaker, residents of all territories and the District of Columbia pay Social Security taxes, Medicare taxes under FICA. The people living in the territories and the District of Columbia deserve to have a voice in Congress, and their elected representatives, the Delegates and the Resident Commissioner, deserve to have a vote in the Committee of the Whole.

Mr. Speaker, while these voting privileges are in large part symbolic, and I, for one, believe that the District of Columbia, where people actually pay Federal taxes in addition to all the other contributions that they make to this country, deserve to have full voting rights in this Congress, but this is the least, I think, we can do to restore some modicum of representation to these millions of Americans, and I strongly urge my colleagues to support this rule and vote for the resolution.

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

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

I rise to express my appreciation to my very good friend from Massachusetts for yielding me the time and for his effort in getting us to the point where we are.

But, Mr. Speaker, I do rise in very, very strong opposition to not only this rule, but the underlying legislation, H. Res. 78, as well, which, as the gentleman has said very clearly, will authorize the Delegates and the Resident Commissioner to vote on legislation that is on the House floor.

I must confess that I am broadly disappointed in how we have arrived here. I am disappointed that we are here again debating a proposal which is, I truly believe, at its heart, unconstitutional.

While I have the utmost respect for my colleagues from the territories, and from the District of Columbia, if they want to vote in this body, Mr. Speaker, they should begin the statehood process, plain and simple. They should pursue that with great vigor and enthusiasm. And those who are the strongest supporters of it now have a majority in this House, which, I believe, should allow them to proceed with that effort if they so choose.

Now, Mr. Speaker, reasonable people can disagree as to the merits of this proposal. We are going to hear an awful lot this morning. However, I am also disappointed that we find ourselves in a situation where my colleagues at the Rules Committee have, once again, rolled back the transparency that I was very proud to work so diligently on behalf of when I had the privilege to serve as chairman of the committee. First, it was the ability to enforce the rules regarding putting record votes in committee reports. Thrown out the window. Next, rather than following the example that I was privileged to set in the 109th Congress of conducting

actual hearings and markups of rule changes, we find ourselves, Mr. Speaker, without the benefit of hearings with outside witnesses, without a committee report explaining the committee's thinking, without any opportunity for the minority to have its views published as part of the legislative history.

And I understand full well, Mr. Speaker, this, for the average American, is seen as inside baseball stuff. But deliberative democracy is something that is very near and dear to the founding of this country, the very basis on which our Nation was founded. And last night we had a great speech from the President of the United States that was delivered here in which he talked about our goal of working together.

But more than that, Mr. Speaker, I am disappointed about how my colleagues are approaching the most basic tasks of the Rules Committee. The Rules Committee is the all-important committee of the House, the traffic cop through which every major piece of legislation must go before it is considered here on the House floor. With the exception of privileged resolutions and items that we consider under suspension of the rules, what we really do here, and the appropriations process, we have tremendous responsibility. I argue that the Rules Committee is the single most important committee that exists in this institution because of the very, very unique role that we play.

I am so disappointed in how I have seen the basic handling of this committee. Any of you who have had the honor to serve as Chairs of committees know the challenges of crafting an agenda, of building support and moving that support forward. But as chairmen, we have a basic responsibility to maintain those very basic workings of the committee to ensure that Members have the documents that they need to discuss and debate matters that are before them.

Now, I don't want to belabor this, Mr. Speaker, by going through the particulars of yesterday's meeting, but I have to say it is very, very disappointing. Let me just say that my colleagues failed, the majority failed, at the most basic responsibilities, which disappoints me even more.

The last time this body considered, Mr. Speaker, the issue of Delegate voting, it was as part of an opening day rules package. The rule was changed, despite bipartisan opposition. That rule change led the then minority leader, our friend Mr. Michel, to file a lawsuit against the House to stop Delegates from voting on the House floor.

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Well, the courts upheld the rule. They did so only because of the parliamentary sleight of hand which makes the right conferred on our colleagues illusory, illusory at the very best.

Mr. Speaker, 14 years later, this body is made up of 299 Members, 299 Mem-

bers who were not here, never had a chance to vote on this issue before. And as I said, even back then there has never been a hearing, never been a process for us to hear from the scholars who clearly, clearly would spend a great deal of time and energy considering whether or not we should proceed with allowing the people who are not Representatives from States to have a chance to vote on the House floor.

So, Mr. Speaker, this is a very, very bad rule. It is a bad, bad, bad process. And what we witnessed last night in the Rules Committee was one of, if not the greatest, disservice to this institution that I have ever seen, it clearly is up there as one of the most pathetic and sad and disappointing things that I have ever seen.

As I said before, if my colleagues want the Delegates and the Resident Commissioner to enjoy the benefits conferred upon Representatives of the several States, they should encourage efforts to achieve statehood. There is nothing, nothing, Mr. Speaker, to be served by moving this unconstitutional rule any further in the process.

And to the point that was offered by my friend from Massachusetts on this notion of a substitute provided, I was taught very early on when I came to this institution more than a quarter of a century ago that you do not amend a bad bill. There is nothing that can be done in the amendment process that could make this constitutional.

And this notion that we have gone the entire route, the United States Supreme Court has not considered this, Mr. Speaker. I believe that what we are going to do here today, if it in fact succeeds, what we are going to do is we are going to embark on another legal struggle just as we did 14 years ago.

So I urge my colleagues to vote against this rule. And if the rule does prevail, I urge them to vote against the underlying resolution, Mr. Speaker.

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

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

Mr. Speaker, again I would remind my colleagues that the minority was given the opportunity for a substitute and they declined. I would remind my colleagues in the House that the one Member of the minority who came before the Rules Committee and offered an amendment, that amendment has been made in order if he so chooses to offer it.

So I guess, maybe because this is not a closed rule, it does not fit into the Republican talking points today, they are a little bit upset. But the bottom line is that we on the majority side have done our best to try to accommodate the minority.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MCGOVERN. Mr. Speaker, not at this time.

Mr. DREIER. I completely understand.

Mr. MCGOVERN. Mr. Speaker, I am glad the gentleman respects the courtesies of the decorum of the House.

Mr. Speaker, let me also say that it is a little bit difficult for any of us on this side of the aisle to stand here and be lectured about process by the distinguished former chairman of the Rules Committee, to be lectured about transparency, and about how the committee should be run.

I recall being in the committee when the USA PATRIOT Act was brought before the Rules Committee, went through a process of regular order, bipartisan process, and then was rewritten in the Rules Committees without anybody knowing what was going on, and then brought to the floor under a very closed process.

I remember a special interest provision that magically appeared on a conference report after the report was signed and closed. That is not the process that this new Democratic majority wants to be like.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MCGOVERN. I yield 30 seconds to the gentleman from California.

Mr. DREIER. Mr. Speaker, as the gentleman goes through this litany of arguments, I would ask my friend if we ever, ever denied the wishes of a Member who asked that an amendment be withdrawn and gone ahead and made that amendment in order.

Mr. MCGOVERN. I reclaim my time.

Mr. Speaker, I could be here all day, all week, all month and perhaps all year documenting and listing occasion after occasion after occasion where the former majority, I think, broke the rules of this House and did a great disservice to the rules of this House.

We have done our best to accommodate the minority on this rule. They had the opportunity to offer a substitute, they declined. An amendment that was brought before the Rules Committee has been made in order. If they don't want to offer it, they don't have to offer it. In fact, if they don't want it in the rule, we have made the offer that if they want to offer an amendment to strike the Kirk provision, they can offer an amendment on this floor and we will be happy to accept it.

So I think, Mr. Speaker, that this kind of talk of a bad process, and I should also point out just for the record that the Committee on Rules met in the afternoon, Mr. DREIER, not in the evening. Things have changed. We meet in the light of day, not in the middle of the night anymore.

Mr. Speaker, I yield 3½ minutes to the gentleman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of what is a very fair rule, H. Res. 86, to provide for the consideration of H. Res. 78, to amend the rules of the House of Representatives to permit Delegates and the Resident Commissioner to cast votes in the Committee of the Whole.

But I see no reason for any amendment to this very straightforward provision that is simply the right thing to

do. It is a rule that we have asked for in every Congress since I have been here, since the 105th, when the Republicans were in the majority, but have never had a chance to become a part of the rule.

I want to commend and thank my friend and colleague, our majority leader, STENY HOYER, as well as the original cosponsors of the resolution, Majority Whip CLYBURN, Caucus Chair EMANUEL, Vice Chair LARSON, Representative BECERRA and Rules Committee Chairwoman SLAUGHTER. My fellow Delegates and I greatly appreciate their steadfast support for inclusion and full participation of all Americans in our national assembly.

A few minutes ago I took to the floor to express my condolences and that of my constituents and to recognize the service to the family of two members of the Virgin Islands National Guard who were killed along with 10 other soldiers in the crash of a Black Hawk helicopter northeast of Baghdad on Saturday.

I mention this because you will hear a litany of objections from our colleagues on the other side of the aisle to the limited extension of democracy for me and the other Delegates because of constitutional concerns.

This attempt to prevent us from the practice of democracy in this limited way is shameful because my Republican colleagues know well that the proposal the House will be voting on today is constitutional, and that the Federal courts have held that it is.

Why then are they insisting that my fellow Delegates and I not be given the opportunity to participate more fully in the deliberations on legislation on the floor on behalf of our constituents, which is in keeping with our country's spirit of inclusion and democratic ideals?

When my Republican colleagues bring up the question of payment of taxes, they know well that the residents of the territories pay Federal taxes, we pay full Social Security and Medicare payroll taxes like every other American. We also pay the same Federal income taxes as prescribed by the tax laws that are passed here which I cannot vote on.

It is just under the principle of no taxes without representation, which goes back to the founding of our country, Congress allows those taxes to remain in the territory to fulfill Federal responsibilities there.

Moreover, because we get to keep those Federal taxes that we pay, we do not get the full benefit of all Federal programs. In the Medicaid program, for example, we receive less than a quarter of the Federal share of the program that we would receive if we were fully participating in the program.

Mr. Speaker, as a resident of a U.S. territory, my constituents proudly fulfill the ultimate responsibility of citizenship, being called upon to fight and die for our country, but without having a say in choosing who the Commander

in Chief will be or having a representative in Congress with the right to vote on legislation on the floor.

