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110TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
110–3

PROVIDING FOR CONSIDERATION OF THE RESOLUTION (H. RES. 78) AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO PERMIT DELEGATES AND THE RESIDENT COMMISSIONER TO THE CONGRESS TO CAST VOTES IN THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION.

JANUARY 23, 2007.—Referred to the House Calendar and ordered to be printed

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Mr. HASTINGS of Florida, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 86]

The Committee on Rules, having had under consideration House Resolution 86, by a record vote of 9 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides H. Res. 78, to permit voting in the Committee of the Whole House by the Delegates and Resident Commissioner of the Congress, a structured rule providing one hour of general debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. The rule waives all points of order against the resolution and against its consideration and provides that the resolution shall be considered as read. The rule further makes in order the amendment printed in the Rules Committee report accompanying the resolution. The amendment may be offered only by Rep. Kirk of Illinois or his designee, shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question. All points of order against the amendment are waived. The rule provides one motion to recommit which may not contain instructions. The rule also provides that the Chair may postpone further consideration of the bill to a time designated by the Speaker.

EXPLANATION OF WAIVERS

The Committee is not aware of any points of order against the resolution or its consideration. The waivers of all points of order against the bill or its consideration are prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 21

Date: January 23, 2007.
Measure: H. Res. 78.
Motion by: Mr. Dreier.
Summary of motion: To postpone consideration of the rule until the committee has held hearings.
Results: Defeated 3–9.
Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 22

Date: January 23, 2007.
Measure: H. Res. 78.
Motion by: Mr. Dreier.
Summary of motion: Strike the Kirk amendment from the rule.
Results: Defeated 3–9.
Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 23

Date: January 23, 2007.
Measure: H. Res. 78.
Motion by: Mr. Dreier.
Summary of motion: Strike from the rule the Kirk amendment and instead allow any germane amendment offered by Mr. Dreier to be offered.
Results: Defeated 3–9.
Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 24

Date: January 23, 2007.
Measure: H. Res. 78.
Motion by: Mr. Dreier.
Summary of motion: Strike from the rule the Kirk amendment and instead allow a motion to recommit with instructions.
Results: Defeated 3–9.
Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 25

Date: January 23, 2007.
Measure: H. Res. 78.
Motion by: Mr. Dreier.
Summary of motion: To table the rule.
Results: Defeated 2–10.
Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Nay; Diaz-Balart—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 26

Date: January 23, 2007.
Measure: H. Res. 78.
Motion by: Mr. McGovern.
Summary of motion: To table Dreier motion to reconsider the vote to table the rule.
Results: Adopted 10–2.
Vote by Members: McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Cardoza—Yea; Welch—Yea; Castor—Yea; Arcuri—Yea; Sutton—Yea; Dreier—Yea; Diaz-Balart—Nay; Sessions—Nay; Slaughter—Yea.

Rules Committee record vote No. 27

Date: January 23, 2007.
Measure: H. Res. 78.
Motion by: Mr. McGovern.
Summary of motion: To report rule.
Results: Adopted 9–3.
Vote by Members: McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Cardoza—Yea; Welch—Yea; Castor—Yea; Arcuri—Yea; Sutton—Yea; Dreier—Nay; Diaz-Balart—Nay; Sessions—Nay; Slaughter—Yea.

SUMMARY OF AMENDMENT MADE IN ORDER

(Summaries derived from information provided by sponsors.)
1. Kirk (IL): The amendment clarifies that before a Delegate or the Resident Commissioner may enjoy the same powers and privileges as Members of the House in the Committee of the Whole, the Clerk of the House must certify in writing that the constituents of the Delegate or Resident Commissioner are covered by the federal tax code and pay the same federal income taxes as the constituents of other Members of the House. (20 minutes)

TEXT OF AMENDMENT MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIRK OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 2, line 2, strike the period and insert the following: ", but only with respect to any session of the Congress for which the Clerk certifies that the residents of the jurisdiction represented by the Delegate or Resident Commissioner are subject to Federal income, estate, and excise taxes in the same manner and to the same extent as a resident of a State.".

Page 2, strike lines 7 through 11 and insert the following:

(b) APPOINTMENT OF CHAIR.—Clause 1 of rule XVIII of the Rules of the House of Representatives is amended by inserting immediately after the first sentence the following: "A Delegate or the Resident Commissioner may serve as Chairman, but only with respect to any session of the Congress for which the Clerk certifies that the residents of the jurisdiction represented by the Delegate or Resident Commissioner are subject to Federal income, estate, and excise taxes in the same manner and to the same extent as a resident of a State.".

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