

Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchev
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Insole
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Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
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Kennedy
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Kind
Klein (FL)
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Lantos
Larsen (WA)
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Lee
Levin

Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowe y
Lynch
Mahoney (FL)
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Markey
Marshall
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McCarthy (NY)
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McGovern
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Meek (FL)
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Miller, George
Mitchell
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Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger

Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Smith (NC)
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi

Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns

Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

bia shall be considered a Congressional district for purposes of representation in the House of Representatives.

(b) CONFORMING AMENDMENTS RELATING TO APPOINTMENT OF MEMBERS OF HOUSE OF REPRESENTATIVES.—

(1) INCLUSION OF SINGLE DISTRICT OF COLUMBIA MEMBER IN REAPPORTIONMENT OF MEMBERS AMONG STATES.—Section 22 of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a), is amended by adding at the end the following new subsection:

“(d) This section shall apply with respect to the District of Columbia in the same manner as this section applies to a State, except that the District of Columbia may not receive more than one Member under any reapportionment of Members.”.

(2) CLARIFICATION OF DETERMINATION OF NUMBER OF PRESIDENTIAL ELECTORS ON BASIS OF 23RD AMENDMENT.—Section 3 of title 3, United States Code, is amended by striking “come into office;” and inserting the following: “come into office (subject to the twenty-third article of amendment to the Constitution of the United States in the case of the District of Columbia);”.

SEC. 3. INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.

(a) PERMANENT INCREASE IN NUMBER OF MEMBERS.—Effective with respect to the One Hundred Tenth Congress and each succeeding Congress, the House of Representatives shall be composed of 437 Members, including any Members representing the District of Columbia pursuant to section 2(a).

(b) REAPPORTIONMENT OF MEMBERS RESULTING FROM INCREASE.—

(1) IN GENERAL.—Section 22(a) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking “the then existing number of Representatives” and inserting “the number of Representatives established with respect to the One Hundred Tenth Congress”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to the regular decennial census conducted for 2010 and each subsequent regular decennial census.

(c) SPECIAL RULES FOR PERIOD PRIOR TO 2012 REAPPORTIONMENT.—

(1) TRANSMITTAL OF REVISED STATEMENT OF APPOINTMENT BY PRESIDENT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress a revised version of the most recent statement of apportionment submitted under section 22(a) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a(a)), to take into account this Act and the amendments made by this Act.

(2) REPORT BY CLERK.—Not later than 15 calendar days after receiving the revised version of the statement of apportionment under paragraph (1), the Clerk of the House of Representatives, in accordance with section 22(b) of such Act (2 U.S.C. 2a(b)), shall send to the executive of each State a certificate of the number of Representatives to which such State is entitled under section 22 of such Act, and shall submit a report to the Speaker of the House of Representatives identifying the State (other than the District of Columbia) which is entitled to one additional Representative pursuant to this section.

(3) REQUIREMENTS FOR ELECTION OF ADDITIONAL MEMBER.—During the One Hundred

NOT VOTING—18

Boehner
Cantor
Cubin
Davis, Jo Ann
Duncan
Engel
Fattah
Flake
Higgins
Israel
Lampson
Meeke (NY)
Melancon
Millender-
McDonald
Rohrabacher
Stark
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1229

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.

Stated for:

Mr. MELANCON. Mr. Speaker, on the last vote, rollcall 229, had I been present, I would have voted “yea.”

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1593

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that as sponsor of H.R. 1593 that Representative WALTER JONES, JR., be removed as a cosponsor.

The SPEAKER pro tempore (Mr. CARDOZA). Is there objection to the request of the gentleman from Illinois?

There was no objection.

DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 317, I call up the bill (H.R. 1905) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 1905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “District of Columbia House Voting Rights Act of 2007”.

SEC. 2. TREATMENT OF DISTRICT OF COLUMBIA AS CONGRESSIONAL DISTRICT.

(a) IN GENERAL.—Notwithstanding any other provision of law, the District of Colum-

NAYS—196

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Billbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom

Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa

Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCreery
McHenry
McHugh
McKeon
McMorris
Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim

Tenth Congress, the One Hundred Eleventh Congress, and the One Hundred Twelfth Congress—

(A) notwithstanding the final undesignated paragraph of the Act entitled “An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting”, approved December 14, 1967 (2 U.S.C. 2c), the additional Representative to which the State identified by the Clerk of the House of Representatives in the report submitted under paragraph (2) is entitled shall be elected from the State at large; and

(B) the other Representatives to which such State is entitled shall be elected on the basis of the Congressional districts in effect in the State for the One Hundred Ninth Congress.

SEC. 4. NONSEVERABILITY OF PROVISIONS.

If any provision of this Act, or any amendment made by this Act, is declared or held invalid or unenforceable, the remaining provisions of this Act and any amendment made by this Act shall be treated and deemed invalid and shall have no force or effect of law.

The SPEAKER pro tempore. Pursuant to House Resolution 317, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1905, the District of Columbia House Voting Rights Act of 2007.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I would like to begin the debate on this measure by yielding myself as much time as I may consume.

Mr. Speaker, this past Monday on April 16, Emancipation Day, District of Columbia residents and others gathered by the thousands at Freedom Plaza and marched to the Capitol, calling on Congress to “demand the vote.”

On that day in 1862, President Abraham Lincoln signed the District of Columbia Compensated Emancipation Act, freeing approximately 3,100 men, women and children who were held in bondage. That was several months before, of course, President Lincoln’s issue of the Emancipation Proclamation on New Year’s Day, 1863.

I stand before my colleagues in the House today and cannot help but note that the District of Columbia was the starting point for the Emancipation President, as he was called, but it still does not have the full voting franchise that is at the heart of U.S. citizenship. This hardly seems right, and we have come today, assembled again to correct this.

Monday’s marchers sent a message to Congress: District residents have had enough of “taxation without representation.” That is a message that all Americans and all students of American history should understand. District residents just want what Americans elsewhere enjoy: a full share in American democracy.

This simple but compelling message has reached Congress, and today we are acting on it. Today we will do our part to correct a 200-year-old injustice. We have a constitutionally sound, bipartisan, politically balanced response that will give, at last, citizens of the District of Columbia full representation in the House.

The United States is the only democracy in the world, ladies and gentlemen, where citizens living in the capital city are denied representation in their legislature. Almost 600,000 people who call the District of Columbia home, who pay taxes, go off to war, and observe the other responsibilities of citizenship still do not have a vote in the Congress.

At Monday’s march, we heard from a District of Columbia veteran who was one of the first soldiers sent to Iraq in March, 2003, and as a dual citizen of the United States and Iraq, he can participate fully in the Iraqi democratic process which includes electing voting members of the Iraqi National Legislature, but as a resident of the District of Columbia, his rights as a U.S. citizen are limited.

Well, his day has come, as well as for that of all of the citizens of this great District of Columbia. I hope that we can move this debate through as efficiently and as effectively as possible, and move toward a finish of a job that we have undertaken in more than one Congress.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last month the House considered a similar piece of legislation. As has become the Democrats’ antidemocratic custom, no amendments were allowed. The language of the bill was changed hours before it came to the House floor, and Republicans were allowed only a motion to recommit.

Today, we are back again to consider legislation to unconstitutionally give D.C. residents a voting representative in Congress. Since the wording of the legislation has been changed without approval by the committee of jurisdiction, we will not have an opportunity to give D.C. residents the right to possess weapons to protect themselves and their families. And the reason we cannot give them that right is the same reason the bill was withdrawn last month: The Democratic leadership is afraid Congress would approve it.

It is a shame that a bill that supposedly supports democracy is being brought up in such an undemocratic manner. The majority waived its own rules and will pass a separate tax increase, all to ram through the House an unconstitutional bill they rewrote at the 11th hour with no amendments allowed.

At the Judiciary Committee hearing on this bill, Professor Jonathan Turley, someone the majority consults

frequently for his views, said: “Permit me to be blunt. I consider this act to be the most premeditated, unconstitutional act by Congress in decades.”

This legislation was constitutionally suspect last month and it is constitutionally suspect today. The Constitution explicitly says that Members of Congress can only be elected by people who live in States. Article I section 2 reads, “The House of Representatives shall be composed of Members chosen every second year by the people of the several States.”

Judges and legal experts agree that since D.C. is not a State, it cannot elect Members of Congress. In fact, a Federal district judge here in D.C. already has spoken on this point stating clearly, “We conclude from our analysis of the text that the Constitution does not contemplate that the District may serve as a State for purposes of the apportionment of congressional representatives.”

And the House Judiciary Committee also has spoken on this point. When the House Judiciary Committee under the leadership of Democratic Chairman Peter Rodino in the 95th Congress reported out a constitutional amendment to do what this bill purports to be able to do by statute, the report stated, “If the citizens of the District are to have voting representation in the Congress, a constitutional amendment is essential. Statutory action alone will not suffice.” So what is being attempted with the legislation before us today is something long recognized as requiring a constitutional amendment.

Further, this bill unfairly subjects many citizens to unequal treatment. It grants Utah an additional Representative who will run at-large or statewide rather than in the individual district provided for in the redistricting plan the Utah legislature passed last year. The at-large provision creates a situation this country has not seen since the development of the Supreme Court’s line of cases affirming the principle of one man, one vote.

Under this provision, voters in Utah would be able to vote for two Representatives, their own district Representative and their at-large Representative, whereas voters in every other State would only be able to vote for their one district Representative. The result would be that Utah voters would have more voting power than the voters of every other State.

The new bill the majority drafted at the 11th hour even fails to strike the current position of the Delegate that represents Washington, D.C. Currently, that delegate can vote in committee. So this bill not only grants voters in Utah two voting Members when every other voter only gets one, but also gives District voters two votes in committee, one vote for the D.C. Delegate and one vote for the new D.C. Member of Congress. Congratulations to Utah and D.C. voters.

Some feel sincerely that the Constitution can be pulled and stretched a

little and interpreted otherwise, but at least we can agree that it is by no means certain that the bill is constitutional. What is certain is that congressional voting for D.C. residents could be obtained by a constitutional amendment.

In 1978, Congress approved such a constitutional amendment, but only 16 of the 38 States necessary ratified it. As I mentioned, at the time the Democratic chairman of the Judiciary Committee said the only legitimate way to give D.C. residents the right to vote in Federal elections was a constitutional amendment as opposed to this kind of legislation.

Why is that process being ignored now? Is it because of the fear of failure again?

Like many Members of Congress, I favor giving D.C. residents the right to vote for Members of the House and the Senate; but this bill doesn't do that. It limits D.C. residents to voting only for House Members. This bill does not allow D.C. residents to vote for Senators. Why are we considering a bill that gives D.C. residents only half their rights? Isn't that "taxation without representation"? Or maybe it is "taxation with half-representation." Maybe we should refund D.C. residents half their taxes if this bill passes.

There is a solution, and it treats the residents of D.C. better than this bill. It is constitutional. It is more likely to succeed in a constitutional amendment, and it will give D.C. residents the right to vote for both House Members and Senators.

D.C. was originally carved out of Maryland. If D.C. were given back to Maryland, except for the Capitol and some Federal buildings, D.C. residents would be residents of a State and have the same voting rights. It has been done before. That part of D.C. that was once part of Virginia was returned to Virginia in 1846, so the precedent is there. Such legislation would only require a majority vote in Congress and in the Maryland legislature. Both are controlled by the Democratic Party.

Why are we waiting? Why not the best for D.C. residents? Why are we spending time on a bill that is constitutionally suspect and would be challenged in court? Why are we not acting now to return the District to Maryland and assure D.C. residents the right to vote in all Federal elections as quickly as possible?

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

Mr. CONYERS. Mr. Speaker, it is my pleasure now to yield 1 minute to the distinguished Speaker of the House of Representatives, Ms. NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for yielding me time and for his leadership in bringing this legislation to the floor.

Mr. Speaker, today is a proud day for this House and for the District of Columbia and for our Nation. Today, we will fulfill our obligation to do right by the citizens of the District of Columbia.

Mr. Speaker, I commend the steadfast leadership, the exceptional tenacity, the relentless persistence of the gentlewoman from the District of Columbia (Ms. NORTON). Because of her today, America will be greater.

I also appreciate the leadership of the gentleman from Virginia (Mr. TOM DAVIS) making this bill one that has bipartisan cosponsorship. Again, without his participation, we wouldn't be here. For his support over a long period of time, we are all in your debt, Mr. DAVIS.

□ 1245

I want to thank also Mr. CONYERS and Mr. WAXMAN for their leadership; STENY HOYER, who has made this a mission in his life. It is a proud day for all of us.