I know this cannot completely correct this under the Constitution, but we can make this small step toward inclusion of all Americans in the democratic process. So I urge a "yes" vote on the rule and a "yes" vote on H. Res. 78.

Mr. DREIER. Mr. Speaker, my distinguished colleague from Miami, Mr. DIAZ-BALART, has just read the appellate court decision on this issue and has spent a great deal of time and effort, and I yield him 3 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. I thank the gentleman.

Mr. Speaker, let me begin by expressing my profound respect for the Delegates in this House, and most especially for their constituents. But above all, I rise, Mr. Speaker, with profound respect for the documents that we all swear to uphold when we are elected, when we take possession of this awesome responsibility, an honor granted to us by our constituents.

I think there can be few parts of the United States Constitution that are clearer when Article I, section 2 state "that the House of Representatives shall be composed of Members chosen every second year by the people of the several States."

Now, when in 1970, as you know Mr. Speaker, before there had been by law and precedent, Delegates of territories had been given some privileges in this House. And then in 1970 there was a clarification of those privileges. The vote was given to Delegates in standing committees in 1970. At that time, when the vote was given to Delegates in standing committees, there was some concern that that may be unconstitutional.

In fact, there was a colloquy on this floor where Congressman B.F. Sisk of California asked future Speaker, then Representative Tom Foley, about that issue. And I would like to read what future Speaker Foley said. "Now, it is very clear that a constitutional amendment would be required to give the Resident Commissioner," and he is speaking about all of the Delegates, "a vote in the Committee of the Whole or the full House."

The point is that the constitutional issue does not touch preliminary advisory votes, which is what standing committee votes are, but only the votes which are cast in the Committee of the Whole or the full House.

Those votes, Mr. Foley said, can be cast only by Members of Congress. Now the appellate court, interestingly enough, and I really find it difficult to believe that it was not appealed to the Supreme Court, because the appellate court said, well, true, but we are not dealing with votes in this rule, we are dealing with a figment of our imagination related to votes because they do not count.

If they do count in the outcome of an amendment, there is an automatic

revote. So they are not really votes. So since they are not really votes, they are not really constitutional. I think that was not a serious, I respectfully say this, ruling by the district court. But obviously this time if it does pass, I would assume that it will go to the Supreme Court where perhaps there will be a more serious ruling.

Mr. MCGOVERN. Mr. Speaker, at this time I yield 3 minutes to the distinguished gentleman from New York, who was actually born in the territory of Puerto Rico, Mr. SERRANO.

(Mr. SERRANO asked and was given permission to revise and extend his remarks.)

Mr. SERRANO. I thank the gentleman. You are right. Perhaps it is that example that I present to you that shows why the system is broken. Because my parents chose to move in 1950 to New York, I am able to be a Member of Congress with full voting rights.

Had I stayed in Puerto Rico, I could only aspire to be a Resident Commissioner, which is fine enough, but without full voting rights. So, question: Since when does residency overpower and overtake citizenship? The 4 million people who live in Puerto Rico, the citizens, American citizens who live in all of the territories, have no way to represent themselves in Congress, have no way to vote for the President of the United States.

At this very moment, dozens of Puerto Ricans are mourned as they have died in the war in Iraq. Yet, their colleagues who will come back will not be able to express themselves in Congress, or express themselves through a Presidential vote in terms of how they feel about that war or about that service.

And so the issue today is simply this: Do you believe that American citizens, American citizens, that has to be repeated, American citizens, who live in territories, not States, have certain rights? I believe they have full rights. If it was up to me they would have full voting representation.

All we are saying today is that those Delegates, these representatives, will have a right to participate on the House floor.

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We don't even go far enough to say that if the vote makes a difference, it stays put; there is a revote.

So what are we really giving them? An opportunity to participate in democracy. How can we be trying to spread democracy throughout the world when we are not willing to spread it right here at home?

Four million citizens live in the Commonwealth of Puerto Rico. Those 4 million could have six or seven Members of Congress if they were a State. The gentleman, rightfully so, says, well, if they want to be a State, they should be a State. There is only one problem with that: The group holding the colony, the American Government, has to initiate that progress, that system, to bring people into the Union.

You can't hold a colony for 108 years, in the case of Puerto Rico, and expect them to tell you at what time they want to be whatever they want to be, because for 108 years you have divided them into three different movements: independence, Commonwealth, statehood.

If we are holding the territory of Puerto Rico, it is our responsibility to say, we are ready to invite you to come in.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would simply say that the gentleman's party is in charge now, and the process of beginning that move is really in your court. It is one that we will be very, very interested to engage in and look at and consider. I think that it would be an absolutely fascinating debate.

Mr. SERRANO. Reclaiming my time, that is a great suggestion. I am sorry that you didn't do it for the last 12 years.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 2 minutes to a very hardworking Member of Congress, our friend from Georgia, Dr. PRICE.

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding on this extremely important issue. I, too, rise with great respect for the individuals who are Delegates and our Resident Commissioner. I also want to make it certain that I state up front that we commend all of the men and women who fight our battle in this war on terror with the recognition and appreciation that those men and women serve in a voluntary capacity, and our hearts and prayers go out to them and their families.

I do want to say, however, Mr. Speaker, that this process is a remarkable abuse of power. I oppose the rule and the underlying bill on the basis of both process and policy, which I believe to be flawed, and also because it is remarkably unconstitutional.

I am oftentimes reminded of the Lewis Carroll book, and sometimes I feel that way: Just because you say it is so doesn't make it so.

Individuals who promote what we are doing right now believe, in fact, that they can just make up rules at a whim. In fact, we are tied by the ultimate document of our Nation, and that is the United States Constitution. It makes it very clear in that Constitution, Article I, section 2, that the House of Representatives shall be composed of Members chosen every second year by the people of the several States. It doesn't say territories, it doesn't say the Delegates of the territories, it doesn't say Resident Commissioner.

I might, indeed, support a move for statehood for any of those entities.

However, this is an unconscionable action. This is a violation of the public trust, and it is a clear abuse of power.

Under this strategy, under this Democrat plot, the majority party could seat anybody, anybody, in the House. Who is next? Who would you like to seat next? Howard Dean? He has a significant constituency. Why not have Howard Dean have a seat in the United States House of Representatives and a vote in the Committee of the Whole?

Mr. Speaker, the American people are disgusted with this level of arrogance and the abuse of power that this demonstrates. I urge my colleagues to defeat this rule and to defeat the underlying bill. We will ultimately see the final defeat of this in the Supreme Court of the United States.

Mr. MCGOVERN. Let me encourage the gentleman from Georgia to read the rule. The Republicans were offered the right for a substitute. They could have had a substitute that null and voided this entire resolution, and they chose not to.

There is an amendment made in order under the rule by the gentleman from Illinois or his designee, which I strongly disagree with, that would essentially gut this entire provision. It would allow no one, with the possible exception of the gentlewoman who represents the District of Columbia, to be able to participate. So the opportunity is there. What the gentleman needs to do is read the rule.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Guam (Ms. BORDALLO).

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, I rise in support of the rule under consideration which, if adopted, will allow this House to openly and fairly debate an issue important to my constituents and to our fellow Americans who reside right here in the shadow of the Capitol dome, the citizens of our Nation's Capital City, and our fellow Americans who reside in the U.S. territories.

I urge a "yes" vote on this rule because it means we can move forward with this important debate. Our participation in the Committee of the Whole, a symbolic vote, in the manner proposed by the amendment to the rules would be consistent with the very foundations of our representative democracy.

This issue is about elected public office for which we, as Members and Delegates alike, take a solemn oath. Like all Members, we, too, solemnly affirm to support and defend the Constitution of the United States and to well and faithfully discharge the duties inherent with that responsibility.

Mr. Speaker, it is in keeping with this oath that I come to the floor today to appeal for support on the rule and the resolution on principle and on the merits of this issue.

This is about representation, the very core of this institution. This is

about a symbolic but meaningful gesture. It is about inclusion. It is about the principle that every American deserves to be represented with a vote in Congress.

This is a step in the right direction. It is not without precedent, and it has survived review by the judicial branch. The history of service by Delegates to Congress from the territories dates back almost to the founding of our country. The noted and well-respected historian Robert Remini, in his excellent history of the House published just last year, notes that one of the most unique features of the House of Representatives under the Constitution is the fact that Delegates from the territories can participate, and have participated, in important debates.

I urge a "yes" vote on this rule in the spirit of this tradition.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 1 minute to a very hardworking Member from Pittsburgh (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, we certainly appreciate and admire all of the citizens of the United States and all those from territories, and they participate in debate here.

One of the things that helps us understand what takes place here, I would like to go back to what happens in Allegheny County where I live in the city of Pittsburgh. We have an Allegheny County Council, and they meet in the city of Pittsburgh regularly, and some members of that council are citizens of the city of Pittsburgh; but their jurisdiction is not the city of Pittsburgh. What would happen if they decided it would be their jurisdiction to vote on issues that affected that city on matters of taxation and other issues that take place? I believe the courts would say that just because you are citizens of this area does not mean that your jurisdiction of your elected body extends to that city, and courts would strike it down.

This is not an issue of whether or not we respect and admire our friends and fellow citizens from these territories. It is the matter of the rules of what our Constitution states and what people can represent and what should be allowed in this body. It concerns me that on the tote boards here of the list of votes, it does not say whether somebody is a full Member or a Delegate. That, I believe, is something that is also going to mislead the American public as to the vote totals here.

But more than anything else, to be able to vote on issues that affect my constituents, whether it is taxation or other issues of representation, it is simply not in our Constitution to have that there, and I urge Members to vote "no" on this.

Mr. MCGOVERN. Mr. Speaker, I yield 6 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), the District of Columbia, a place where there is taxation but not full representation.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding, and for reminding this House of the bottom line.

The delegate vote resolution on the floor will confuse many, anger others, and needlessly divide the people's House about a right to vote settled by the Federal courts 14 years ago.

Mr. Speaker, during the 103rd Congress, I had just finished my freshmen year. When the Democrats were in the majority, I submitted a legal memorandum and requested and obtained the right to vote in the Committee of the Whole for the residents of the District of Columbia.

The House decided to include the other Delegates as well because we normally have all been treated the same. Of course, we had no objection.

The Democrats, however, sent the matter to outside attorneys and experts who confirmed that a Delegate vote would be constitutional, and the House acted.

The Republican minority then sued the House. However, the U.S. District Court for the District of Columbia and the U.S. Court of Appeals both confirmed the constitutionality of the House's action in allowing Delegate voting in the Committee of the Whole, just as Congress had long done in subject matter committees created by the House.

The Republicans took control in the 104th Congress and withdrew the only vote the residents of the District of Columbia have ever had on the floor for more than 200 years.

I say to my friends on the other side of the aisle, there is nothing left to debate about. The courts have now spoken. You had your say. In a debate when the Democrats did it the right way, simply put it in the rules and allowed full debate, you debated then. You took it to the courts. You debated again, and you took it to the Court of Appeals, and you debated it again. If there had to be a debate, it should have been on January 4 when this Congress convened.

But for reasons I have not been able to find, it wasn't in the rules the way it was in the rules when I first got this vote. I want to be clear, this was a breakthrough for the District of Columbia when after my first term, I got this vote. My residents, seeing the first thing trotted out of this House now is not H.R. 328, for 4 years we have tried to get the full vote, but the vote I got 14 years ago, regard this as a setback for the District of Columbia.

This House and the Senate in 2006 authorized the Voting Rights Act of 1965. My friends, the D.C. vote is the Voting Rights Act of 2007, and we will be held accountable to enact this bill.

This is not my fight. The civil rights movement has spent 4 years, 4 years in actions all over America to get support for the full House vote for the District of Columbia. Most Americans expect that a vote for the District of Columbia will be the vote they see come from the House first. They are going to be completely confused.

I ask my colleagues on the other side of the aisle not to allow this needless debate to poison the atmosphere that Tom Davis and I have struggled to create for the last 4 years in a bipartisan bill for the full House vote for the District of Columbia.

The right to vote was taken out of the rules by the Republicans. If the Republicans took it out of the rules, it obviously was an obligation of the Democrats to put it back in. They had no alternative. Why not put it back in the rules? Why are we having to be drawn and quartered as Delegates out here? There are differences being drawn out here. Why is this debate dividing this House and seeking to divide the Delegates? Why is there a debate that divides me from my brothers and sisters who are Delegates? Why have you done this to us?

And don't you take the bait. Please don't take the bait. Respect the Delegates, not just me who pays Federal income taxes, but the other Delegates who fight and die in war disproportionately compared to the rest of us. What has my side done, giving the Republicans a nonissue?

□ 1100

Worse, they have subjected us to controversy and we don't want to be controversial. We want Delegates to be fully respected.

It is heartbreaking for me. This debate is entirely heartbreaking for me. As you know, this vote is not the full vote. That is what is heartbreaking. Look at the calendar. The calendar is empty because the committees are just organizing. Why isn't H.R. 328 the first bill out of the Democratic House? That is what I cannot explain to my constituents. They don't understand this debate. Somebody has got to come to this floor and tell me why I have to plead for the vote that the courts said I was entitled to 14 years ago.

It is time to go where we left off. Mark up at Judiciary Committee and let us get that vote out of here. For goodness sakes, you have got to give this vote to the Delegates. Move on.

The residents of the District of Columbia have been grateful for those Republicans who have supported our full House vote and for Democrats who have done so for so long.

The Delegate vote is unavoidable. Do it, get it done. But it is less than the full vote that the District of Columbia deserves and that you have supported. It does not set the standard have set for yourselves—to have me to come to the floor to ask for a vote that I won 14 years ago. The standard we have to meet is the standard we set for ourselves.

Full voting rights for the District of Columbia.

Mr. DREIER. Mr. Speaker, the very thoughtful remarks of our friend from the District of Columbia underscore the great challenge that we have here on both sides.

Mr. Speaker, I yield 1 minute to my very good friend from Hollidaysburg, Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding.

I rise today with great respect for the Delegates and the Resident Commissioner and all the people that they represent. But I strongly oppose both this rule and the underlying resolution.

The resolution we are considering today is, pure and simple, a power grab. There is no way I can support a resolution that dilutes the rights of the hardworking people of western and central Pennsylvania, and there is no reason they should support representatives that have their rights diluted.

The Democratic scheme tramples on the Constitution and the design of one man, one vote. Article I, section 2 of the Constitution clearly states the House "shall be comprised of Members chosen by the people of the several States." It does not provide full voting privileges for Delegates representing non-State territories.

Plain and simple, this is representation without taxation. This proposal will allow the Democratic Delegates to raise the taxes on the American people, but then they will not have to pay them.

I strongly encourage all members of the Pennsylvania delegation to vote against this resolution and protect the rights of the hardworking people of Pennsylvania.

Mr. MCGOVERN. Mr. Speaker, at this time I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I know that some of our colleagues on the other side of the aisle have seriously challenged the constitutionality of this proposed rule, as it was indicated yesterday by our good friend and colleague from the State of Louisiana and also now reiterated by my good friend from California.

Mr. Speaker, this proposed rule has already gone through the process where 13 of our Republican friends from the other side of the aisle 13 years ago filed a lawsuit in the district court, Federal District Court of the District of Columbia, to challenge the constitutionality of this proposed rule. And what happens? The judge ruled that it was constitutional. Our friends on the other side appealed the case to the Federal Circuit Court of the Court of Appeals of the District of Columbia, and they reaffirmed the decision of the lower court.

So when you talk about the constitutionality of this issue, Mr. Speaker, I submit to my good friends on the other side of the aisle, the constitutionality of this proposed rule is moot. It is a moot issue. We have already discussed this in the court.

Now, if my good friends on the other side of the aisle would like to appeal this case to the Supreme Court, then let us do it. But as far as I can read and with my limited knowledge of constitutional law, Mr. Speaker, this matter has already been settled in the

courts that say this proposed rule is constitutional.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 1 minute to our good friend from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise, sadly, to oppose this unconscionable power grab in which the Democrats, who claimed they have changed, have clearly indicated that they are back. They are up to the old tricks that they tried 12 years ago when they were thrown out of the majority. Here they are again using the Constitution as a political Handiwipe and extending full voting rights to favored rotten boroughs.

Now what is a rotten borough? During the 19th century in Britain, there were municipalities with tiny populations that were given full voting rights, and it took Britain years to get rid of that political inequity.

Today, to these people we are talking about extending voting rights to territories that have a fraction of the population of a congressional district, one territory that has the population roughly of Butler County, Pennsylvania, one of my constituencies; one that has roughly the population of Mercer County, Pennsylvania. And to my good friend from Samoa, and he is a good friend, he represents a constituency with roughly the population of Mill Creek Township in Erie County, Pennsylvania, which I represent. And yet he would be given full voting rights within the Committee of the Whole. That is an outrage.

Democrats once stood for one man, one vote. Today on the floor of the House, they stand for one Samoan, 10 votes.

Vote this down.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 1 minute to the distinguished gentleman from Maryland (Mr. HOYER), our Democratic leader.

Mr. HOYER. Mr. Speaker, I don't know whether the gentleman who just spoke understands the pain that he inflicts, understands the lack of respect that he shows, understands the denial of democracy that he reflects.

I tell the gentleman that my friend who sits behind you, four aisles back, represents seven times as many people as you and I represent, seven times as many people, who, if they move from the island of Puerto Rico to the State of Maryland, the State of Pennsylvania, have full voting rights. But he inflicts on the gentleman from American Samoa and those Samoans who have fought for this country and died and are serving today who have no vote. And for you on your side to represent that this is a power grab, in my opinion, is absolutely unconscionable, in your words, because it is so inaccurate.

Why did the court of appeals rule this to be constitutional? Because it does not diminish any one of the 435 Members in this body. Why? Because this is

symbolism. This is symbolic. The Delegates know it. The Delegates know that this is not full voting rights for them or for the people they represent. But it is an opportunity for them to participate and to reference on the board in the Committee of the Whole their vote, their opinion.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I would be glad to yield to my friend.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman for yielding.

And I just want to say that I do have the utmost respect for my good friend from Pennsylvania, and I am really saddened this day to hear that the small population of the district that I represent doesn't mean anything to my distinguished colleague who had made the statement, alluding to the fact that there are not very many Samoans living in this great Nation of ours. I really am saddened by that notion.

Mr. HOYER. Reclaiming my time, Mr. Speaker, ladies and gentlemen of the House, what we are doing here is we are saying to five people, and I want to say you saw the pain of the representative of the District of Columbia who absolutely ought to have a full vote in this House. I hope that we will address that shortly.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, my friend and classmate. We came together in 1981. I came a little before he did because he came in a special election, Mr. Speaker. He knows that I have the highest regard for him. We have worked very closely in a bipartisan way on a number of issues, and one of the things I was most proud of over the past several years was that my friend carried in his breast pocket quotes of mine on things that I said what we were in the minority about, the need for greater deliberation.

We considered, as my friend knows, a very noncontroversial issue, that being the extension of suspension days from Monday and Tuesday to Wednesday. We did that 3 years ago, a little over 3 years ago, and it had very little controversy to it. We began a very deliberative process. We had a hearing on that. Again, there wasn't much controversy.

And now I am going to take this opportunity to extend the quote of my friend, if he will indulge me, when he, on June 23 of 2003, at our Rules hearing on this said: "The lack of free and fair debate on such important matters is an embarrassment to the Members who are privileged to serve. It demeans the House, it cheats the American people, and it offends our democratic traditions. Unfortunately, tactics designed to shut down debate are not an aberration; they are becoming the norm."

And, Mr. Speaker, all I would say to my friend is that the sort of unpleasant

debate that we are witnessing right now underscores the fact that moving through the procedure that we have to the House floor without a single committee hearing, without the input of scholars who might talk about the impact on this institution, on the American people, on the rights of American citizens, is something that we should consider. And that is the concern that we have. And I believe what we should do is withdraw this measure from the floor and go through regular order.