Mr. Speaker, I take some personal pleasure in today's proceedings, because when I was born, my father was a Member of Congress. He was on the Appropriations Committee and he chaired the District of Columbia committee. At that time there was no mayor, there was no home rule. He was a strong supporter for the District to attain both. He would never have imagined all those many, many years ago that it would take this long to get a full vote on the floor for the District of Columbia.

And of course we would like, Mr. Chairman, to have statehood for the District of Columbia so they could have full representation for their taxation. But today we take this giant step.

This bipartisan effort to secure full voting representation in this House should command the support of all. Indeed, 82 percent of the American people support the District of Columbia having full voting rights on the floor of the House. This vote fulfills the promise of our democracy. It reflects what we stand for at home and preach around the world.

As the Supreme Court has said: "No right is more precious in a free country than that of having a voice in the election of those who make the laws under which we, as good citizens, must live."

Today, we seek to affirm an enduring principle of our democracy, the right to be heard and represented fully. For more than 200 years, the citizens of the District of Columbia have been denied full voting representation. This legislation corrects a serious flaw in our democracy.

Mr. Speaker, every single day that this Congress is in session, we take a pledge to the flag and to the Republic for which it stands. And at the end we say, "with liberty and justice for all." That "for all" must include the people of the District of Columbia.

America is at its best and honors the cause of justice and freedom when all voices are fully represented. And we know that the citizens of the District of Columbia will give their voices to a vision of justice, equality and opportunity for all. They have already had the voice. Now they will have the vote.

Now is the time to honor our democracy. We will not rest until full voting representation in the House is granted to the District of Columbia. That is our obligation and our pledge.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to my friend and colleague from Virginia (Mr. GOODLATTE) who is the ranking member of the House Agriculture Committee and also a senior member of the Judiciary Committee.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for such time as he may consume.

Mr. GOODLATTE. I thank the gentleman for yielding and it is at this time my pleasure to yield 2 minutes to the gentleman from Virginia, Mr. DAVIS.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would ask if the gentleman from Michigan could yield me 2 minutes as well.

Mr. CONYERS. Mr. Speaker, I am pleased to add 2 minutes on to Mr. DAVIS' allotted time.

The SPEAKER pro tempore. The gentleman is recognized for 4 minutes.

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Taxation Without Representation, the phrase that sparked this Nation's revolution of independence, still fuels the aspirations of District residents, especially this week when they paid taxes to a Federal Government in which they are not fully represented.

So this House once again considers a bill to correct this historical anomaly that leaves those living closest to the seat of our democracy without the same rights as their fellow citizens living everywhere else in our vast Nation. We persist because the cause is right and patience a vice against long-festering injustice.

Today, there is no need to repeat everything said 3 weeks ago. The history, the case law, the constitutional analysis have all been recited. We have heard from the opponents of this legislation who rely on a single argument championed by one very liberal constitutional lawyer.

We counter with the studied opinions of two former Federal judges, including Judge Kenneth Starr, and 25 legal scholars from the best law schools in the country, including Viet Dinh, who the Bush administration relied on to write the PATRIOT Act. Anyone who would have been moved by those arguments has already been persuaded.

Instead, I want to focus on the moral imperative to act, even in the face of difficulty or doubt. A great man of letters once said: "Nothing will ever be attempted if all possible objections must first be overcome." There will always be an excuse not to try. Refute one opposing argument, another sprouts like a weed. In this case, the scales of justice cannot be moved with weightless legal theories. The balance is tipped decidedly by the solid facts

and heavy effects of disenfranchisement endured every day by those who live in the Nation's Capital.

The people of the District of Columbia have served in every war this country has fought. Think about that for a second. These Americans bravely risked their lives, not to defend the freedoms they had, but to protect the promise of freedoms they hoped to have restored. They dutifully pay many millions of dollars in Federal taxes year in and year out, with absolutely no say in how that money may be spent.

But these are the obvious sacrifices of living in the Federal City. The small daily contributions of this city's citizens should not be overlooked. District residents truly serve this Nation every day performing thousands of Federal jobs. But when this House votes on the shape, the size and the cost of that government, they are invisible, unseen and unheard in debates that affect their lives more directly than most.

As a Republican, I am not willing to bear the shame of failing to try to resolve this matter after 200 years. According to our party's own Web site, "The Republican Party was organized as an answer to the divided politics, political turmoil, argument and internal divisions, particularly over slavery, which plagued many political parties in 1854." Our first Presidential candidate, John C. Fremont, ran under a slogan: "Free soil, free labor, free speech, free men, Fremont."

We exist as a party to increase representation and liberty in this country and in this world. This legislation is in the highest traditions of this party that fought for free speech, fought to abolish slavery, and fought to give women the right to vote.

So I ask my Republican colleagues to see through the fog of armchair constitutional analysis and do the right thing. There is still time to cast a Republican vote, a vote to preserve our party's heritage and to vote to expand liberty.

Opponents of this legislation will apologize that the Constitution won't allow them to do the good they wish they could do. I am sorry, but I can't accept that. At the end of the day, this is not an argument about what Congress can do. It is about what Congress is willing to do.

Those of us who are supporting this bill are not nervous about its constitutionality. We are convinced that this Congress already has the authority we need to expand freedom and liberty in this Nation. Might we be wrong? Possibly. The Supreme Court has never decided a case like this. But even if we are proven wrong, there is nobility in attempting to do the right thing. There is honor in acting, not just talking, to end injustice.

To those still shackled by doubt, I offer the words of Reverend King: "Take the first step in faith. You don't have to see the whole staircase. Just take the first step." Take that step with me and pass this bill.

Mr. CONYERS. Mr. Speaker, I would like to turn now to the chairman of the Subcommittee on the Constitution, JERRY NADLER of New York, and recognize him for 3 minutes.

Mr. NADLER. Mr. Speaker, it is a stain on our national honor that the citizens of our Capital City are disenfranchised without any votes in Congress. We presume to lecture other nations on the importance of democracy; but today we are being put to our own test, and we must not fail.

Now, speakers on the other side say that this bill is unconstitutional. They say, and they point out correctly, that the Constitution says that the House of Representatives shall be composed of Members chosen every second year by the people of the several States. Washington, they say, isn't a State. QED. That's the end of the subject. But no, it isn't. It is not the end of the subject. The fact is, article III, section 2 says the judicial power, Federal jurisdiction shall extend to controversies between citizens of different States. Controversies between citizens of different States, that is the basis for jurisdiction for Federal lawsuits, some Federal lawsuits, many Federal lawsuits.

Well, what about a controversy when someone from the District of Columbia sues someone from Virginia or New York or Pennsylvania? Well, in 1805, the Supreme Court ruled that diversity jurisdiction did not exist between a citizen of the District of Columbia and a citizen of Virginia, in the case of *Hepburn v. Ellzey*, because the District of Columbia was not a State.

But the Court also said that Congress, under its power to legislate for the District of Columbia, could decide that, for purposes of diversity jurisdiction, the city of Washington, D.C. should be considered a State. Congress took its time in doing so, but did make that decision.

And there was a Supreme Court decision in 1949, a mere 145 years later. These things don't go that rapidly. 1949, in *National Mutual Insurance Company of the District of Columbia v. Tidewater*, the United States Supreme Court said, aha, Congress, having acted, the District of Columbia is a State for purposes of diversity jurisdiction under article III of the Constitution.

Congress has as much power to decide that the residents of the District of Columbia have the right to vote for Congress, which requires States, as Congress has the right to decide, upheld by the Supreme Court, that residents of the District of Columbia, have the right to sue citizens of other States. If the Congress has that power for purposes of giving the District of Columbia residents the right to sue and be sued by citizens of other States in Federal courts for diversity jurisdiction, it has the same power, the exact same constitutional power to decide that, for purposes of representation in Congress, citizens of the District of Columbia may have that representation in Congress.

So it is, I think, clear, but certainly very arguable, that Congress has ample power constitutionally. And if someone wants to challenge them, let them go to court. But it is not a valid argument to oppose this bill which is necessary for elementary democracy in this country.

Mr. GOODLATTE. Mr. Speaker, I yield myself 4 minutes.

I rise in opposition to H.R. 1905, the District of Columbia House Voting Rights Act. There is no doubt that citizens of the District of Columbia have no full voting representation in the House of Representatives. However, there are ways that these individuals can receive representation without trampling on the Constitution. Unfortunately, this bill is not one of them.

The Constitution does not mince words when it says that Members of Congress may only be elected from the States. Article I, section 2 states that the House of Representatives shall be composed of Members chosen every second year by the people of the several States.

The Constitution also does not mince words when it distinguishes the District of Columbia from a State. In describing the powers of the Congress, article I, section 8 describes the seat of Federal Government as a district, not exceeding 10 miles square, as made by cessation of particular States and the acceptance of Congress, become the seat of government of the United States.

Furthermore, the text of the 23rd amendment to the Constitution further illustrates that the District was never meant to have the same rights as States. Specifically, it grants D.C. the power to appoint a number of electors of President and Vice President, equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State.

We amended the United States Constitution for that purpose. If the advocates of this seek to do the same for representation in the House, they need to amend the United States Constitution.

The plain language of the Constitution is clear, that D.C. is not a State and that it is not granted the same rights as States.

However, the constitutional problems with this bill do not end here. The bill would also establish an at-large Representative for Utah, which would allow the citizens of Utah to vote twice, once for their Representative from their district, and once for another Representative at large. This would clearly violate the constitutional principle of one-man, one-vote by granting Utah citizens disproportionately large voting power.

Adding insult to injury, this new bill we have before us today does not include the language from the previous bill, H.R. 1433, to eliminate the position of D.C. Delegate. Under this new

bill, it appears that the District of Columbia would not only unconstitutionally be granted the same voting rights that State residents enjoy, but it would give D.C. greater representation than any State currently enjoys. The D.C. Delegate would continue to be eligible to vote in committee, and in the Committee of the Whole; and in addition, the new D.C. Representative would also be eligible to vote in committee and on the floor.

□ 1300

While every other district would get one vote in committee and on the floor, the District of Columbia would get two votes in committee and two votes on the floor under this new language.

Finally, the procedure for bringing this bill to the floor is, again, appalling. Debate has been blocked on a bill that affects the relative voting power of citizens in each of our congressional districts. The majority has once again denied us even the opportunity to discuss amendments, including an amendment by Ranking Member SMITH to simply provide for an expedited judicial review of the bill after it is enacted in order to determine its constitutionality.

Furthermore, it is very telling and disappointing that the majority has decided that it would rather violate its own PAYGO rules than allow an open and fair discussion on the underlying bill.

For all of these reasons, I urge my colleagues to oppose this very poorly crafted legislation.

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

Mr. CONYERS. Mr. Speaker, before I yield to the distinguished gentleman from Alabama, I yield myself 30 seconds.

Ladies and gentlemen, we have here a very interesting constitutional question. My good friend and distinguished member of the Judiciary Committee I think has raised four, maybe five points that disturb him greatly, but the main one is that it is unconstitutional. The point of the matter is that there are those who think it is constitutional and those who think it is unconstitutional. Can't we let the courts decide this besides 435 great lawyers working on this?

Mr. Speaker, I now yield 3 minutes to the distinguished gentleman from Alabama, Mr. ARTUR DAVIS.

Mr. DAVIS of Alabama. Mr. Speaker, I thank the distinguished Chair of the committee for honoring me by giving me a chance to speak during this momentous debate.

And I want to begin with a simple observation. If you scour the globe and you look at the places that are listed as democracies, the places where the consent of the governed is what drives the politics, there is not a single one where the people who live in the capital do not have a representative to their parliamentary body. No, not one. That is telling, and it ought to frame

everything that we say here today because the system of government in this country and the way we have gone about business until now has been unique in the world. This is the only place in the world where the people who live in the capital have no voice.

Now, let me speak to some of the constitutional arguments that have been raised. I find it very telling, Mr. Speaker, that many of my very able colleagues on the other side of the aisle have spent a lot of time in their recommit motion and other places, making a point about the recent D.C. Circuit ruling about the right to bear arms. They have brought that unrelated issue into this debate.

But it is interesting for this reason, and I take out this dog-eared copy of the Constitution. If there is one document that ought to be well worn, I suppose it is the Constitution.

If you look at the second amendment, Mr. Speaker and Mr. Chairman, that our opponents in this debate rely on, it says "A well regulated militia being necessary to the security of a free State, the right of the People to keep and bear arms shall not be infringed," a clear-cut reference to the security of a free State.