I simply offered, as the ranking minority member now of the committee, an amendment in the rule that would simply say that if I could offer, as the ranking member, the committee of jurisdiction, a germane amendment, I would like to have a chance to do that. And I was voted down in that quest.

Let us do proceed with what the gentleman has argued passionately for. He and I are both institutionalists, Mr. Speaker. Let us do allow the kind of deliberation that is essential to consideration of such an important issue.

Mr. MCGOVERN. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to my friend.

Mr. MCGOVERN. Mr. Speaker, I just want to clarify for the record that the Rules Committee did offer the Republicans a substitute, which they declined. The amendment that was brought before the Rules Committee was made in order.

And I also would like to say, Mr. Speaker, in response to my friend, Mr. ENGLISH, that there are 58 million Americans who pay no income tax in this country, just payroll tax. I hope the gentleman is not suggesting that those people shouldn't have a right to vote.

Mr. HOYER. Mr. Speaker, reclaiming my time, and we are running out of time, I want to say that when I yielded, I was talking about symbolism. All of us believe that symbolism is very important. Our flag is a great symbol. Samoans have died for that flag. Residents of the District of Columbia have died for that flag. Residents of the Virgin Islands have died for that flag. Residents of Guam have died for that flag. And many, many residents of Puerto Rico have died for that flag.

Yes, this is symbolic, which is why the courts said it was appropriate, because it does not constitutionally diminish the vote of any one of the 435 Members of this body one iota. Why? Because if their votes make a difference, we automatically have a vote of the 435 of us. That is why the courts said this is absolutely constitutional.

It is not enough, what we do today. But it would be tragic if we do not do at least this basic step to recognize the inclusion of those who serve with us, who can speak with us, who can vote in committee across the street or in this building, but who have had their vote in the Committee of the Whole taken away from them when the Republicans took power in 1995.

□ 1115

Let us restore that vote today. Vote for this rule, which is a fair rule. And I say to my friend who quoted my comments, you were accorded a right to a substitute. You chose not to take it. You were accorded the right to an amendment. You now want to withdraw that. I will tell you that, on our side, if you want to withdraw that amendment by unanimous consent, we will not object. But my understanding is you don't want to make that request.

Mr. DREIER. Will the gentleman yield?

Mr. HOYER. We have given you that amendment.

My time is up. The last time you asked me to yield, you gave a speech. And that is fine, but you are going to do it on your time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply say to my friend that we are clearly in a position where upstairs we had said that we did not believe we should amend a bad bill. But at the same time, I simply made the request for, as the ranking minority member, the right to have a germane amendment if we so chose. And that was, in fact, denied us on a party-line vote that we had in the House.

Mr. Speaker, at this time I am very happy to yield a minute to my good friend from Allentown, Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I, too, today rise in opposition to this rule and the underlying legislation. In this bill, the Delegates and the Resident Commissioner will be allowed to vote on proceedings in the Committee of the Whole; but if their vote is decisive, then there must be a revote in the full House without the participation of these Delegates. In other words, the bill says that your vote counts except when it doesn't count. And when it really, really counts, that is when it will make a difference in the outcome of the proceedings, it turns out that your vote doesn't count at all.

This kind of absurdity might be appropriate in the drama of Beckett or Ionesco, but it has no place in the making of American law.

And I do want to address the issue, too. In the last session I supported the Tom Davis-Holmes Norton bill to help deal with the issue of the District of Columbia's voting rights. I agree with that. I support that legislation, and we should take up that legislation. We shouldn't do it through this rule.

Also, with respect to self-determination in Puerto Rico, we have been supportive of Mr. FORTUÑO and his effort to allow for self-determination of the island where people have a choice to make: independence, territorial status, or statehood. Let that process take its course. This is not the way to go. I oppose the rule and the underlying legislation.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Might I say, Mr. Speaker, it is a joy to see you in the chair, and I thank the member of the majority Rules Committee and the Rules Committee and a number of my colleagues.

And might I just remind my colleagues that we had some 10 years for the Members on the other side of the aisle to make good on a constitutional promise.

It should be noted that this very rule and its format has been affirmed on constitutional grounds. It was utilized by majority vote in the 103th Congress without one incident except three revotes.

The idea and concept is to again inform America that we believe in one vote, one person. I know historically the complete insult to being considered less than one vote. Slaves were characterized historically as less than one person. And so this particular legislation is a making of the whole of individuals who pay taxes, Federal taxes, Social Security, Medicare taxes, and individuals who we know, Mr. Speaker, have been on the front lines of Iraq, Afghanistan, and every single war.

And so to the American Samoa, to the District of Columbia, to the Virgin Islands, and to the District of Columbia along with Puerto Rico and the Commissioner, the argument for self-rule or however Puerto Rico will ultimately be designed is not the argument here today. The argument here today is to allow the constituents, some 4.4 million, represented by Commissioners and Delegates to have a constitutional right to vote. There is no way that this Congress, this Democratic Congress under the leadership of Speaker PELOSI and the leadership team, can reject the right for Americans to vote or those who are in many instances citizens.

And so, Mr. Speaker, I support the rule and the underlying bill, and would ask us to uphold the Constitution by voting today to allow those who have the right to vote to express their vote.

Mr. Speaker, I rise today in support of H. Res. 78, which would amend the rules of the House of Representatives to permit Delegates from the District of Columbia, Guam, the Virgin Islands, American Samoa, and the Resident Commissioner of Puerto Rico to cast votes in the Committee of the Whole upon the State of the Union.

I support H.R. 78 because restoring to the Delegates and the Resident Commissioner the right to vote in the Committee of the Whole is an act of simple justice long overdue. Indeed, Mr. Speaker, H.R. 78 merely restores the practice that prevailed in this House during the 103rd Congress. When the Republicans won control of this chamber in 1994, one of their first acts was to strip elected Delegates and the Resident Commissioner of Puerto Rico of their right to vote in the Committee of the Whole.

Let me point out at the outset, Mr. Speaker, that the rule we seek to restore today was rescinded by the Republican controlled 104th

Congress, and prohibited by each succeeding Congress through the 110th not because the rule is unconstitutional or illegal but because for apparently partisan reasons. Four of the five Members directly affected by the rule are members of the Democratic Caucus.

But the fact is, Mr. Speaker, the authority of this House to confer voting rights in the Committee of the Whole upon elected Delegates and the Resident Commissioner of Puerto has been squarely addressed and upheld by the Federal courts.

When the House adopted a similar rule during the 103d Congress, Republican opponents immediately brought action in federal court challenging the constitutionality of the rule on the ground that it vested legislative power in persons who were not elected to represent citizens of any of the several States. In March 1993, the United States District Court for the District of Columbia upheld the rules change on the ground that the Delegate votes was structured so that Delegate votes in the Committee of the Whole were symbolic in nature and thus did not affect the final ultimate outcome of any vote. *Michaels v. Anderson*, 817 F. Supp. 126 (D.D.C. 1993), *aff'd*, 109 F.3d 623 (1994). For this reason, the court held that the rule did not unconstitutionally confer legislative power upon Delegates.

In affirming the district court, the Court of Appeals for the District of Columbia held that the additional authority conferred on Delegates by the rule change was "largely symbolic" and "not significantly greater than that which they enjoy serving and voting on the standing committees." *Id.* Nor was the court persuaded by the argument raised by opponents below that the rule change had the symbolic effect of granting Delegates higher status and greater prestige in their home districts. In rejecting the claim, the court noted that because of the savings clause contained in the rule, the claimed harm was "unproven, remote, and speculative" and of no unconstitutional moment. Simply put, the court held that the rule "was not unconstitutional as the delegation of an improper exercise of legislative power."

Moreover, Mr. Speaker, the Supreme Court has long held and it is now settled that the Congress has broad authority to take action with respect to the territories and the District of Columbia. See *Sere & Lralde v. Pilot*, 10 U.S. 332, 336-37 (1810); *Murphy v. Ramsey*, 114 U.S. 15, 44 (1885); *Binns v. U.S.*, 194 U.S. 486 (1885).

Mr. Speaker, our Nation's Capital of the District of Columbia, the United States territories of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands, all play an important role in this great Nation. They serve in our military. They are fighting for us right now in Iraq and Afghanistan. They are making and have made the ultimate sacrifice to protect and defend this Nation.

Mr. Speaker, more than 30,000 residents of Guam are on active duty in the Armed Forces of the United States. That is nearly 20 percent of the population of the territory. No other congressional district or State comes close to matching this measure of devotion. Approximately 2,500 soldiers from the District of Columbia and the territories are currently serving in Iraq and Afghanistan today. And American Samoa has the highest per capita rate of any State or territory in the Iraq war. The Iraq war

death rate per 1 million people in the population is almost as high for American Samoa as for the 10 highest States combined.

Sadly also, Mr. Speaker, the Nation lost 19 brave soldiers this past Saturday when the helicopter they were riding was shot down by insurgents. Two of the heroes who made this supreme sacrifice for their country were residents of the Virgin Islands.

Mr. Speaker, if a person can be called upon to pay Federal taxes and serve in the Armed Forces of the United States, then he or she should at least have the opportunity to vote for a Representative who could at least cast a symbolic vote in this Chamber on critical matters facing our Nation—issues like war and peace, equality and justice.

Mr. Speaker, taxation without representation is tyranny. In the aggregate, nearly 5 million persons residing in the District of Columbia, Guam, the Virgin Islands, American Samoa, and Puerto Rico are wrongly, and I say unconscionably, being denied a vote—and therefore denied a voice—in the most important legislative body in the world and making a mockery of our commitment to democracy and equal justice.

As a supporter of freedom, democracy, and equality, I believe that it is long overdue for the citizens of the District of Columbia to have a Representative in Congress who can vote on the vital legislation considered in this body.

It is wrong, Mr. Speaker, that the citizens of the District of Columbia, who after all pay taxes to the United States, serve in the Armed Forces, and are subject to the laws and jurisdiction of the United States, are denied a vote in the body that imposes those taxes, raises and maintains the Armed Forces, and makes the laws that each of us must obey.

License plates in the District of Columbia remind us of their ongoing struggle for a proper voice in this Federal Government, reading: "Taxation without representation." The people in Boston felt so strongly about this in 1775 that they rebelled in Boston Harbor, launching the "Boston Tea Party."

This principle is no less vital today. We must not deny the territories of Puerto Rico, American Samoa, Guam, the Virgin Islands, and the Northern Mariana Islands the right to have a vote in Congress. Doing so denies their important relationships with our Nation and contributions to our economy.

Mr. Speaker, I commend the gentleman from Maryland, Mr. HOYER, for introducing H. Res. 78, which honors and vindicates the residents of the District of Columbia and the territories. Not only do we appreciate their military service and tax receipts, we value their views and opinion in the halls of Congress.

I urge my colleagues to support H. Res. 78. But let us not stop there. I hope all Members will support H.R. 328, the D.C. Fair and Equal Voting Rights Act, which will give full voting rights in the House to the nearly 600,000 citizens of the District of Columbia.

Mr. DREIER. Mr. Speaker, I am very pleased to yield 2 minutes to a former member of the Rules Committee, we miss him greatly upstairs, our good friend from Marietta, Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank my former chairman on the Rules Committee for the time. And I rise in opposition to this rule and the underlying resolution, with some degree of sad-

ness, because I certainly have great, great respect for the representatives of the territories and the District of Columbia. They are sitting here on the floor and speaking, and they are great Members. But I have to oppose this because I think that indeed, Mr. Speaker, it will be ruled unconstitutional in the final analysis.

And I know that the Democratic majority in the first 2 weeks, in the 100 hours, with the Six for '06 legislative agenda, the bumper sticker issues that were poll-tested; if you took an issue like this and you said to the American people, We are about to grant voting rights to the members from the territories that do not pay Federal income taxes, and these votes can raise your taxes, and they don't pay Federal income taxes, I think that the poll on that would be at least 90 percent in opposition. So if you are going to do things on a poll-driven agenda, you would not be doing this.

I think that it may end up being a moot point, Mr. Speaker, because voting in the Committee of the Whole, giving the Members that right, it may never occur. It may be a moot point, because with these closed rules and no regular order, there may never be any votes in the Committee of the Whole.

So I regrettably rise to oppose this. I think it is absolutely wrong. But I have great respect for my colleagues from the territories and the District of Columbia.

Mr. MCGOVERN. Mr. Speaker, I want to ask unanimous consent to have inserted in the RECORD a letter that was sent to the Rules Committee signed by Mr. FALEOMAVAEGA, Mr. FORTUÑO, Ms. ELEANOR HOLMES NORTON, Mrs. CHRISTENSEN, and Ms. BORDALLO in support of the underlying bill.

And let me remind my colleague from Georgia, this is not a closed rule. If he wants a closed rule, he has the right to amend it.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, I just wanted to appreciate the gentleman for placing items in the RECORD. I would point out that the majority leader has stated that the Republicans have described this as a power grab. In fact, the New York Times, the Chicago Tribune, The Washington Post, and USA Today describe it as a power grab.

Mr. Speaker, I withdraw my reservation.

Mr. MCGOVERN. What is the gentleman's objection?

The SPEAKER pro tempore. The gentleman reserved the right to object and has now withdrawn his reservation.

Without objection, the item will be placed in the RECORD.

There was no objection.

CONGRESS OF THE UNITED STATES

Washington, DC, January 22, 2007.

Hon. LOUISE MCINTOSH SLAUGHTER,
Chairwoman, Committee on Rules, Washington, DC.

Hon. DAVID DREIER,
Ranking Republican Member, Committee on Rules, Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER AND RANKING MEMBER DREIER: We write to respectfully request your support for H. Res. 78, which has been introduced by our colleague from Maryland and the distinguished Majority Leader, the Hon. Steny Hoyer, to amend the Rules of the House of Representatives to afford us the opportunity to cast votes in the Committee of the Whole House on the state of the Union. We represent the District of Columbia, Puerto Rico, American Samoa, Guam and the U.S. Virgin Islands, and this rules change will have symbolic importance for us as Delegates and for our constituents.

We recognize this proposal as consistent with the provision that was provided for this same purpose within the Rules of the House of Representatives for the 103rd Congress. We further recognize this proposal to be within the Constitutionally-tested limits. H. Res. 78 would grant us meaningful participation in the legislative process along with our participation in standing committees. We hope that you will support H. Res. 78 and that you will favorably report this amendment to the Rules of the House of Representatives for the House to consider. Thank you for your consideration of our views.

Sincerely,

ENI F.H. FALEOMAVAEGA,
Member of Congress.
ELEANOR HOLMES NORTON,
Member of Congress.
LUIS G. FORTUÑO,
Member of Congress.
DONNA M. CHRISTENSEN,
Member of Congress.
MADELEINE Z. BORDALLO,
Member of Congress.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from California has 1½ minutes; the gentleman from Massachusetts has 3 minutes.

Mr. MCGOVERN. Mr. Speaker, I will let the gentleman proceed.

Mr. DREIER. Mr. Speaker, at this point, I am very, very pleased to yield 3 minutes to the distinguished Resident Commissioner from Puerto Rico, our good friend Mr. FORTUÑO.

(Mr. FORTUÑO asked and was given permission to revise and extend his remarks.)

Mr. FORTUÑO. Mr. Speaker, as the only Republican afforded a vote by House Resolution 78, I rise to thank my distinguished colleague from Maryland, Majority Leader HOYER, for introducing this resolution granting the five representatives of the nonstate areas of our Nation voting representation in the Committee of the Whole, but, perhaps even more importantly, for opening up the discussion of the status of the U.S. possessions and territories. That is what is going on here today.

I also rise to urge my colleagues who can exercise their right to vote on this amendment to the rules to give the representatives in the House from the District of Columbia, Virgin Islands, American Samoa, Guam, and Puerto

Rico the only meaningful representation we can provide our constituents in the House of Representatives. However, I do this with some reluctance since I share some legal concerns as well as fervor, because this proposed representation will be so limited: A vote on amendments to bills in the Committee of the Whole with a revote in the event that our votes become decisive.

What the House really needs to do for the almost 4 million U.S. citizens that I represent before the Senate, the executive branch, as well as this House is to authorize a process of self-determination for Puerto Rico. Puerto Rico has been a U.S. territory since 1898, and we still remain disenfranchised. Puerto Rican Americans have been citizens since 1917, and we have served with distinction and honor in our Armed Forces and have defended our Nation in every battlefield around the world. Actually, as we speak, we have lost 54 of our constituents so far in the gulf war on terrorism.

What my constituents really deserve is the opportunity to seek equal representation and equal responsibilities in the Federal system or, alternatively, the freedom of a sovereign nation, even though the latter option has very little support among my constituents.

I am pleased that 110 of my colleagues in the last Congress agreed, including leaders on both sides of the aisle, such as the distinguished majority leader, Mr. HOYER, to cosponsor the Puerto Rico Democracy Act. I am also heartened that the chairman of the committee of jurisdiction, the gentleman from West Virginia (Mr. RAHALL) and the ranking minority member, the gentleman from Alaska (Mr. YOUNG) have indicated that legislation for this purpose is a priority this year.

The question now, however, is whether to give all the territories and the District of Columbia as much representation for our constituents that my four nonstate colleagues and I can constitutionally provide: A vote in the Committee of the Whole that will not be decisive on the amendments. Together, the five of us represent 4.9 million U.S. citizens, Americans who fight and die for the United States every single day. I respectfully request that they deserve this representation, limited as it may be, until our status situation is fully addressed, as I hope it will be fully addressed in the near future.

Mr. DREIER. Mr. Speaker, I would inquire of the gentleman from Massachusetts how many speakers he has remaining.

Mr. MCGOVERN. I am it.

Mr. DREIER. Mr. Speaker, then I will yield myself the balance of the time.

Mr. Speaker, this has been a very, very sad debate. It has been a sad debate because of the lack of deliberation and the lack of the consideration.

The issue is, at best, controversial. I listened to the remarks of my very good friend, who, as I just told her,

spends more time representing me now that we have this 5-day workweek than I do myself as a Californian because we spend so much time in the District of Columbia. Her remarks go right to the point of concern that we have raised about this process and why we are where we are at this juncture.

As I look at the other Delegates, and we have just heard from the Resident Commissioner, we obviously have the utmost respect for them, their service, and the great representation that they provide. And, over and above that, the issue that everyone has mentioned since the focal point of the State of the Union address delivered here by the President last night is that, as we prosecute this global war on terror, it is essential that we respect and revere every single life that has been lost in that struggle. And we know that there are many people who have come from the District of Columbia and from the other territories who have paid the ultimate price, and we are in debt to them for that.

But, Mr. Speaker, the thing that is very troubling to me is that we are at this point, without having ever given any kind of committee hearing, without any discussion or debate, and with a process upstairs that I think my colleagues on the other side of the aisle will acknowledge was really a great travesty and an injustice.

I want to express my appreciation to Mr. MCGOVERN. Mr. Speaker, Mr. MCGOVERN, when we were considering this rule upstairs, did make a good-faith effort in trying to offer a proposed compromise to this rule, and unfortunately he was denied the chance to do that.

□ 1130

As we look at the issue before us, many of us are troubled about the constitutionality of this, and our friends have basically just on the other side of the aisle discussed the court decision on this issue, Mr. Speaker, by saying what was stated by the circuit court. They used the word "meaningless" to describe this vote, and it was true, as I said, legerdemain, legislative sleight of hand, that they were able to at this juncture move through those two courts as they did with this measure.

But, Mr. Speaker, my plea to my very good friends and colleagues in the majority is simply let us go through the process of deliberation. Let us go through committee hearings. Let us hear from those very thoughtful scholars who so often testified before the Rules Committee in the past on a wide range of issues that we considered, and then after we go through that deliberative process, this process of democracy which we all hold near and dear, then I believe we could have a proposal that we could bring to the floor, if possible, to consider this measure.

Mr. Speaker, as I said, I am very, very, very disappointed at the way this whole issue has been handled, and frankly, as my friend from Marietta

said earlier, all of the closed rules that we have had on these measures that were brought before us, we were told that when we got beyond the Six for 2006, that things were going to be much different.