Our friends on the other side of the aisle say that is relevant to Washington, D.C. They say there is a right to bear arms that the people shall enjoy. If it is so in the context of someone carrying around a 9 millimeter or a semiautomatic, it must be so in the context of people walking into a ballot and voting for a delegate who is a representative who has a voice here.

What kind of a system of government says that the right to have a 9 millimeter outweighs the right to vote? You can't have it both ways in this argument. You can't say you throw out the State in the second amendment, but somehow you make the State giant and bold and capitalized and italicized in the context of this representation.

Another point that Mr. NADLER touched upon: We hear from the opposition that D.C. is a special thing, a Federal district, that it is neither the United States nor the States so, therefore, it belongs in its own special category. If that is the case, to my friends on the other side, take out your copy of the Constitution, plow your way through it, and look at amendment after amendment. If that interpretation is so, that D.C. is not a State or the U.S. Government, it means the equal protection clause doesn't apply to Washington, D.C. It means that the antipoll tax provision doesn't apply to Washington, D.C. It means that every other provision of the Constitution that contains the word "State" or "U.S." does not apply.

No one makes that argument that the people of Washington, D.C. are utterly shorn of rights because they are neither a State nor the United States. If you don't make it in another context, you cannot make it in this one.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman from Alabama.

The second amendment to the Constitution refers to the "State." When the Constitution refers to the "States," meaning today 50 States, then 13 States, it is referring to them in the plural. The "State" in the second amendment refers to the country collectively.

And to the distinguished chairman of the Judiciary Committee, for whom I have great respect but also great disagreement on this issue, I hope that given the fact that we do acknowledge a difference of opinion on what the Constitution says means that he will join with us in seeking for expedited judicial review if, as I hope is not the case, this should be passed and sent to the courts for their review.

Mr. Speaker, at this time I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, before I begin to set forth my opposition to this piece of legislation, let me refer back to the comments made by the previous speaker, which looked back over 150 years to try to find a case to provide some substantiation for their argument, and they did so by finding a case with regard to judicial intervention.

In that case they cited that the Supreme Court held that this Congress could allow or broaden the judicial authority, if you will, of the Federal courts. I think their example, in essence, proves too much. You cannot simply take one sentence or two sentences out of the U.S. Constitution and draw a conclusion from that. What you have to do is read the entirety of the Constitution.

If you had done that, you would realize that the courts have always held, and the Founders' intent always was, that this body, this House, and this Congress has broad latitude when it comes to judicial issues and reining in the Federal courts or expanding their authority of jurisdiction. And that is all that that Supreme Court case was doing. It was not addressing the issue of infringing upon the rights of other citizens by what is occurring here today by granting more authority to other States as far as voting is concerned.

More to the point on this legislation. As I said before, I rise in strong opposition to this legislation because it is, A, unconstitutional, and, B, unfair. It violates the Constitution and the very fundamental intent of the Founding Fathers of this country and the Framers of the Constitution. It would give the District, which is by no definition a State, a vote in this House and simultaneously the citizens of another State two Representatives, which is unfair to the State of New Jersey and all States in this country.

Furthermore, by allowing, unfairly, the District of Columbia to have their

own Representative and also a Delegate, they will have unfair representation.

Our Founding Fathers understood and deliberately set aside a non-State section of land for our Federal Government and granted voting rights only, only, to State residents. They did this for a simple reason: They wanted to ensure that each State had equal representation, and they realized that putting the Federal Government in a State would have given that State unfair representation, an unfair advantage. H.R. 1905 does not line up with the Founders' intent.

If the supporters of H.R. 1905 wanted the people of D.C. to be represented in Congress, they simply could have solved that problem by retroceding, by giving back part of the District of Columbia to Maryland.

There is precedent for this, as stated. In 1846, Congress took that perfectly legal step of returning present-day Arlington to the State of Virginia. Couldn't we pass similar legislation like that right now and solve this problem?

Unfortunately, the majority, who claimed just a few months ago that they would have an open process for amendment legislation, has left us with only two choices, an unfair and unconstitutional choice before this House.

Mr. CONYERS. Mr. Speaker, we are pleased to have on our Judiciary Committee the gentleman from Georgia, the distinguished lawyer and judge, HANK JOHNSON, to whom I yield 2 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in support of the District of Columbia Voting Rights Act of 2007, which corrects a 200-year-old oversight by restoring to the citizens of the District of Columbia the right to elect a Member of the House of Representatives who has the same voting rights as all other Members of the House of Representatives.

Residents of the District of Columbia serve in the military. They are dying and being wounded on the streets of Iraq. They pay billions of dollars in Federal taxes each year and assume all of the responsibilities of United States citizenship. Yet they are denied the basic right of full representation in the United States House of Representatives.

Now, a compromise has been reached by both sides of the aisle, but there are some who would deny the people of Washington, D.C., a right that they themselves enjoy.

The District of Columbia was created to prevent any State from unduly influencing the operations of the Federal Government due to the Federal Government's being located within the confines of a particular State. However, there is simply no evidence that the Framers of the Constitution thought it was necessary to keep residents of this District from being represented in the United States House of Representatives by a voting Member.

Now, there are those who would argue that Congress lacks the power to extend this right of full voter representation to the citizens of the District of Columbia. However, article I, section 8, clause 17 of the Constitution provides Congress with the legislative authority to give the District of Columbia true representation in Congress. I quote: The Congress shall have power "to exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding 10 miles square) . . ."

So let us stand with the thousands who marched down Pennsylvania Avenue Monday for one thing, full representation by Members of the House of Representatives for the District of Columbia.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Judiciary Committee.

Mr. GOHMERT. Mr. Speaker, the proponents of this bill in 1978 believed that the way to allow the District of Columbia representation was to actually pass and ratify a constitutional amendment. That is what the proponents knew back then. That is what most of us, hopefully, still know today.

Article I, section 2 of the Constitution addresses who will comprise the U.S. House of Representatives. As it says here, specifically, "The House of Representatives shall be composed of Members chosen every second year by the People of the several States . . ."

Now, anyone who believes it is fair, like the Founders of the country did, to have taxation with representation should also know that we took an oath to support and defend this document. Words mean things. They had the debate at that time. Should we give the District of Columbia, this independent entity, a Representative? They said "no." Alexander Hamilton lost the debate when they said "no."

So if you want to fix it, as the people in 1978 did, as you do know, those in the House here, Mr. Speaker, you do it by making a constitutional amendment.

I have previously pointed out that one of the arguments made by our country's founders as to why they did not allow the District of Columbia to have a U.S. Representative was that the Founders noted that Members of Congress and the Senate have an interest in the city's functioning properly. Demonizing, misquoting, belittling the messenger does not change the truth, the facts, or what the Constitution requires.

□ 1315

As I said during the previous debate, it is a legitimate position to assert that all people should be able to elect their Representative. That is why on Monday of this week I filed a bill that is the only constitutional manner of getting the District of Columbia a Representative without a constitutional amendment. My new bill cedes land from the District of Columbia on which

Federal buildings do not currently exist to the State of Maryland, which follows the pattern that was set in 1846 when land was ceded back to Virginia. That allows the District of Columbia not only a vote for a Representative, but also a vote for two Senators. That is not even contemplated in this bill.

In any event, the Constitution is clear. Let's follow it or amend it. The bill we are voting on today does not follow the Constitution, it does not amend the Constitution, and, therefore, it must be defeated here by those who wish to follow the admonition to support and defend the Constitution. Otherwise, it will be struck down by any court that seeks to follow the words of the Constitution.

Mr. CONYERS. Mr. Speaker, I would like to yield 1 minute to the Delegate from the District of Columbia, ELEANOR HOLMES NORTON.

Ms. NORTON. It has been remarkable, in a debate where Republicans invoke democracy, to hear Republican after Republican come to the House floor and say that they want the District of Columbia ceded to Maryland, without indicating that the Maryland delegation has given permission to accept the District of Columbia. If you believe in democracy, I suggest you ask the State of Maryland before you cede back anything to that State.

Mr. CONYERS. Mr. Speaker, it is my pleasure now to yield 3 minutes to the gentlelady from Houston, Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished Speaker, the distinguished chairman of the full committee, and certainly my colleagues who are here, because I believe that there should be a sense of honesty and integrity that is attributed to all of my colleagues, despite their positions on this issue.

I rise today, Mr. Chairman of the full committee, acknowledging that my full statement will be put into the RECORD. But I really want to engage in a dialogue and a discussion because I am grateful that this committee, looking at Congresswoman ELEANOR HOLMES NORTON's legislation and Congressman DAVIS' legislation was thoughtful as it relates to the Constitution. And that is what the American people ask us to do: they want us to be thoughtful as it relates to the Constitution; they want us to be fair.

Many people have heard of this as the D.C. Voting bill, but they may not be aware of the provision that deals with Utah, people there who have not had an opportunity to cast their vote, one person-one vote. That is what this is all about. It is a simple question of allowing those who pay taxes, whose blood rains on the front lines around the world for our freedom, to have the constitutional privilege of voting.

Now, you will hear those who oppose suggest that there is a provision in the Constitution that indicates the word "States," and that voting is, if you will, attributable to the word "States."

We have already heard the historical perspective, you have already been told to ask the people of Maryland, but there is another constitutional provision. And so you have interpretations that will allow scholars to have a scholarly debate.

The other constitutional provision indicates that this Congress does have the authority to provide, if you will, a balance of power, a sense of fairness to the nonvoting people of the District of Columbia.

I would hope that we, who are constitutionally grounded, a democracy that has lasted now 400 years-plus, would err on the side of giving rights to people who are deserving of those rights, their birthright being that they are American citizens. That is why I come to the floor of the House to challenge and to chime these words: We all are created equal, with certain inalienable rights of life, liberty and the pursuit of happiness. That is a declaration of independence, and the Constitution says we formed this body to create a more perfect Union. Can we be in a perfect Union if there are citizens of the United States who are not able to cast their vote? I ask my colleagues to consider that, and I ask us to support enthusiastically H.R. 1905, to err on the side of the birthright of American citizens and the right to vote.

Mr. Speaker, I rise in strong support of H.R. 1905, the "District of Columbia House Voting Rights Act of 2007," and thank the Chairman of the Judiciary Committee for his leadership in shepherding this important piece of legislation to the floor. Today we remove a stain that has blighted our Nation for more than 200 years. Today, we vote to end 2 centuries of shame and correct an injustice to the citizens of the District of Columbia.

H.R. 1905 permanently expands the U.S. House of Representatives from 435 to 437 seats, providing a new, at-large seat to Utah and a vote to the District of Columbia. Based on the 2000 Census, Utah is the state next in line to enlarge its Congressional delegation. The bill does not give the District statehood, nor does it give the District representation in the Senate. Rather, in H.R. 1905 Congress is simply treating the District as a Congressional district for the purposes of granting full House representation, as it can pursuant to the grant of plenary power over the District of Columbia conferred by the Constitution in Article I, section 8, clause 17.

At the outset, let me address the claim that H.R. 1905 is a weak foundation upon which to base the District's voting rights in the House because it is a statutory rather than a constitutionally based remedy. The argument should be rejected for the simple reason that it makes the perfect the enemy of the good. It is like asking a person to remain homeless while she saves to buy a house even though she has enough money to rent an apartment.

Mr. Speaker, let us not lose sight of one indisputable and shameful fact: nearly 500,000 people living in the District of Columbia lack direct voting representation in the House of Representatives and Senate. Residents of the District of Columbia serve in the military, pay billions of dollars in Federal taxes each year, and assume other responsibilities of U.S. citi-

zenship. For over 200 years, the District has been denied voting representation in Congress—the entity that has ultimate authority over all aspects of the city's legislative, executive, and judicial functions.

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. It is unconscionable that more than a half million American citizens are being unconscionably denied a vote and a voice in the most important legislative body in the world.

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.

Mr. Speaker, it is wrong that we must be reminded daily by license plates in the District of Columbia that "Taxation without representation is tyranny." The people in Boston felt so strongly about this in 1775 that they rebelled in Boston Harbor, launching the "Boston Tea Party."

The principle that political authority derives from the consent of the government is no less applicable when it comes to the District of Columbia. Let us be clear. There is no dispute that hundreds of thousands of American citizens reside in the District of Columbia. We all agree that universal suffrage is the hallmark of a democratic regime, of which the United States is the world's leading exemplar.