A professor at my alma mater, Claremont McKenna College, wrote in the Orange County Register yesterday that that is like saying, I will respect you in the morning.

Mr. Speaker, we have seen a continuation of a clamp-down of deliberative democracy, and what we are faced with here at this moment, offer of a substitute aside, has denied the deliberation that this very important issue deserves.

So, Mr. Speaker, I urge my colleagues to oppose this rule, and if by chance the rule does pass, I urge strong opposition to the underlying resolution.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, let me restate what I said earlier: This rule allows for consideration of the only amendment offered in the Rules Committee yesterday. We also offered the minority the opportunity for a substitute, which they declined. If this bill is so awful, they could have introduced a substitute to null and void it. Indeed, the amendment that is made in order practically null and voids this entire bill. As someone who has been around for a few years, I do not think I have ever heard so many complaints about a rule that makes in order every single amendment offered in the Rules Committee.

But, Mr. Speaker, let me say, the old days are over. I could stand on this floor all day and cite a list of abuses by the former majority. Instead, let me focus on how this Democratic majority has chosen to operate.

For the last few weeks, we have heard complaint after complaint that the Republicans were not allowed to offer amendments on our Six for '06 agenda. Now the gentleman from California and others are complaining that we are allowing a Republican amendment. I have got a case of whiplash.

Mr. Speaker, I am afraid that by allowing the other side of the aisle to offer amendments and offer a substitute, we have messed up their talking points.

Mr. KIRK from Illinois came before the Rules Committee with a thoughtful amendment, offered in good faith. I happened to disagree very strongly with the substance of his amendment, but I support his right to offer it, debate it and get an up-or-down vote in this House. Indeed, I would urge my colleagues to go to the Rules Committee and to read the testimony of Mr. KIRK and also the statements by members of the Rules Committee, Republican members, who urged that this amendment be made in order. This was

a hearing, I would remind my colleagues, that happened in the light of day, not in the middle of the night.

Let me also remind my colleague there is no obligation for the gentleman from Illinois or anybody else to offer the amendment if they choose not to. It is up to them. Indeed, they could offer an amendment to strike this amendment from the rule if they want and have a closed rule, which they have become accustomed to under their leadership.

What we are allowing, Mr. Speaker, is for the Delegates and the Resident Commissioner to the House of Representatives to have a symbolic vote that will not count if they are the deciding margin of victory or defeat of any amendment. We are allowing for the possible consideration of an amendment. If the sponsor Member decides to offer the amendment to this resolution, he can offer it, or his designee. Finally, we are protecting that amendment from all points of order.

Let me close, Mr. Speaker, by addressing the rank-and-file Members on the Republican side. We believe that you have a right to be heard. If you come before the Rules Committee with thoughtful amendments, we will give you every possible consideration. We will not be perfect. We will do some things that you will not like, but the distinguished chairwoman of the Rules Committee Ms. SLAUGHTER and all of us on this side of the aisle have made it very clear that we will preside over a more open, democratic process than was the norm for the past 12 years.

The rule before us is a product of that commitment, and indeed, it responds to the Member who came before the Rules Committee to offer an amendment. I think that is good form.

Mr. Speaker, I would urge my colleagues to vote "yes" on the previous question and vote "yes" on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 229, nays 191, not voting 14, as follows:

[Roll No. 51]

YEAS—229

Abercrombie	Grijalva	Nadler
Ackerman	Gutierrez	Napolitano
Allen	Hall (NY)	Neal (MA)
Altmire	Hare	Oberstar
Andrews	Harman	Obey
Arcuri	Hastings (FL)	Olver
Baca	Herse	Ortiz
Baird	Higgins	Pallone
Baldwin	Hill	Pascarella
Barrow	Hinche	Pastor
Bean	Hinojosa	Payne
Becerra	Hirono	Perlmutter
Berkley	Hodes	Peterson (MN)
Berman	Holden	Pomeroy
Berry	Holt	Price (NC)
Bishop (GA)	Honda	Rahall
Bishop (NY)	Hooley	Rangel
Blumenauer	Hoyer	Reyes
Boren	Insee	Rodriguez
Boswell	Israel	Ross
Boucher	Jackson (IL)	Rothman
Boyd (FL)	Jackson-Lee	Roybal-Allard
Boyd (KS)	(TX)	Ruppersberger
Brady (PA)	Jefferson	Rush
Bralley (IA)	Johnson (GA)	Ryan (OH)
Brown, Corrine	Johnson, E. B.	Salazar
Butterfield	Jones (OH)	Sánchez, Linda
Capps	Kagen	T.
Capuano	Kanjorski	Sánchez, Loretta
Cardoza	Kaptur	Sarbanes
Carmahan	Kennedy	Schakowsky
Carney	Kildee	Schiff
Carson	Kilpatrick	Schwartz
Castor	Kind	Scott (GA)
Chandler	Klein (FL)	Scott (VA)
Clarke	Kucinich	Serrano
Clay	Lampson	Sestak
Cleaver	Langevin	Shea-Porter
Clyburn	Lantos	Sherman
Cohen	Larsen (WA)	Shuler
Conyers	Larson (CT)	Sires
Cooper	Lee	Skelton
Cooper	Levin	Slaughter
Costello	Lewis (GA)	Smith (WA)
Courtney	Lipinski	Snyder
Cramer	Loeb	Solis
Crowley	Loeb	Space
Cuellar	Lofgren, Zoe	Spratt
Cummings	Lynch	Stark
Davis (AL)	Mahoney (FL)	Stupak
Davis (CA)	Mahoney (NY)	Sutton
Davis (IL)	Markey	Tanner
Davis, Lincoln	Marshall	Tauscher
DeFazio	Matheson	Thompson (CA)
DeGette	Matsui	Thompson (MS)
Delahunt	McCarthy (NY)	Tierney
DeLauro	McCollum (MN)	Towns
Dicks	McDermott	Udall (CO)
Dingell	McGovern	Udall (NM)
Doggett	McIntyre	Van Hollen
Donnelly	McNerney	Velázquez
Doyle	McNulty	Visclosky
Dreier	Meehan	Walz (MN)
Edwards	Meek (FL)	Wasserman
Ellison	Meeke (NY)	Schultz
Ellsworth	Melancon	Waters
Emanuel	Michaud	Watson
Engel	Millender-McDonald	Watt
Eshoo	Miller (NC)	Waxman
Etheridge	Miller, George	Weiner
Farr	Mitchell	Welch (VT)
Filner	Mollohan	Wexler
Giffords	Moore (KS)	Wilson (OH)
Gillibrand	Moore (WI)	Woolsey
Gonzalez	Moran (VA)	Wu
Gordon	Murphy (CT)	Wynn
Green, Al	Murphy, Patrick	Yarmuth
Green, Gene	Murtha	

NAYS—191

Aderholt	Bonner	Capito
Akin	Bono	Carter
Alexander	Boozman	Chabot
Bachmann	Boustany	Coble
Bachus	Brady (TX)	Cole (OK)
Baker	Brown (SC)	Conaway
Barrett (SC)	Brown-Waite,	Crenshaw
Bartlett (MD)	Ginny	Culberson
Barton (TX)	Buchanan	Davis (KY)
Biggart	Burgess	Davis, David
Blibray	Burton (IN)	Davis, Jo Ann
Bilirakis	Calvert	Davis, Tom
Bishop (UT)	Camp (MI)	Deal (GA)
Blackburn	Campbell (CA)	Dent
Blunt	Cannon	Diaz-Balart, L.
Boehner	Cantor	Diaz-Balart, M.

Doolittle	Knollenberg	Reichert
Drake	Kuhl (NY)	Renzi
Duncan	LaHood	Reynolds
Ehlers	Lamborn	Rogers (AL)
Emerson	Latham	Rogers (KY)
English (PA)	LaTourette	Rogers (MI)
Fallin	Lewis (CA)	Ros-Lehtinen
Feeney	Lewis (KY)	Roskam
Ferguson	Linder	Royce
Flake	LoBiondo	Ryan (WI)
Forbes	Lungren, Daniel	Sali
Fortenberry	E.	Saxton
Fossella	Mack	Schmidt
Fox	Manzullo	Sensenbrenner
Franks (AZ)	Marchant	Sessions
Frelinghuysen	McCarthy (CA)	Shadegg
Gallegly	McCauley (TX)	Shays
Garrett (NJ)	McCotter	Shimkus
Gerlach	McCrery	Shuster
Gilchrest	McHenry	Simpson
Gillmor	McHugh	Smith (NE)
Gingrey	McKeon	Smith (NJ)
Gohmert	McMorris	Smith (TX)
Goode	Rodgers	Souder
Goodlatte	Mica	Stearns
Granger	Miller (FL)	Sullivan
Graves	Miller (MI)	Tancred
Hall (TX)	Miller, Gary	Taylor
Hastert	Moran (KS)	Terry
Hastings (WA)	Murphy, Tim	Thornberry
Hayes	Musgrave	Tiahrt
Heller	Myrick	Turner
Hensarling	Neugebauer	Upton
Herger	Nunes	Walberg
Hobson	Paul	Walden (OR)
Hoekstra	Pearce	Walsh (NY)
Hulshof	Pence	Wamp
Hunter	Peterson (PA)	Weldon (FL)
Inglis (SC)	Petri	Weller
Issa	Pitts	Westmoreland
Johnson, Sam	Platts	Whitfield
Jones (NC)	Poe	Wicker
Jordan	Porter	Wilson (NM)
Keller	Price (GA)	Wilson (SC)
King (IA)	Pryce (OH)	Wolf
King (NY)	Putnam	Young (AK)
Kingston	Ramstad	Young (FL)
Kirk	Regula	
Kline (MN)	Rehberg	

NOT VOTING—14

Buyer	Frank (MA)	Norwood
Castle	Jindal	Pickering
Cubin	Johnson (IL)	Radanovich
Everett	Lowe	Rohrabacher
Fattah	Lucas	

□ 1204

Messrs. ALEXANDER, RAMSTAD and KELLER of Florida changed their vote from "yea" to "nay."

Ms. DEGETTE and Mr. GORDON of Tennessee changed their vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

Mr. DREIER. Mr. Speaker, I move to reconsider the vote on the previous question.

MOTION TO TABLE OFFERED BY MR. MCGOVERN
Mr. MCGOVERN. Mr. Speaker, I move to table the motion to reconsider.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to table will be followed by a 5-minute vote on adoption of the resolution, if ordered.

The vote was taken by electronic device, and there were—ayes 229, noes 189, not voting 16, as follows:

[Roll No. 52]

AYES—229

Abercrombie Gutierrez Napolitano
Ackerman Hall (NY) Neal (MA)
Allen Hare Oberstar
Altmire Harman Obey
Andrews Hastings (FL) Olver
Arcuri Herseht Ortiz
Baca Higgins Pallone
Baird Hill Pascrell
Baldwin Hinchey Pastor
Barrow Hinojosa Payne
Bean Hirono Perlmutter
Becerra Hodes Peterson (MN)
Berkley Holden Pomeroy
Berman Holt Price (NC)
Berry Honda Rahall
Bishop (GA) Hooley Rangel
Bishop (NY) Hoyer Reyes
Blumenauer Inslee Rodriguez
Boren Israel Ross
Boswell Jackson (IL) Rothman
Boucher Jackson-Lee (TX) Roybal-Allard
Boyd (FL) (TX) Ruppersberger
Boya (KS) Jefferson Rush
Brady (PA) Johnson (GA) Ryan (OH)
Brale (IA) Johnson, E. B. Salazar
Brown, Corrine Jones (OH) Sánchez, Linda
Butterfield Kagen T.
Capps Kanjorski Sanchez, Loretta
Capuano Kaptur Sarbanes
Cardoza Kennedy Schakowsky
Carnahan Kildee Schiff
Carney Kilpatrick Schwartz
Carson Kind Scott (GA)
Castor Klein (FL) Scott (VA)
Chandler Kucinich Serrano
Clarke Lampson Shea-Porter
Clay Langevin Sestak
Cleaver Lantos Sherman
Clyburn Larsen (WA) Shuler
Cohen Larson (CT) Sires
Conyers Lee Skelton
Cooper Levin Skelton
Costa Lewis (GA) Slaughter
Costello Lipinski Smith (WA)
Courtney Loeb sack Snyder
Cramer Lofgren, Zoe Solis
Crowley Lynch Spratt
Cuellar Mahoney (FL) Stark
Cummings Maloney (NY) Stupak
Davis (AL) Markey Sutton
Davis (CA) Marshall Tanner
Davis (IL) Matheson Tauscher
Davis, Lincoln Matsui Taylor
DeFazio McCarthy (NY) Thompson (CA)
DeGette McCollum (MN) Thompson (MS)
Delahunt McDermott Tierney
DeLauro McGovern Towns
Dicks McIntyre Udall (CO)
Dingell McNerney Udall (NM)
Doggett McNulty Van Hollen
Donnelly Meehan Velázquez
Doyle Meek (FL) Vislosky
Edwards Meeks (NY) Walz (MN)
Ellison Melancon Wasserman
Ellsworth Michaud Schultz
Emanuel Millender-
Engel McDonald Waters
Eshoo Miller (NC) Watson
Etheridge Miller, George Watt
Farr Mitchell Waxman
Filner Mollohan Weiner
Giffords Moore (KS) Welch (VT)
Gillibrand Moore (WI) Wexler
Gonzalez Moran (VA) Wilson (OH)
Gordon Murphy (CT) Woolsey
Green, Al Murphy, Patrick Wu
Green, Gene Murtha Wynn
Grijalva Nadler Yarmuth

NOES—189

Aderholt Bonner Carter
Akin Bono Chabot
Alexander Boozman Coble
Bachmann Boustany Cole (OK)
Bachus Brady (TX) Conaway
Baker Brown (SC) Crenshaw
Barrett (SC) Culberson Brown-Waite,
Bartlett (MD) Ginny
Barton (TX) Buchanan Davis (KY)
Biggart Burgess Davis, David
Billray Burton (IN) Davis, Jo Ann
Bilirakis Calvert Davis, Tom
Bishop (UT) Camp (MI) Deal (GA)
Blackburn Campbell (CA) Dent
Blunt Cantor Diaz-Balart, L.
Boehner Capito Doolittle

Drake Knollenberg Rehberg
Dreier Kuhl (NY) Reichert
Duncan LaHood Renzi
Ehlers Lamborn Reynolds
Emerson Latham Rogers (AL)
English (PA) LaTourette Rogers (KY)
Fallin Lewis (CA) Rogers (MI)
Feeney Lewis (KY) Ros-Lehtinen
Ferguson Linder Roskam
Flake LoBiondo Royce
Forbes Lungren, Daniel Ryan (WI)
Fortenberry E. Sali
Fossella Mack Saxton
Foxy Manullo Schmidt
Frelinghuysen Marchant Sensenbrenner
Gallegly McCarthy (CA) Sessions
Garrett (NJ) McCaul (TX) Shadegg
Gerlach McCotter Shays
Gilchrest McCrery Shimkus
Gillmor McHenry Shuster
Gingrey McHugh Simpson
Engel McKeon Smith (NE)
Boren McMorris Smith (NJ)
Goode Rodgers Smith (TX)
Goodlatte Matsui Shuler
Granger Mica Souder
Graves Miller (FL) Stearns
Hall (TX) Miller (MI) Sullivan
Hastert Miller, Gary Tancredo
Hastings (WA) Moran (KS) Terry
Hayes Murphy, Tim Thornberry
Heller Musgrave Tiaht
Hensarling Myrick Tiberi
Herger Neugebauer Turner
Hobson Nunes Upton
Hoekstra Paul Walberg
Hulshof Pearce Walden (OR)
Hunter Pence Walsh (NY)
Inglis (SC) Peterson (PA) Wamp
Issa Petri Weldon (FL)
Johnson, Sam Pitts Weller
Jones (NC) Platts Westmoreland
Jordan Poe Whitfield
Keller Porter Wicker
King (IA) Price (GA) Wilson (NM)
King (NY) Pryce (OH) Wilson (SC)
Kingston Putnam Wolf
Kirk Ramstad Young (AK)
Kline (MN) Regula Young (FL)

NOT VOTING—16

Buyer Frank (MA) Norwood
Cannon Franks (AZ) Pickering
Jindal Castle Radanovich
Cubin Johnson (IL) Rohrabacher
Everett Lowey
Fattah Lucas

□ 1215

So the motion to table was agreed to. 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 ayes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 188, not voting 18, as follows:

[Roll No. 53]

AYES—228

Abercrombie Bishop (GA) Carnahan
Ackerman Bishop (NY) Carson
Allen Blumenauer Carson
Altmire Boren Castor
Andrews Boswell Chandler
Arcuri Boucher Clarke
Baca Boyd (FL) Clay
Baird Boyda (KS) Cleaver
Baldwin Brady (PA) Clyburn
Barrow Braley (IA) Cohen
Bean Brown, Corrine Conyers
Becerra Butterfield Cooper
Berkley Capps Costa
Berman Capuano Costello
Berry Cardoza Courtney

Cramer Kildee Rangel
Crowley Kilpatrick Reyes
Cuellar Kind Rodriguez
Cummings Kirk Ross
Davis (AL) Klein (FL) Roybal-Allard
Davis (CA) Kucinich Ruppersberger
Davis (IL) Lampson Rush
Davis, Lincoln Langevin Ryan (OH)
DeFazio Lantos Salazar
DeGette Larsen (WA) Sánchez, Linda
Delahunt Larson (CT) T.
DeLauro Lee Sanchez, Loretta
Dicks Levin Sarbanes
Dingell Lewis (GA) Schakowsky
Doggett Lipinski Schiff
Donnelly Loeb sack Schwartz
Doyle Lofgren, Zoe Scott (GA)
Edwards Lynch Scott (VA)
Ellison Mahoney (FL) Serrano
Ellsworth Maloney (NY) Sestak
Emanuel Markey Shea-Porter
Engel Marshall Sherman
Eshoo Matheson Shuler
Etheridge Matsui Shuler
Farr McCarthy (NY) Sires
Filner McCollum (MN) Skelton
Giffords McDermott Slaughter
Gillibrand McGovern Smith (WA)
Gonzalez McIntyre Snyder
Gordon McNeerney Solis
Green, Al McNulty Space
Green, Gene Meehan Spratt
Grijalva Meek (FL) Stark
Gutierrez Meeks (NY) Stupak
Hall (NY) Melancon Sutton
Hare Michaud Tanner
Harman Millender-
Hastings (FL) McDonald Tauscher
Herseht Miller (NC) Taylor
Higgins Miller, George Thompson (CA)
Hill Mitchell Thompson (MS)
Hinchey Mollohan Tierney
Hinojosa Moore (KS) Towns
Hirono Moore (WI) Udall (CO)
Hodes Moran (VA) Udall (NM)
Holden Murphy (CT) Van Hollen
Holt Murphy, Patrick Velázquez
Honda Murtha Vislosky
Hooley Nadler Walz (MN)
Hoyer Napolitano Wasserman
Inslee Neal (MA) Schultz
Israel Oberstar Waters
Jackson (IL) Obey Watson
Jackson (IL) Olver Watt
Jefferson Pallone Waxman
Johnson (GA) Pascrell Weiner
Johnson, E. B. Pastor Welch (VT)
Jones (OH) Payne Wexler
Kagen Perlmutter Wilson (OH)
Kanjorski Peterson (MN) Woolsey
Kaptur Pomeroy Wu
Kennedy Price (NC) Wynn
Rahall Rahall Yarmuth