None of us believes it is fair that citizens of the District of Columbia pay Federal taxes, risk life and limb fighting wars abroad to protect American democracy and extend the blessings of liberty to people living in foreign lands. In short, there is no moral reason to deny the citizens of the District of Columbia the right to full representation in Congress. The only question is whether Congress has the will and the constitutional authority to do so. As I will discuss, Congress has always had the constitutional authority. For the last 12 years, we have not had the will; but now we do.

I. CONGRESS CAN GRANT VOTING RIGHTS TO THE DISTRICT UNDER THE DISTRICT CLAUSE

As Professor Dinh argued in his powerful testimony before the Judiciary Committee, Congress has ample constitutional authority to enact H.R. 1905 under the Constitution's "District Clause." Art. I, § 8, cl. 17. The District Clause empowers Congress to "exercise exclusive Legislation in all Cases whatsoever, over such District" and thus grants Congress plenary and exclusive authority to legislate all matters concerning the District. The text, history and structure of the Constitution, as well as judicial decisions and pronouncements in analogous or related contexts, confirms that this broad legislative authority extends to the granting of Congressional voting rights for District residents.

The District Clause, which has been described by no less a constitutional authority as Judge Kenneth Starr as "majestic in its scope," gives Congress plenary and exclusive power to legislate for the District. Courts have held that the District Clause is "sweeping and inclusive in character" and gives Congress

"extraordinary and plenary power" over the District. It empowers Congress to legislate within the District for "every proper purpose of government." Congress therefore possesses "full and unlimited jurisdiction to provide for the general welfare of citizens within the District of Columbia by any and every act of legislation which it may deem conducive to that end," subject, of course, to the negative prohibitions of the Constitution.

Although the District is not a state for purposes of Congress's Article I, section 2, clause 1, which states that members of the House are chosen "by the people of the several States," this fact is not dispositive of Congress's authority under the District Clause to give residents of the District the same rights as citizens of a state. Since 1805, the Supreme Court has recognized that Congress has the authority to treat the District like a state, and Congress has repeatedly exercised this authority. No court has ever sustained a challenge to Congress's exercise of its power under the District Clause.

Two related Supreme Court cases illustrate this point. In *Hepburn v. Ellzey*, 6 U.S. 445 (1805), the Court held that the diversity jurisdiction provision of Article III, Section 2 of the U.S. Constitution excluded citizens of the District of Columbia. The Court observed, however, that it was "extraordinary" that residents of the District should be denied the same access to federal courts provided to aliens and state residents, and invited Congress to craft a solution, noting that the matter was "a subject for legislative, not judicial consideration."

Congress accepted that invitation 145 years later and enacted legislation that explicitly granted District residents access to federal courts on diversity grounds. That legislation was upheld by the Supreme Court in 1949 in *National Mutual Insurance Company v. Tidewater Transfer Company*, 337 U.S. 582 (1949). A plurality of the Court led by Justice Jackson held that Congress could for this purpose treat District residents as though they were state residents pursuant to its authority under the District Clause. The two concurring justices would have gone even further; they argued that *Hepburn* should be overruled and that the District should be considered a state for purposes of Article III.

Tidewater strongly supports Congress's authority to provide the District a House Representative via simple legislation. As the plurality explained, because Congress unquestionably had the greater power to provide District residents diversity-based jurisdiction in special Article I courts, it surely could accomplish the more limited result of granting District residents diversity-based access to existing Article III courts. Similarly, Congress's authority to grant the District full rights of statehood (or grant its residents voting rights through retrocession) by simple legislation suggests that it may, by simple legislation, take the more modest step of providing citizens of the District with a voice in the House of Representatives. Indeed, since Congress has granted voting representation to residents of Federal enclaves in *Evans v. Cornman*, 398 U.S. 419 (1970), and to Americans living abroad through the Overseas Voting Act, there is no reason to suppose that Congress has less ability to provide voting representation to the residents of the Nation's Capital.

II. CONGRESS MAY DIRECT THE NEXT-ENTITLED STATE TO ELECT ITS ADDITIONAL REPRESENTATIVE AT LARGE

H.R. 1905 also grants an additional congressional seat to the State of Utah as the next-entitled state and directs that State to elect its additional Representative at large, rather than creating an additional single-member district. Congress plainly has the authority to do so. This statutory scheme does not violate the "one person, one vote" principle.

As the Supreme Court held in *Wesberry v. Sanders*, 376 U.S. 1 (1964), "the command of Article I, Section 2 [of the Constitution], that Representatives be chosen 'by the People of the Several States' means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." In that case the Court struck down a Georgia apportionment statute because it created a congressional district that had two-to-three times as many residents as Georgia's 9 other congressional districts. The Court stated:

The apportionment statute thus contracts the value of some votes and expands that of others. If the Federal Constitution intends that when qualified voters elect members of Congress each vote be given as much weight as any other vote, then this statute cannot stand.

"One person, one vote" concerns arise when congressional districts within a State contain different numbers of residents, diluting the voting power of residents in the district with more residents. In contrast, here the proposed temporary "at large" district in Utah does not dilute the voting power of any Utah voter.

When Utah holds its at large election for the new fourth seat, Utah voters may cast a vote in their existing district and in the State-wide election for the fourth seat. While it is true that the statewide "at large" district will necessarily contain more residents than the other districts, the establishment of that "at large" district would create no constitutional dilution concerns. Each person's vote in the "at large" district would have equal influence, and the opportunity to cast that vote would not alter in any way the value of that person's vote in her own smaller district.

Nor does a potential "one person, one vote" challenge arise on the ground that Utah residents vote in two elections while residents of other States with single-member districts would vote only once. First, the Supreme Court has never held that the "one person, one vote" principle applies to the apportionment process. Indeed, the Court has held that Congress is entitled to substantial deference in its apportionment decisions. Second, the proposed at large election does not give residents of the State more or less voting power than the residents of States with single-member districts. The example cited by Richard Bress, one of the witnesses who testified before the Judiciary Committee in support of the bill, illustrates why this is so.

Suppose that State A and State B have roughly the same population and are each entitled to four Representatives. State A holds an at-large election for all four of its representatives, while State B divides its Representatives and voters into four districts. State A's state-wide district would have a population four times the size of each district in State B. As compared to the single-district voter in State B, the "at large" voter in State A has a one-fourth interest in each of 4 representatives.

The single-district voter in State B has a whole interest in one representative. But in both scenarios, each voter has, in the aggregate, one whole voting interest.

Similarly, as compared to a state with four single-member districts, the voters in Utah's existing three districts would have proportionately less influence in the election of the representative from their own district, but would gain a fractional interest in the State's at-large representative. In short, Utah residents would have no more (and no less) voting power than residents of any other State.

III. CONCLUSION

For these reasons, I believe H.R. 1905 is constitutionally unassailable. Granting voting rights to the citizens of the District of Columbia is a matter of simple justice. I know it morally right. It is also long overdue. Let us end this injustice and be true to the better angels of our nature. I urge all members to vote to join me in voting for H.R. 1905.

Mr. GOODLATTE. Mr. Speaker, may I inquire as to how much time is remaining on each side.

The SPEAKER pro tempore. Both sides have 2½ minutes remaining.

Mr. GOODLATTE. At this time, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I need to respond to my friend from the District of Columbia with regard to have I talked to the State of Maryland. All I can do is what we can do here, what we can do constitutionally. And I am shocked at the inference that Maryland thinks so little of the people of the District of Columbia that they wouldn't want them, but that is their call. This is something we can do constitutionally.

And to my other good friend from Texas, who mentioned there is another provision, it is article I, section 8. And there is nothing in here that gives us the power to change the Constitution to revoke this word "States." And if you give it that broad, sweeping definition that my friends across the aisle are trying to do, then what will end up happening is, you want to help the fighting people that have given their lives for us and others who continue fighting? This says we can give them their own representative. We can give the Pentagon a representative. We can give every fort and post and base in America their own representative. Let's don't go that broad.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize a senior member of the Judiciary Committee, MAXINE WATERS of California, for 2 minutes.

Ms. WATERS. Mr. Speaker and Members, I rise in support of H.R. 1905, the District of Columbia House Voting Rights Act of 2007, and I am proud and pleased to do so.

I was elected in 1991; and one of my colleagues, who was elected at the same time, Ms. ELEANOR HOLMES NORTON, she has been in this battle ever since she has been here trying to educate this House and the Members of this Congress about the disenfranchisement of the people of the District of

Columbia, and she has done a magnificent job of doing that.

That brings us to the point that we are today. We have worked out an agreement. We have bipartisan support. We have a piece of legislation that makes good sense. It will give representation to the people who live and work in this District, people who pay taxes.

When I rode in this morning, I rode in a taxicab with an elderly woman who has been driving a cab for 28 years. I struck up a conversation with her, and she told me that she had two sons in Iraq. I could not tell her about what we were doing on the floor today. I did not want to engage her in that conversation because I was too ashamed to even talk about the fact that she did not have representation, she did not have a voting representative because this body had not decided to use its power to give the vote to the people of the District of Columbia. But I am proud to stand here today because I think something wonderful is about to happen.

No matter the distortions about the Constitution, no matter the misunderstanding that I am hearing from the opposite side of the aisle, we are about to embark on something that is historical, that is constitutional, and is the right thing to do. And I am so pleased and proud to be a part of it as I stand here, looking in the eyes of my friend, ELEANOR HOLMES NORTON, where I will be casting my vote with her today to give voting rights to the people of this District.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. CONYERS. Mr. Speaker, did the gentleman from Indiana desire 2 minutes from our side?

Mr. PENCE. No. I thank the gentleman. I am pleased to take time from the minority side. I thank the chairman. But I also thank very deeply the gentleman from Virginia the courtesy of yielding me time.

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

Mr. PENCE. Mr. Speaker, I do rise in support of H.R. 1905, the District of Columbia Voting Rights Act of 2007.

The fact that more than half a million Americans living in the District of Columbia are denied a single voting representative in Congress is clearly a historic wrong.

The single overarching principle of the American founding was that laws should be based upon the consent of the governed. The first generation of Americans threw tea in Boston Harbor because they were denied a voting representative in the national legislature in England. Given their commitment to representative democracy, it is inconceivable to me that our Founders would have been willing to accept the denial of representation to so great a throng of Americans in perpetuity.

But the demands of justice are not enough for Congress to act. Under our

system of government, Congress may only take action which is authorized by the written Constitution. I do believe in my heart that H.R. 1905 is a constitutional remedy to a historic wrong, and I am not alone in this thought.

Judge Kenneth Starr, the former Independent Counsel and U.S. Solicitor General observed: "There is nothing in our Constitution's history or its fundamental principles suggesting that the Framers intended to deny the precious right to vote to those who live in the capital of the great democracy that they founded." None other than Justice Antonin Scalia observed in 1984 that the seat of government clause of the Constitution gives Congress extraordinary and plenary power over our Nation's Capital. Judge Starr observes: "The logic of that case and that reasoning applies here."

Congress has used this power in the past. It was in a 1949 case that the Supreme Court upheld legislation that extended access to the Federal courts even though article III expressly limited jurisdiction to the courts to suits brought by citizens of several States. None of which argues for the District of Columbia ever to be granted the right to elect Members to the Senate. In a real sense, the House is derivative of the people, the Senate is derivative of the State.

It is my privilege to stand today, albeit in opposition to some of my most cherished colleagues, and stand in support of the D.C. Voting Rights bill.

Mr. CONYERS. I yield 30 seconds to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding.

Mr. Speaker, I just want to say that I wholeheartedly support H.R. 1905, the District of Columbia House Voting Rights Act.

I echo the words of Mr. PENCE, who just spoke. I think he said it quite precisely and concisely, the citizens of the District of Columbia deserve a full right to vote. This bill does not go as far as I would like for it to go; but at the same time, it is a step in the right direction.

I applaud my colleague, ELEANOR HOLMES NORTON, for tirelessly giving everything she has to make this happen. So this is a great day for her and a great day for our country and our Congress.

Mr. Speaker, I rise today in support of H.R. 1905, the District of Columbia House Voting Rights Act of 2007, because the time is long past due for District of Columbia residents to gain the right to vote.

It is very fitting that we are considering giving D.C. residents the right to vote this week. April 15th marked the 60th anniversary of Jackie Robinson's debut with the Brooklyn Dodgers as the first African-American player in the Majors, and on Monday, D.C. residents celebrated Emancipation Day. In keeping with this line of great accomplishments, today we have the honor, the privilege, and the duty to correct one of this Nation's oldest violations of civil rights.

District residents have been denied full representation in Congress for over 200 years. This disenfranchisement impacts more than 500,000 people who live in the District, pay federal taxes, and fight for their country in war. Further, it disproportionately impacts the African American community, which makes up fifty-seven percent of the population in the District. No other state in the union has a larger percentage of Black residents.

However, this is an issue that surpasses race. It is about basic equality. I find it ironic that we are spending billions of dollars to export democracy, when our fellow American citizens are denied the very cornerstone of democracy, the right to vote. The residents of the District of Columbia demand and deserve the right to fully participate in our democracy.

Congresswoman ELEANOR HOLMES NORTON has shown great resolve in her tireless efforts to secure full voting rights for her constituents. And Oversight and Government Reform Committee Ranking Member TOM DAVIS has been a great ally in this cause, both now and when the Republicans were in the Majority.

The bill includes a number of important provisions.

It will increase the size of the House by two seats, from 435 to 437 seats. One of the seats will go to the District of Columbia and the other seat will go to Utah, the next state in line to get a congressional seat.

The bill prevents partisan gerrymandering by creating the new seat for Utah as an at-large seat and by ensuring that Utah does not redistrict its other congressional seats until apportionment is conducted following the 2010 Census.

Importantly, the bill contains a non-severability clause, providing that if a court holds a section of this bill invalid or unenforceable, all other sections will be invalid or unenforceable.

Members of the Oversight and Government Reform Committee recognize the compelling need for granting full representation to the citizens of the District of Columbia. I hope that all of our colleagues in the House will join us, and vote in favor of H.R. 1905, the District of Columbia House Voting Rights Act of 2007.

To be sure, while I support this bill, I do not think it goes far enough. However, this compromise legislation is a step in the right direction—a step towards granting residents of the District of Columbia the ability to fully express their democratic right to vote. This is a historic moment, and I would urge all of my colleagues to be on the right side of history by voting in favor of this bill.

Again, I would like to express my appreciation to Congresswoman NORTON, Ranking Member DAVIS, and Chairman WAXMAN, and the House Leadership for their dedication in bringing this vitally important legislation to the floor and for providing us with the opportunity to correct years of disenfranchisement.

Mr. CONYERS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. MORAN).

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of this bill, the D.C. Voting Rights Act.

For too long, the residents of our Nation's Capital have been without out a full voice in Congress.

The District of Columbia is home to over 570,000 residents. It has a larger population than Wyoming, which is represented by an at-large member in the House and two Senators.

The men and women of the District of Columbia pay their taxes, both to the Federal Government and the District. They salute the American flag at Nationals, Wizards, Caps and Redskins games. And they serve or have served in the Armed Forces. D.C. is home to over 44,000 veterans. In Iraq and Afghanistan, four brave men have made the ultimate sacrifice for their country.

Yet despite being an integral part of the fabric of our Nation, D.C. continues to be denied a vote in Congress.

Today we are considering compromise, bipartisan legislation coauthored by my friends and colleagues Delegate ELEANOR HOLMES NORTON and Representative TOM DAVIS. From his position on the Government Oversight Committee Congressman DAVIS has spent considerable time and attention on issues affecting the District. And there is no stronger advocate for her constituents than the gentleman from D.C.

I compliment the bill's sponsors for crafting a thoughtful approach and a clever compromise that grants Utah an at-large representative to balance any potential partisan division. It keeps this proposal bipartisan and improves its prospects for favorable Senate action. I hope the White House will rethink its current concerns and join our bipartisan coalition to affirm the District's right to a vote.

Some who oppose this legislation have stated that it raises constitutional concerns. But, as was stated in a recent op-ed by the Republican D.C. Councilwoman Carol Schwartz, no less conservative scholars than former solicitor general Kenneth Starr, former chief judge of the U.S. Court of Appeals for the D.C. Circuit Patricia Wald and Georgetown Law Professor and author of the USA Patriot Act Viet Dinh have stated that giving the District a vote is in fact, constitutional.

Mr. Speaker, the citizens of Washington, DC are as much red-blooded Americans as anybody living in the 50 States.

They deserve to have their voices heard in the halls of Congress, they deserve a representative who can vote on their behalf as this body debates matters directly affecting their country and therefore, they deserve to have this legislation passed today.

Mr. GOODLATTE. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Georgia (Mr. PRICE).

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

□ 1330

Mr. PRICE of Georgia. Mr. Speaker, I thank my colleague from Virginia for his leadership on this and for yielding.

I want to stipulate at the beginning of this statement that I support enfranchisement, strongly support enfranchisement for the citizens of the District of Columbia. However, the oath that I take on the first day of our session stipulates that I uphold and defend the Constitution of the United States, and I believe firmly that the Constitution will not allow this. There is a process that we will go through for that, and I appreciate it.

This has been a good debate. It has been an interesting debate. I want to point out a section of the Constitution that isn't cited as often as the ones that we have heard, and that is article I, section 2, the second paragraph, which states, "No person shall be a Representative who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

If there was ever a more clear statement in the Constitution, I don't know what that is.

But I also want to talk about this sense of one person-one vote. I am very troubled by what we hear from our friends on the other side of the aisle that this upholds one person-one vote, because I would suggest to you, reading the bill and understanding what it does in both the Utah situation and in the District of Columbia, that it provides for more than one person and one vote.

In the Utah instance, for example, it provides that the State of Utah gets one extra Representative, which means that the individuals in Utah vote for two people, which means they have more authority than citizens in my district and other districts who aren't in Utah. And in the District of Columbia, this bill would provide for a Representative in the House of Representatives, but also a Delegate. Also a Delegate. So citizens in the District of Columbia would have representation from two different individuals in the House and in the Committee of the Whole.

So I would suggest, Mr. Speaker, as Mr. Rodino, the Democrat Chair of the Judiciary Committee stated in the 95th Congress, "If the citizens of the District are to have voting representation in the Congress, a constitutional amendment is necessary, is essential. Statutory action alone will not suffice."

So I would ask my friends on the other side of the aisle, what changed? What changed? Was Mr. Rodino wrong? I think not. I think not. I think there is a statutory way to do it, and that is through retrocession. I think there is a constitutional way to do it, by amending the Constitution.

I would suggest to my friends on both sides that H.R. 1905 does neither of those and violates sincerely the principle of one-person, one-vote.

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

Mr. PRICE of Georgia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman's observation, but as you know, I schedule legislation for the floor in my capacity as the majority leader.

May I ask my friend, if this came to the floor as a constitutional amendment, would my friend be supportive of that constitutional amendment?

Mr. PRICE of Georgia. Mr. Speaker, reclaiming my time, I appreciate my colleague's question, but I think that is not the appropriate way to go.

However, I strongly support retrocession to the State of Maryland, because

I believe strongly in the enfranchisement of the citizens of the District of Columbia.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Maryland (Mr. WYNN) for the purpose of making a unanimous consent request.

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

Mr. WYNN. I would like to thank the distinguished chairman.

Mr. Speaker, I rise in support of D.C. voting rights on behalf of the Fourth Congressional District of Maryland, suburban neighbors of the citizens of the District of Columbia, out in Prince George's and Montgomery Counties. We fully and wholeheartedly support full D.C. voting rights.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. Mr. Speaker, this legislation is a critical step in support of democracy. This legislation is important legislation. The District of Columbia House Voting Rights Act is designed to do one thing, to address and rectify the unjustified disenfranchisement of more than 500,000 citizens of our country, whose only distinction between any of us who sit on this floor, other than the distinguished representative of the District of Columbia, EL-EANOR HOLMES NORTON, is that they live in a few square miles designated by their country, gifted by the State of Maryland, as our Nation's capital.

Since 1801, when Washington, D.C., became this Nation's capital, the citizens of the District of Columbia have not had representation in the Congress. Let me speak briefly of that, because although I have not heard all of the debate, I am sure the Constitution has been referenced that Representatives shall represent citizens of the several States.

Let there be no mistake, every resident of the District of Columbia is a successor to citizens of the several States in 1800. I don't mean that every one of them is a direct descendant, obviously, but politically they were part of the several States, unlike all four others of the representatives who cannot vote. They are distinguished and discrete in that regard. That, I suggest to you, is wrong.

It is wrong as a matter of principle because District citizens pay Federal taxes, sit on juries, serve in our Armed Forces and give their lives for their country, as do other Americans who enjoy full representation in this body. It is wrong politically because District citizens since 1801 have effectively been a ward of Congress. Very frankly, I don't think the citizens of Maryland intended that or the citizens of any other State of the Union when they acquired the District of Columbia.

And it is wrong morally, because the United States of America, which has

the freest, truest form of representative government perhaps in human history, deprives only one portion of its citizens, a small portion, 500,000 out of 300 million, deprives a small portion of its citizens of its very own capital a voice in the national legislature.

Let me add, the United States of America is the only representative democracy that does not afford the citizens of its capital voting representation. Thus, this is not only a national disgrace, but an international embarrassment, and the American people and Members here on both sides of the aisle recognize this injustice and want to remedy it. That is what this legislation is about.

In fact, 82 percent of respondents in a recent national poll indicated that residents of the District of Columbia should have representatives that can vote in the Congress. And I should note that legislation virtually identical to this bill was reported out of the Republican-controlled Government Reform Committee in the last Congress when the committee was chaired by Mr. DAVIS of Virginia, who is a cosponsor of this legislation. Mr. Jack Kemp, a former colleague of ours, a leader in this Congress, a vice presidential nominee of the Republican Party, has strongly urged the passage of this piece of legislation.

The truth is, the absence of representation in Congress for District citizens underscores the failure of the Congress to use the authority vested in it by the Constitution of the United States to correct this injustice. The authority I refer to, of course, is article I, section 8 of the Constitution, the so-called seat of government clause, under which, and I quote, "The Congress shall have power to exercise exclusive legislation in all cases whatsoever over the District of Columbia."

Now, I asked my friend, the gentleman from Georgia (Mr. PRICE) who talked about needing to do this through a constitutional amendment, I said, would you support a constitutional amendment? He said "no"; his view was, only if the District of Columbia were given back to Maryland and the District of Columbia residents were told, you are no longer residents of the District of Columbia, you are residents of Maryland.

I suggest if you ask the residents of Virginia or Delaware or Pennsylvania, which are contiguous States to our beloved State of Maryland, they would say, thank you, but no thanks. We like being Pennsylvanians or Delawarians or Virginians.

The District of Columbia residents are proud of their jurisdiction. They are proud of being citizens of the District of Columbia. What they want to have is full democratic representation.

Plain and simple, this sweeping language gives Congress extraordinary and plenary power over our Nation's capital city, including the authority to adopt legislation to enfranchise the District's 550,000 residents with a full vote in the House of Representatives.

I am not alone in my view of this article. Twenty-five legal scholars from law schools, and I am sure this has already been discussed by our distinguished chairman and the extraordinarily able Representative and outstanding lawyer and law professor who represents the District of Columbia, my good friend ELEANOR HOLMES NORTON, have already pointed this out.

Even Kenneth Starr, a distinguished lawyer, I have disagreed with him prettily strongly on some things, but the former conservative jurist and current dean of Pepperdine Law School, has concluded that Congress has the authority under article I, section 8, to do this.

Now, do I delude myself that this is not going to be brought before a district court or a circuit court or the Supreme Court? No, I do not. That is appropriate. That is available to residents. They can do that, and the court will ultimately have to rule. However, this is an opportunity for us on this floor to make a stand for democracy, to extend to these 550,000 people the civility and respect we would expect for ourselves.

That Congress has for two centuries failed to use its authority to correct an injustice is no reason to persist in that failure today. It is always timely to do the right thing.

This institution exists, after all, to eliminate injustice and to make our Nation "a more perfect Union." How much more perfect can we make the Union than to include all of our people as full citizens within that Union?

We, the Members of this House, must never, never be seduced into thinking there is no such thing as a settled injustice within our authority but beyond our duty to correct. For an injustice planted two centuries ago is just as harmful to what America aspires to be today as one planted last year or last week.

Mr. Chairman, as Frederick Douglass, who spent his final years just a few blocks from where I stand today, said, "Man's greatness consists in his ability to do and the proper application of his powers to things needed to be done."

We need to make the citizens of this Nation's capital full citizens of the United States of America.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1½ minutes, and I would like to pose a couple of questions to the distinguished majority leader.

I have listened to his historical discourse. As the gentleman knows, Alexander Hamilton, one of our Founding Fathers, offered an amendment during the writing of our Constitution that would have provided voting rights to the citizens of the District of Columbia. It was defeated and not included in our Constitution. At that time, both portions of Maryland and portions of Virginia were included in a 100-square-mile area, and in 1846, the portion that had come from Virginia was ceded back to Virginia.