NOES—188

Aderholt Coble Gingrey
Akin Cole (OK) Gohmert
Bachmann Conaway Goode
Bachus Crenshaw Goodlatte
Baker Culberson Granger
Barrett (SC) Davis (KY) Graves
Bartlett (MD) Davis, David Hall (TX)
Barton (TX) Davis, Jo Ann Hastert
Biggart Davis, Tom Hastings (WA)
Billray Deal (GA) Hayes
Bilirakis Dent Heller
Bishop (UT) Diaz-Balart, L. Hensarling
Blackburn Diaz-Balart, M. Herger
Blunt Doolittle Hobson
Boehner Drake Hoekstra
Bonner Dreier Hulshof
Bono Duncan Hunter
Boozman Ehlers Inglis (SC)
Boustany Emerson Issa
Brady (TX) English (PA) Johnson, Sam
Brown (SC) Fallin Jones (NC)
Brown-Waite, Fergusson Jordan
Ginny Flake Keller
Buchanan Forbes King (IA)
Burgess Fortenberry King (NY)
Burton (IN) Fossella Kingston
Calvert Fox Kline (MN)
Camp (MI) Franks (AZ) Knollenberg
Campbell (CA) Frelinghuysen Kuhl (NY)
Cannon Gallegly LaHood
Cantor Garrett (NJ) Lamborn
Capito Gerlach Latham
Carter Gilchrest LaTourette
Chabot Gillmor Lewis (CA)

Lewis (KY) Peterson (PA) Shuster
 Linder Petri Simpson
 LoBiondo Pitts Smith (NE)
 Lungren, Daniel Platts Smith (NJ)
 E. Poe Smith (TX)
 Mack Porter Souder
 Manzullo Price (GA) Stearns
 Marchant Pryce (OH) Sullivan
 McCarthy (CA) Putnam Tancredo
 McCaul (TX) Ramstad
 McCotter Regula Terry
 McCrery Rehberg Thornberry
 McHenry Reichert Tiahrt
 McHugh Renzi Tiberi
 McKeon Reynolds Turner
 McMorris Rogers (AL) Upton
 Rodgers Rogers (KY) Walberg
 Mica Rogers (MI) Walden (OR)
 Miller (FL) Ros-Lehtinen Walsh (NY)
 Miller (MI) Roskam Wamp
 Miller, Gary Royce Weldon (FL)
 Moran (KS) Ryan (WI) Weller
 Murphy, Tim Sali Westmoreland
 Musgrave Saxton Whitfield
 Myrick Schmidt Wicker
 Neugebauer Wilson (NM) Wilson (SC)
 Nunes Sessions Wolf
 Paul Shadegg Young (AK)
 Pearce Shays Young (FL)
 Pence Shimkus

NOT VOTING—18

Alexander Feeney Norwood
 Buyer Frank (MA) Ortiz
 Castle Jindal Pickering
 Cubin Johnson (IL) Radanovich
 Everett Lowey Rohrabacher
 Fattah Lucas Rothman

□ 1226

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.

PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a resolution.

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

The Clerk read the resolution, as follows:

H. RES. 93

Whereas at approximately 11:30 a.m. on the 23rd of January, 2007 the Committee on Rules began consideration of a special order of business providing for consideration of H. Res. 78;

Whereas the gentleman from Illinois (Mr. Kirk) submitted an amendment to the Committee for its consideration;

Whereas during a recess of the Committee, the gentleman from Illinois (Mr. Kirk) submitted a letter to the Chairwoman of the Committee on Rules requesting that his amendment be withdrawn from further consideration;

Whereas that letter was date stamped in the customary practice of the Committee;

Whereas it has been the long standing practice of the Committee to not further consider amendments that have been so withdrawn;

Whereas the gentleman from Massachusetts (Mr. McGovern) made a motion to report a special order of business providing for consideration of the amendment by Mr. Kirk despite its withdrawal;

Whereas when the issue of the withdrawal of the amendment was being debated by the Committee, the Ranking Republican Member attempted to obtain a copy of the letter from the Majority and the Majority willfully refused to produce a copy of the letter after repeated requests;

Whereas the wrongful refusal of the Majority to produce a copy of the letter under debate constituted a breach of the dignity and integrity of the Committee's proceedings; therefore be it

Resolved, that the House of Representatives disapproves of the actions taken by the Committee's Majority and directs the Chairwoman of the Committee to undertake practices to prevent future occurrences.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Speaker, I move to lay on the table the resolution of the distinguished gentleman.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair would also add that all Members please vote during the allotted time.

The vote was taken by electronic device, and there were—ayes 223, noes 189, not voting 22, as follows:

[Roll No. 54]

AYES—223

Abercrombie Delahunt Kind
 Ackerman DeLauro Klein (FL)
 Allen Dicks Kucinich
 Altmire Dingell Lampson
 Andrews Doggett Langevin
 Arcuri Donnelly Lantos
 Baca Edwards Larsen (WA)
 Baird Ellison Larson (CT)
 Baldwin Ellsworth Lee
 Barrow Emanuel Levin
 Bean Engel Lewis (GA)
 Becerra Eshoo Lipinski
 Berkeley Etheridge Loeb sack
 Berkman Farr Lofgren, Zoe
 Berry Filner Lowey
 Bishop (GA) Giffords Lynch
 Bishop (NY) Gillibrand Mahoney (FL)
 Blumenauer Gonzalez Maloney (NY)
 Boren Gordon Markey
 Boswell Green, Al Marshall
 Boucher Matheson Matsui
 Boyd (FL) Grijalva McCarthy (NY)
 Boyda (KS) Gutierrez McCollum (MN)
 Brady (PA) Hall (NY) McDermott
 Braley (IA) Hare McGovern
 Brown, Corrine Harman Hastings (FL)
 Butterfield Hereth
 Caputo Higgins
 Cardoza Hill Meehan
 Carnahan Hinchey Meek (FL)
 Carney Hinojosa Meeks (NY)
 Carson Hirono Melancon
 Castor Hodes Michaud
 Clarke Holden Millender
 Clay Holt McDonald
 Cleaver Honda Miller (NC)
 Cohen Hooley Miller, George
 Conyers Hoyer Mitchell
 Cooper Inslee Mollohan
 Costa Israel Moore (KS)
 Costello Jackson (IL) Moore (WI)
 Courtney Jackson-Lee Moran (VA)
 Cramer (TX) Murphy (CT)
 Crowley Jefferson
 Cuellar Johnson (GA) Murphy, Patrick
 Cummings Johnson, E. B. Murtha
 Davis (AL) Jones (OH) Nadler
 Davis (CA) Kagen Napolitano
 Davis (IL) Kanjorski Neal (MA)
 Davis, Lincoln Kaptur Oberstar
 DeFazio Kennedy Obey
 DeGette Kildee Olver
 Kilpatrick Pallone

Pascrell Schwartz Tierney
 Pastor Scott (VA) Towns
 Payne Serrano Udall (CO)
 Perlmutter Sestak Udall (NM)
 Peterson (MN) Shea-Porter Van Hollen
 Pomeroy Sherman Velázquez
 Price (NC) Shuler Visclosky
 Rahall Sires Walz (MN)
 Reyes Skelton Wasserman
 Rodriguez Slaughter Schultz
 Rothman Smith (WA) Waters
 Roybal-Allard Snyder Watson
 Ruppertsberger Solis Watt
 Rush Space Waxman
 Ryan (OH) Spratt Weiner
 Salazar Stark Welch (VT)
 Sánchez, Linda Stupak Wilson (OH)
 T. Sutton Woolsey
 Sanchez, Loretta Tanner Wu
 Sarbanes Tauscher Wynn
 Schakowsky Thompson (CA) Yarmuth
 Schiff Thompson (MS)

NOES—189

Aderholt Frelinghuysen Neugebauer
 Akin Gallegly Nunes
 Alexander Garrett (NJ) Paul
 Bachmann Gerlach Pearce
 Bachus Gilchrest Pence
 Baker Gillmor Peterson (PA)
 Barrett (SC) Gohmert Petri
 Bartlett (MD) Goode Pitts
 Barton (TX) Goodlatte Platts
 Biggert Granger Poe
 Bilbray Graves Porter
 Bilirakis Hall (TX) Price (GA)
 Bishop (UT) Hastert Pryce (OH)
 Blackburn Hastings (WA) Putnam
 Blunt Hayes Ramstad
 Boehner Heller Regula
 Bonner Hensarling Rehberg
 Bono Herger Reichert
 Boozman Hobson Renzi
 Boustany Hoekstra Reynolds
 Brady (TX) Hulshof Rogers (KY)
 Brown (SC) Hunter Rogers (MI)
 Brown-Waite, Inglis (SC) Ros-Lehtinen
 Ginny Issa Roskam
 Buchanan Johnson, Sam Royce
 Burgess Jones (NC) Ryan (WI)
 Burton (IN) Jordan Sali
 Calvert Keller Saxton
 Camp (MI) King (IA) Schmidt
 Campbell (CA) King (NY) Sensenbrenner
 Cannon Kingston Sessions
 Cantor Kirk Shadegg
 Capito Kline (MN) Shays
 Carter Knollenberg Shimkus
 Chabot Kuhl (NY) Shuster
 Coble LaHood Simpson
 Cole (OK) Lamborn Smith (NE)
 Conaway Latham Smith (NJ)
 Crenshaw LaTourette Smith (TX)
 Culberson Lewis (CA) Souder
 Davis (KY) Lewis (KY) Stearns
 Davis, David Linder Sullivan
 Davis, Jo Ann LoBiondo Tancredo
 Davis, Tom Lungren, Daniel
 Deal (GA) E. Taylor
 Dent Mack Terry
 Diaz-Balart, L. Manzullo Thornberry
 Diaz-Balart, M. Marchant Tiahrt
 Doolittle McCarthy (CA) Tiberi
 Drake McCaul (TX) Turner
 Dreier McCotter Walberg
 Duncan McHenry Walden (OR)
 Ehlers McHugh Walsh (NY)
 Emerson McKeon Wamp
 English (PA) McMorris Weldon (FL)
 Fallin Rodgers Weller
 Feeney Mica Westmoreland
 Ferguson Miller (FL) Whitfield
 Flake Miller (MI) Wicker
 Forbes Miller, Gary Wilson (NM)
 Fortenberry Moran (KS) Wilson (SC)
 Fossella Murphy, Tim Wolf
 Foxx Musgrave Young (AK)
 Franks (AZ) Myrick Young (FL)

NOT VOTING—22

Buyer Gingrey Rangel
 Castle Jindal Rogers (AL)
 Chandler Johnson (IL) Rohrabacher
 Cubin Lucas Ross
 Doyle McCrery Scott (GA)
 Everett Norwood Wexler
 Fattah Pickering
 Frank (MA) Radanovich