I wonder if the gentleman, having posed the question about the constitutional amendment, would respond to the question, if this is ruled unconstitutional, as many of us think it is, would the gentleman bring to the floor legislation that would do something similar for the portions of the District of Columbia, excepting key government buildings, so that the citizens would have the opportunity to vote with the citizens of his State, Maryland, for whom he can speak with some regard?

Mr. HOYER. I will certainly seek to enfranchise the citizens on a continuing basis until that is accomplished.

Mr. GOODLATTE. I would ask the gentleman further, if when the court, and I hope the court does, determines that this is unconstitutional, if in getting to that process, recognizing there are going to be lots of uncertainties if this bill were passed and signed into law, both for citizens of Utah, for the District of Columbia and for the operation of the Congress as a whole, if he would join with us in supporting an expedited judicial review to receive a prompt determination of the constitutionality of this legislation?

Mr. HOYER. I believe this will be tested, as I said before. Many on your side of the aisle have indicated that. If that is the case, I would hope it would be expedited.

I believe this is constitutional, and I certainly think, based upon that conviction, I would hope the court would sustain that view.

□ 1345

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to my colleague from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, this is a serious matter. It is my understanding, I am now told, I have not seen your motion to recommit; I have no intention of supporting your motion to recommit.

This bill has a long way to go. I hope it passes this House, I hope it passes the Senate, I hope it passes the conference, and I hope the President signs it.

My response to you was a fair response. But the question was to get me on the record on your motion, apparently, and I will tell my friend from Virginia, who disagrees with my other friend from Virginia, Mr. DAVIS, on this issue, that I have every intention of opposing the motion to recommit.

Mr. GOODLATTE. Mr. Speaker, I yield myself 15 seconds to respond.

I would say, with due respect to the majority leader, the motion to recommit was offered as an amendment. No amendments were made in order, so it is our only recourse to offer it in those circumstances. I take the gentleman's statement as his word that he is going to oppose it for valid reasons, but I frankly see no valid reasons why we should not have expedited review of this legislation.

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

Mr. CONYERS. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for a unanimous consent request.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 1905.

I rise today in support of H.R. 1905, the District of Columbia House Voting Rights Act of 2007. I congratulate my colleagues for their courage and veracity to consider this measure and support its passage after 231 years of injustice. Since the birth of our Nation the residents of the District of Columbia have been deprived of their fundamental Federal rights, despite paying their Federal taxes.

I would like to thank Congresswoman ELANOR HOLMES NORTON from the District of Columbia for her leadership and tenacity. Since elected to Congress in 1996, Congresswoman NORTON has consistently fought for voting representation in the United States Congress.

Our democracy and our values as Americans are contingent upon the idea that every person should have the right to vote and have that vote counted. The citizens of the District of Columbia have not been able to fully realize this right. While they are able to vote in presidential election yet their voice in the body of the House of Representatives has too often been silenced. This is in direct opposition of the values of equality and opportunity that we hold so dearly as American citizens.

Mr. Speaker, I urge my colleagues to give the District of Columbia residents a vote in Congress. I hope we could finally grant the residents of the District of Columbia the voice that they deserve.

Mr. CONYERS. Mr. Speaker, I yield to the gentlelady from Florida (Ms. CORRINE BROWN) for a unanimous consent request.

(Ms. CORRINE BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise to indicate that I will be voting "yes" on H.R. 1905 and that I have supported it for 15 years, and I am very happy to be supporting the doing away with the disenfranchisement of the people of the District of Columbia.

I want to thank the Gentlelady from the District of Columbia, Ms. NORTON, Chairman CONYERS, and the Gentleman from Virginia Mr. DAVIS for working very hard to bring the vote to the residents of the District of Columbia.

I rise today in support of this legislation.

This country's history is replete with certain groups being denied the right to vote.

Being from Florida, I understand about disenfranchisement. It is something I fight against and oppose every day. Disenfranchisement did not end with the passage of the Voting Rights Act, and it will not end when the residents of the District of Columbia finally get the right to vote. It is a continual fight, needing eternal vigilance to protect.

This bill will go a long way in righting the wrongs that have been perpetuated on the American people for too long.

This bill ends the 206-year-old injustice of "taxation without representation" for over a half a million District residents. Residents of the District of Columbia serve in the military, pay billions of dollars in Federal taxes each year, serve on juries, and assume other responsibilities of U.S. citizenship. And yet, for over 200 years, they have been denied full voting representation in the Congress. The United States is the only democracy in the world that deprives the residents of its capital city full voting representation in the national legislature. Essentially, residents of every State have a vote regarding the laws that govern the District, while those living in the District itself do not.

Support the right to vote. Support voting rights for the residents of the District of Columbia. Support H.R. 1905.

Mr. CONYERS. Mr. Speaker, I yield now to a member of the Judiciary Committee, Mr. STEVE COHEN of Tennessee, for 30 seconds.

Mr. COHEN. Mr. Speaker, we had distinguished speakers on both sides of this issue argue the constitutionality in the Judiciary Committee, both conservative and liberal members on each side, and they both gave arguments it was constitutional.

In baseball, the tie goes to the runner, and it goes to the runner because the runner is trying to make an advancement, trying to score, trying to make progress. And I would submit, Mr. Speaker, that this is progress. This is an advancement to allow the enfranchisement of these people who have been denied the vote and their ancestors for many years. The tie should go to the runner, we should pass this bill, and I am proud to vote for it today.

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I appreciate the opportunity and the time to make some brief comments on this legislation.

The debate has been, as said previously, lively and very good. And it is good that we are actually having a bill presented to this Congress where the issue is whether it is constitutional or not. Too often this House seems to run through legislation. A lot is mentioned, a lot is said on this House floor, but the issue of whether it stands muster with our Constitution is not said.

For the last 30 years, I have been in the legal profession, 8 years as a trial lawyer and 22 years as a trial judge in the State of Texas. And the issue always in court, especially in criminal cases, is: Is it constitutional what occurs in that courtroom? That is always the question of the day. And I think that is the question of today as well.

I respect the remarks of the majority leader on his comments about how important it is for the folks in Washington, D.C. to have the right to vote for a Member of Congress. I couldn't agree with him more. It is the moral decision as well as an appropriate decision for us to make, at some time.

But under this current piece of legislation, it is not constitutional, unless

we want to take the word "state" in the U.S. Constitution and change it to something else. Now, that does happen with the Supreme Court from time to time; they give a new definition to the word. I don't know if they will give a new definition to the word "state" and apply it to the State of D.C. or not. We shall see, probably, if this legislation passes.

But I think the better avenue would be to file a constitutional amendment. No question about it. A constitutional amendment cannot be ruled unconstitutional even by our Supreme Court. And I think that is the better way to proceed. I think this piece of legislation for the reasons stated by many people is unconstitutional and it should not pass.

Let's do it the right way, the proper way, and of course the moral way: file a constitutional amendment.

The SPEAKER pro tempore. The gentleman from Virginia has 30 seconds remaining; the gentleman from Michigan has 6¼ minutes remaining.

Mr. CONYERS. Mr. Speaker, I now yield 1 minute to DANNY DAVIS, the distinguished Member of Congress from Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of the District of Columbia's Voting Rights Act. As chairman of the Subcommittee on the Federal Workforce Postal and the District of Columbia, I have listened closely to the debate, and I am firmly and thoroughly convinced that every procedural concern has been met, every rationalization has been met with logic, and every constitutional question has withstood its challenges.

The only question before us now is: If not now, then when? If not us, then who?

The real deal is that the people of the District of Columbia have waited far too long. Justice delayed is justice denied. We must correct this injustice and do it today. I urge passage of this legislation.

Mr. CONYERS. Mr. Speaker, it is now time for us to hear the Delegate from the District of Columbia. I am honored to yield to ELEANOR HOLMES NORTON 5 minutes.

Ms. NORTON. Mr. Speaker, I thank the distinguished chairman for yielding and for his ceaseless fight for the District's rights. During the rule, I thanked the many others who are responsible for this historic day.

Today's vote will allow the House to erase many deep historic wrongs from the Nation's conscience. As the House votes, District's residents are serving in Iraq and Afghanistan in a shooting war, as they have in every war, including the war that established our Republic.

Andy Shallal, a District resident, said it best: "People like me of Iraqi ancestry and even my son, who was born in the United States, are entitled to vote in Iraq elections due in large part to the service of the citizens of the District of Columbia and other Ameri-

cans who have fought and died in Iraq."

And today's vote will erase the slander that the Founders of our country who staged the revolution for representation would then deny it to the residents of their own capital.

Professor Viet Dinh, President Bush's former point man on constitutional matters, has wiped away the major argument that because the District is not a State its American citizens cannot vote in the people's House, by detailing the many ways in which "since 1805 the Supreme Court has recognized that Congress has the authority to treat the District as a State, and Congress has repeatedly exercised that authority." My favorite is the sixteenth amendment, which requires only that citizens of States pay Federal income taxes. Why then have District residents continuously been taxed without representation?

And today's vote will relieve the House of the shameful racial burden that has been at the core of the denial of the rights of D.C. citizens. Congress required the same racial segregation here as in the Southern States, in schools and in public accommodations, until the 1954 Brown decision. As one Southern Senator put it: "The Negroes flocked in, and there was only one way out, and that was to deny suffrage entirely to every human being in the district."

Former Republican Senator Edward Brooke, a native Washingtonian and the Nation's first popularly elected black Senator, wrote: "The experience of living in a segregated city and of serving in our segregated Army perhaps explains why my party's work on the Voting Rights Act reauthorization last year and on the pending D.C. House Voting Rights Act has been so important to me personally. The irony, of course, is that I had to leave my hometown to get representation in Congress and to become a Member."

Today, I ask the House to abolish that irony and the tragedy for the many who have come to the Nation's Capital seeking freedom for 206 years, among them my great grandfather, Richard Holmes, a slave who ran away from a Virginia plantation in the 1850s and settled our family here. I appeal to your conscience and ask for your vote so that finally there also will be a vote for your fellow Americans here who have paid for this precious right many times over in blood and in treasure.

I thank the gentleman for yielding. Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of the time and simply say that I think this has been an excellent debate. I think there is good faith on both sides. But I do believe very, very strongly, as do I think many, many other people, that this is the wrong way to go about correcting the lack of a vote for residents of the District of Columbia, which the other side has clearly pointed out should be corrected. But there are correct ways to do it. An amendment to the United

States Constitution, what Virginia did with recession of the land to Maryland and allowing the citizens to vote in Maryland are both good solutions.

We should defeat this ill-conceived and unconstitutional legislation because the plain meaning of the Constitution, the words of the Constitution, cannot be altered by this House. And if we start doing that, we are indeed betraying our oaths. Defeat this legislation and do it right.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of the time remaining on our side.

I begin by commending my colleagues in the Congress on the debate that has occurred today. It has been civil, it has been honest, and the disagreements, both constitutionally and otherwise, have been very clearly spread upon the record.

And why is that so? Well, because we had the same debate 27 days ago. That is why. We have all been through this for every argument, for every constitutional expert opinion that is regularly volunteered.

And, look, I have articulated my belief that a measure that we are debating is unconstitutional as frequently as anybody on the other side. I don't know what our collective batting averages of being accurate are, but that is for the courts to decide, and I think that we all agree to that.

The District of Columbia residents want no more than what the Founding Fathers wanted. And, by the way, for those who wonder why we didn't make them a State right off the bat, at that time there may have been 150 people living in this swampy area that is now known as D.C. We didn't have anybody to make citizens.

So join me, join us in this historic moment and pass the bill. It is high time.

Ms. KILPATRICK. Mr. Speaker, our country, our Declaration of Independence, and our Constitution are all based on a promise. The promise in the Declaration of Independence is that taxation without representation was, and is, wrong. The promise in our Constitution is that all citizens of this country have "certain inalienable rights" and it is the job of Congress to secure those inalienable rights. H.R. 1905, the District of Columbia House Voting Rights Act, would secure those rights for the hard working, tax paying citizens who, merely because they live in the Nation's Capital, do not have a voting representative in the U.S. Congress.

We enjoy many rights as Americans. The right to vote and the right to equal representation is perhaps the most sovereign right that we as Americans have. In my own personal history as an activist, I was an active and aggressive participant to secure these rights for all Americans. Indeed, some of our colleagues in Congress today were jailed and beaten to protect these civil freedoms. Unfortunately, too many died for this cause. The sacrifices of these individuals and organizations, along with the basic, essential sense of freedom and justice, is a clarion call and underscores our obligation to the more than 600,000 citizens of Washington, DC who pay some of the highest

taxes in the Nation, but do not have a vote on those taxes; who have served and died in every war our country has fought, but did not have a vote to authorize a war; and who, in 2007, still do not have a voting representative in the U.S. Congress.

H.R. 1905, the District of Columbia House Voting Rights Act, will not only add full and unfettered voting power for the Representative from the District of Columbia, it also adds a new Congressional District in Utah. This bill, the manifestation of hard, tough, bipartisan negotiations, finally provides fairness and justice that has been denied for more than two centuries to the citizens of Washington, DC. For more than two centuries and a half, while our country has made democracy our global mantra, citizens in the Nation's Capital have not had a voice. For more than two centuries and a half, citizens in the Nation's Capital have been muted and marginalized. The District of Columbia Voting Rights Act is a step in the right direction, empowers the citizens of Washington, DC, and finally allows for the citizens of Washington, DC to fully embrace and enjoy the fruit of their labor, taxes, and diligence to our country.

I am pleased that the wisdom of 240 of my colleagues prevailed in this vote, and I look forward, like the vast majority of my colleagues, to quick action in the Senate and to President Bush signing this bill into law as soon as possible. I applaud the work of Congresswoman ELEANOR HOLMES NORTON, Congressman TOM DAVIS, and the collective bipartisan effort to preserve the principle of fair, equal representation.

Mrs. CHRISTENSEN. Mr. Speaker, I once again rise in strong support of H.R. 1905, legislation which will enable the residents of the District of Columbia to secure full voting rights in the House of Representatives. I applaud my friend and colleague, the gentle lady from the District for her strong and persistent advocacy and leadership on this issue which is so important to her constituents.

Mr. Speaker, we Democrats have long been committed to providing full voting rights to the residents of the District, and I am proud to stand here as a Democrat speaking out for this right as well. But, I would also like to acknowledge that on this issue there has been strong support across the aisle.

Our colleague, former Government Reform Committee Chairman TOM DAVIS, worked with Congresswoman NORTON to develop bipartisan agreement on legislation to give one voting representative to the mainly Democratic District of Columbia, and another to the largely Republican State of Utah. This effort led to the introduction of the District of Columbia Fair and Equal House Voting Rights Act, last year and the reintroduction of this bill in this Congress.

Mr. Speaker, as a Delegate in the House also without a vote, I must acknowledge the fact that my constituents, and indeed the constituents of our colleagues from Guam, American Samoa and Puerto Rico, also would want their representative to have a full vote in the House as well. We recognize and acknowledge, as do the constitutional scholars who testified in support of the DC Voting Rights Act, that the Framers of the Constitution never intended to deny voting representation to citizens of the Nation's Capital. Similar, we also know that just as it is wrong to disenfranchise the residents of the District it is equally wrong

to disenfranchise my constituents and the residents of the other territories.

However, our time for this has not yet come. But the time for the citizens of the District of Columbia has come and is very long overdue. The residents of the District have labored under this undemocratic status and have been silenced for more than 200 years. That is 200 years of justice delayed and justice denied.

Presidents as far back as Andrew Jackson have advocated for full representation in Congress for the District, and much later, President Richard Nixon in a special message to the Congress on the District of Columbia in 1969 said, "It should offend the democratic sense of the Nation that the 850,000 residents of its capital, comprising a population larger than 11 of its States, have no voice in Congress." As such, the District expends billions of dollars annually to support not only its own residents but the hundreds of thousands of daily commuters who work in District of Columbia but live in the bordering states. The District of Columbia's resources and infrastructure are burdened on a daily basis with no financial assistance from the bordering states that benefit from these services. For all intent and purposes, the District of Columbia is treated as a state.

Mr. Speaker, I look forward to the day when all citizens under the American flag will enjoy the democratic right of full representation in their national assembly as well as vote for our President and Commander-in-Chief. Until that day, I look forward to soon witnessing the day when residents of the District of Columbia, residents of the capital of our Nation, finally receive fair and equal voting rights in the House, the day that they will finally have justice.

I urge my colleagues to support the District of Columbia Equal House Voting Rights Act of 2007 and end taxation without representation for our fellow citizens in the District of Columbia.

Mr. WAXMAN. Mr. Speaker, today we are considering a bill that will help bring democracy to the District of Columbia. H.R. 1905, the District of Columbia House Voting Rights Act of 2007, will grant the District of Columbia a full vote in the House of Representatives.

District of Columbia residents have been denied full representation in Congress for over 200 years. District residents pay billions of dollars in federal taxes yet get no vote in Congress. District residents have fought in every war our Nation has faced yet get no vote in the House of Representatives. This bill will help right this longstanding injustice.

There have been two champions of this legislation who deserve recognition. Congresswoman NORTON has worked tirelessly on behalf of her constituents to forge a compromise that has bipartisan support. Representative TOM DAVIS, the Ranking Minority Member of the Oversight and Government Reform Committee, has led the charge for voting rights for the District.

The District of Columbia House Voting Rights Act includes a number of important provisions. It will increase the size of the House by two seats. One seat will go to the District of Columbia and the other to Utah, the next state in line to get a congressional seat. The bill also prevents partisan gerrymandering by creating the new seat for Utah as an at-large seat and by ensuring that Utah does not redistrict its other congressional seats until after the apportionment following the 2010 census.

H.R. 1905 also contains a nonseverability clause providing that if a court holds one section of this bill invalid or unenforceable, all other sections will be invalid or unenforceable. This is an important safeguard because it means that no part of this bill can have legal effect unless the entire bill does. Under this legislation, Utah cannot be granted a seat in the House without the District also being granted a seat or vice versa.

H.R. 1905 is a step in the right direction toward providing the residents of the District fair representation in Congress. I urge all of my colleagues to join me in supporting this legislation.

Mr. UDALL of Colorado. Mr. Speaker, I am a cosponsor of this legislation and I urge its approval.

The bill will provide residents of the District of Columbia (DC) with full representation in the U.S. House of Representatives by permanently expanding the House from 435 to 437 seats, with one of the new seats allocated to DC and the other to the State next entitled to increase its congressional representation. Based on the 2000 Census, Utah is the State next entitled to increase its congressional representation, so Colorado's western neighbors will gain that seat.

As we all know, Mr. Speaker, the Constitution authorizes Congress to "exercise exclusive jurisdiction in all cases whatsoever" over the seat of government—that is, the area ceded to the Federal Government and now known as the District of Columbia. But I think residents of DC should be able to govern themselves—like residents of Colorado—to the maximum extent consistent with allowing the Federal Government to operate. And the fact is that right now more than half a million people living in DC lack an essential element of self-government—full representation in the House of Representatives. So, while residents of Colorado and every other State have a vote regarding the laws that govern DC, the American citizens living there do not.

Interestingly, this has not always been the case. The decision to locate the "seat of government" on the Potomac was made by the First Congress through enactment of the Residence Act. And for a decade—from 1790 to 1800—District residents were able to vote in Congressional elections in Maryland and Virginia, even though they were not citizens of those states, because of Congressional action recognizing and ratifying the ceding states' laws as the applicable law for the now-federal territory until further legislation.

However, in 1800 Congress passed a different law for DC, and since then DC residents have been denied voting representation in Congress—the very entity that has ultimate authority over all aspects of the city's legislative, executive, and judicial functions. And as early as 1801, the citizens of Alexandria petitioned Congress to create a functioning DC municipal government and restore its residents' representation in the House of Representatives. Over the years Congress did act to create a DC municipal government, but its residents remain without voting representation in Congress. This bill would remedy that.

Some of the bill's opponents argue that it is not constitutional because representation in Congress is reserved for Americans who live in one of the 50 States. I am not a lawyer, and do not claim to be a constitutional expert. But after careful review of the matter, including the

opinions of people who unquestionably are experts, I am not convinced the opponents are right on that point.

As I said, the Constitution gives Congress very broad power to legislate regarding the District of Columbia. And, as noted in the Judiciary Committee's report on this bill, many Constitutional experts say that this power includes the power to restore to DC residents the right to vote for a Member of the House of Representatives that existed from 1790 until 1800.

In short, their view is that a right given by Act of Congress in 1790, then removed by another Act of Congress in 1800, can be restored by a third Act of Congress in 2007. I find that persuasive, and so I will vote for this bill even though it is likely that this interpretation of Congressional authority will be tested in the courts.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of the District of Columbia House Voting Rights Act.

For too long, the residents of our Nation's Capital have been without a full voice in Congress.

The District of Columbia is home to over 570,000 residents. It has a larger population than Wyoming, which is represented by an at-large member in the House and two Senators.

The men and women of the District of Columbia pay their taxes, both to the Federal Government and the District. They salute the American flag at Nationals, Wizards, Caps and Redskins games. And they serve or have served in the Armed Forces. DC is home to over 44,000 veterans. In Iraq and Afghanistan, four brave men have made the ultimate sacrifice for their country.

Yet despite being an integral part of the fabric of our Nation, DC continues to be denied a vote in Congress.

Today we are considering compromise, partisan legislation coauthored by my friends and colleagues Delegate ELEANOR HOLMES NORTON and Rep. TOM DAVIS. From his position on the Government Oversight Committee Congressman DAVIS has spent considerable time and attention on issues affecting the District. And there is no stronger advocate for her constituents than the gentlewoman from DC.

I compliment the bill's sponsors for crafting a thoughtful approach and a clever compromise that grants Utah an at large representative to balance any potential partisan division. It keeps this proposal bipartisan and improves its prospects for favorable Senate action. I hope the White House will rethink its current concerns and join our bipartisan coalition to affirm the District's right to vote.

Some who oppose this legislation have stated that it raises constitutional concerns. But, as was stated in a recent oped by the Republican DC Councilwoman Carol Schwartz, no less conservative scholars than former solicitor general Kenneth Starr, former chief judge of the U.S. Court of Appeals for the DC Circuit Patricia Wald and Georgetown Law Professor and author of the USA PATRIOT Act Viet Dinh have stated that giving the District a vote is in fact, constitutional.

Mr. Speaker, the citizens of Washington, DC are as much red-blooded Americans as anybody living in the 50 states.

They deserve to have their voices heard in the halls of Congress, they deserve a representative who can vote on their behalf as this body debates matters directly affecting

their country and therefore, they deserve to have this legislation passed today.

Mr. SHAYS. Mr. Speaker, as a longtime supporter of the District of Columbia House Voting Rights Act, I am pleased we are moving quickly to consider this legislation, to finally give Washington, DC voting rights in the House of Representatives.

This bill would establish the District of Columbia as a congressional district and thus grant the citizens of the District representation in Congress.

The legislation also would grant an additional congressional seat to Utah based on the results of the 2000 Census.

Unlike some previous versions of this legislation, H.R. 1905 would make these two seats permanent.

The Oversight and Government Reform Committee has led the charge on granting the city of Washington, DC the right to have a full vote in the House of Representatives.

The citizens of the District pay federal taxes, so it is only right they have a say in federal affairs.

Mr. Speaker, I urge the support of this important and historic legislation.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to support this important bill—the DC Voting Rights Act.

It is long past time to pass this legislation. It is not a question of politics or political advantage, it is a question of civil rights—it is a question of whether we believe that those people who live in the city that houses our Democratic institutions, who often work in the Federal government, deserve equal representation in our legislative body.

There is simply no excuse to deny the hundreds of thousands of residents of our Capital City the right to equal representation in the United States Congress. They are citizens in every way. They pay the same federal taxes as anyone else, can serve in the armed forces, and are subject to the same laws of the land. What a terrible message we send when the people in the capital of the world's greatest democracy do not have a vote in the people's House.

I have the privilege of representing the district right next to Washington, DC, and it is simply wrong that when you cross the border from my district into Washington, DC, you go from a district where you have voting representation to one where you do not.

Mr. Speaker, we have before us a bipartisan compromise that extends full voting rights to our neighbors here in the District. I urge my colleagues to support this bill and finally end taxation without representation.

Mr. KIND. Mr. Speaker, I rise today to provide my strong support for H.R. 1905, The District of Columbia House Voting Rights Act of 2007. Ensuring that all citizens have the opportunity to participate in our democracy is a responsibility I take very seriously and H.R. 1905 is one legislative measure that seeks to achieve this objective.

We take pride as a Nation for the numerous freedoms extended to our citizens; however, the United States is the only democracy in the world that deprives the residents of its capital full voting representation in the legislature. For the past 200 years, District of Columbia residents have fulfilled their responsibility as citizens in countless ways such as serving in the military, paying federal taxes and serving on juries. Their rights should now be extended to

include having a voice in the United States Congress.

There is no place in our democracy for the 206-year-old injustice of "taxation without representation" for the over half a million District residents. With 82 percent of our Nation's citizens in support of expanding this fundamental right to vote to all citizens, the time is now to correct this injustice and restore democracy in our Nation's capital.

Mr. Speaker, I urge my colleagues to capitalize on this opportunity to extend to District residents an entitlement cherished so deeply by citizens of the United States—the right to vote.

□ 1400

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 317, the bill is considered as read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SMITH
OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill H.R. 1905 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following new section:
SEC. 5. EXPEDITED JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any member of the House of Representatives (including a Dele-

gate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. SMITH of Texas. Mr. Speaker, let me be clear. Any Member who votes for this bill is voting to grant D.C. residents more voting power in the House of Representatives than any of their own constituents now enjoy. That is because this latest version of the bill fails to eliminate the position of D.C. Delegate.

The D.C. Delegate can, of course, vote in committee, which means that if this bill passes, D.C. residents will have two votes in committee and one on the House floor. That would give D.C. residents more voting power in the House than any other voter in the country. That is obviously unfair, and I think we all know it.

Mr. Speaker, this motion to recommit simply requires expedited judicial review of the constitutionality of the bill's provision. I believe this legislation is unconstitutional and will produce significant legal and electoral turmoil if enacted. So it is critical that the motion to recommit be adopted to ensure that if the bill violates the Constitution, that unconstitutional action will not be prolonged.

This motion to recommit constitutes the very same expedited judicial review provision Congress agreed was appropriate, on a bipartisan basis, in the McCain-Feingold campaign finance law. That provision was successfully employed to facilitate the Supreme Court's expeditious review of that legislation.

Opponents might claim that an expedited review of the legislation would already be provided by 28 U.S.C. sections 2284 and 1253, but that is very far from clear. 28 U.S.C. section 2284 only applies to "actions filed challenging the constitutionality of an apportionment of a congressional district over the apportionment of any statewide

legislative body." The creation of a new House Member to represent a non-State constitutes neither an apportionment nor something relating to a statewide legislative body. The 14th amendment itself makes clear that apportionment is a concept that only applies to States.

Also, nothing in 28 U.S.C. section 1253 requires the Supreme Court to ever hear the case, and absent a statutory requirement, the Supreme Court retains the discretion regarding whether and when to hear a case.

In contrast, the motion to recommit requires that the case be brought in the District of Columbia before a three-judge Federal district court with direct appeal to the Supreme Court. The motion to recommit provides that "It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal."

Professor Jonathan Turley, someone the majority consults frequently for his views, said in his testimony offered at the Judiciary Committee's hearing on the first of three versions of this bill that were introduced, "Permit me to be blunt, I consider this act to be the most premeditated unconstitutional act by Congress in decades."

As Professor Turley also pointed out, the inevitable legal challenge to this bill could produce legislative chaos. With a relatively close party division in the House, the casting of a determinative vote subsequently held invalid by a court could throw the validity of pieces of future legislation into question.

There is no reason to stall a judicial resolution of these important issues, especially when doing so risks legislative chaos regarding the validity of future legislation passed by the House.

Mr. Speaker, if supporters of H.R. 1905 believe the bill is constitutional, and I know they do, they should want to get that constitutionality established by the Supreme Court as soon as possible. Likewise, we should all want to shorten the time that the Representatives created under this bill would serve, if they are, in fact, declared unconstitutional.

The bill is either constitutional or it is not. Let's adopt this motion to ensure that question is resolved expeditiously and to prevent as much uncertainty as possible.

I encourage my colleagues to support this motion to recommit.

Mr. CONYERS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, first of all, I want to commend my friend from Texas (Mr. SMITH). His arguments are cogent and our relationship on the committee is excellent.

But I must comment as to the argument that our bill allows the District of Columbia to have both a Representative and a Delegate. We fully intend to

repeal the Delegate part of it by separate statute as soon as we get the bill that will allow the District to have a Representative.

We have had lots of debate, and he has quoted Professor Turley, who has made the most extreme statement, his personal beliefs. And we invited him as a panelist, but he has been profoundly in the minority on a number of other issues as well. So I do not regard his opinion as having any more or less importance or significance than any of the other constitutional experts that we heard.

Now, here is the problem. We would, if this motion to recommit were passed, provide for two things: expedited review of this matter and standing to all Members of Congress to challenge the constitutionality of the bill before us. Four hundred thirty-five Members would be granted standing. Why? Are there not enough constitutional lawyers and supporters and opponents on both sides to take care of this matter, rather than to have the Supreme Court filled with Members of Congress wanting to vent probably very repetitious views?

This is a motion based on an amendment which has been debated and defeated in the Judiciary Committee when we considered an earlier version of this bill only weeks ago.

Now, I recognize and appreciate that the motion is being offered in good faith to amend the bill. However, as I have stated before, it is my concern that this recommit motion will do far more harm than it could ever cause good.

I am concerned that the motion puts Congress down on record as believing that the bill is constitutionally weak. It is not, and therefore, I cannot support a motion to recommit that would make this concession. Nothing could be further from the truth.

We have had hearings on top of hearings from everyone who claimed to be a constitutional expert on this subject anywhere in the Judiciary Committee. We have heard from everybody on both sides of the aisle over the last several Congresses, and based on the record, there is ample precedent for the Congress, using the District clause as authority for this legislation as they have for taxes, for diversity, for labor and numerous other matters. Clearly, this bill falls within the general line of authority.

Now, concerning expedited judicial review in this motion, the courts are perfectly capable of handling the issue. There are judicial standards for dealing with expedited review, namely, when there is a showing of irreparable harm. Nobody has mentioned that as a reason for having expedited review. Irreparable harm coming and giving the Delegate of this District the right to vote? We have statutes on the books that cover this very issue already.

We did not provide expedited review of such controversial laws as the PATRIOT Act, parts of which have actu-

ally been held, subsequently, unconstitutional. Yet, the issue was readily dealt with by the courts.

The courts will readily deal with this issue as well. And I am strongly opposed to the idea of Congress passing laws that confer unique standing on themselves or special rights to intervene in pending lawsuits.

You can always become amicus curiae, and so for those reasons and others, I urge that this motion to recommit be turned down.

The SPEAKER pro tempore. The gentleman's time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 193, nays 227, not voting 13, as follows:

[Roll No. 230]

YEAS—193

Aderholt	Ehlers	LaHood
Akin	Emerson	Lamborn
Alexander	English (PA)	Latham
Bachmann	Everett	LaTourrette
Bachus	Fallin	Lewis (CA)
Baker	Feeney	Lewis (KY)
Barrett (SC)	Ferguson	Linder
Bartlett (MD)	Flake	LoBiondo
Barton (TX)	Forbes	Lucas
Biggart	Fortenberry	Lungren, Daniel
Bilbray	Fossella	E.
Bilirakis	Fox	Mack
Bishop (UT)	Franks (AZ)	Manzullo
Blackburn	Frelinghuysen	Marchant
Blunt	Galglegly	McCarthy (CA)
Bonner	Garrett (NJ)	McCauley (TX)
Bono	Gerlach	McCotter
Boozman	Gilchrist	McCrery
Boustany	Gillmor	McHenry
Brady (TX)	Gingrey	McHugh
Brown (SC)	Gohmert	McKeon
Brown-Waite,	Goode	McMorris
Ginny	Goodlatte	Rodgers
Buchanan	Granger	Mica
Burgess	Graves	Miller (FL)
Burton (IN)	Hall (TX)	Miller (MI)
Buyer	Hastert	Miller, Gary
Calvert	Hastings (WA)	Moran (KS)
Camp (MI)	Hayes	Murphy, Tim
Campbell (CA)	Heller	Musgrave
Cannon	Hensarling	Myrick
Capito	Herger	Neugebauer
Carter	Hobson	Nunes
Castle	Hoekstra	Paul
Chabot	Hulshof	Pearce
Coble	Hunter	Pence
Cole (OK)	Inglis (SC)	Peterson (PA)
Conaway	Issa	Petri
Crenshaw	Jindal	Pickering
Culberson	Johnson (IL)	Pitts
Davis (KY)	Johnson, Sam	Platts
Davis, David	Jones (NC)	Poe
Davis, Tom	Jordan	Porter
Deal (GA)	Keller	Price (GA)
Dent	King (IA)	Pryce (OH)
Diaz-Balart, L.	King (NY)	Putnam
Diaz-Balart, M.	Kingston	Radanovich
Doolittle	Kirk	Ramstad
Drake	Kline (MN)	Regula
Dreier	Knollenberg	Rehberg
Duncan	Kuhl (NY)	Reichert

Renzi	Shimkus	Upton
Reynolds	Shuster	Walberg
Rogers (AL)	Simpson	Walden (OR)
Rogers (KY)	Smith (NE)	Wamp
Rogers (MI)	Smith (NJ)	Weldon (FL)
Ros-Lehtinen	Smith (TX)	Weller
Roskam	Souder	Westmoreland
Royce	Stearns	Whitfield
Ryan (WI)	Sullivan	Wilson (NM)
Sali	Tancredo	Wilson (SC)
Saxton	Terry	Wolf
Sensenbrenner	Thornberry	Young (AK)
Sessions	Tiahrt	Young (FL)
Shadegg	Tiberi	
Shays	Turner	

NAYS—227

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

NOT VOTING—13

Boehner	Davis, Jo Ann	Israel
Cantor	Fattah	
Cubin	Higgins	

Lampson
Millender-
McDonald

Rohrabacher
Schmidt
Walsh (NY)

Wicker

□ 1434

Messrs. BRADY of Pennsylvania, SPRATT, ALLEN, HALL of New York, HILL, BACA, SCOTT of Virginia, KAGEN, BLUMENAUER, CLYBURN, VAN HOLLEN, KLEIN of Florida, Ms. GIFFORDS, Ms. LORETTA SANCHEZ of California, Ms. MCCOLLUM of Minnesota, and Ms. ESHOO changed their vote from “yea” to “nay.”

Messrs. DAVIS of Kentucky, HASTERT, CAMP of Michigan, HERGER, SHAYS, YOUNG of Alaska, Mrs. MYRICK and Mrs. BLACKBURN changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. SCHMIDT. Mr. Speaker, on H.R. 1905, motion to recommit, I was unavoidably detained due to official business. I would have voted “yea.”

The SPEAKER pro tempore (Mr. ROSS). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. PRICE of Georgia. 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 241, noes 177, answered “present” 1, not voting 14, as follows:

[Roll No. 231]

AYES—241

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Burton (IN)
Butterfield
Cannon
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen

Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Frank (MA)
Giffords
Gilchrist

Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchev
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslie
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood

Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano

Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman

Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—177

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggart
Bilbray
Bilirakis
Blackburn
Blunt
Bonner
Bono
Boozman
Boren
Boustany
Boyd (KS)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes

Fortenberry
Fossella
Foxo
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant

Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi

Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller

Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

ANSWERED “PRESENT”—1

Bishop (UT)

NOT VOTING—14

Berman
Boehner
Cantor
Cubin
Davis, Jo Ann

Fattah
Higgins
Israel
Lampson

Millender-
McDonald
Peterson (MN)
Rohrabacher
Walsh (NY)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1442

So the bill was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FATTAH. Mr. Speaker, had I been present for the vote on H.R. 1905. I would have voted “aye.”

PARLIAMENTARY INQUIRIES

Mr. PRICE of Georgia. Mr. Speaker, parliamentary inquiry.

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

Mr. PRICE of Georgia. Mr. Speaker, isn't it true that the result of waiving a rule of the House for a specific bill means that rule does not apply for that bill?

The SPEAKER pro tempore. Would the gentleman repeat his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, isn't it true that waiving a particular rule of the House for a specific bill means that rule does not apply for that bill?

The SPEAKER pro tempore. A rule may be waived in favor of a particular bill.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

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

Mr. PRICE of Georgia. Isn't it true, Mr. Speaker, that H. Res. 317, the rule for H.R. 1905, the bill we just considered, waived clause 10 of rule XXI?

The SPEAKER pro tempore. With regard to H.R. 1905, H. Res. 317 did waive clause 10 of rule XXI.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

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

Mr. PRICE of Georgia. Isn't it further true, Mr. Speaker, that clause 10 of rule XXI requires the PAYGO provision to be in effect?

□ 1445

The SPEAKER pro tempore. Clause 10 of rule XXI is informally referred to as pay-as-you-go.