This is a very important step on addressing criticisms from the National Academy of Sciences, the OMB, the Government Accountability Office, and others. It does not impact any project that currently is approved or under way, none of the projects that are listed in the bill we have before us, but it is going to help us change the process to get at the root of a long-term problem.

Passing the amendment will not delay any projects or tie the hands of the Corps in any way. In fact, I am convinced that it will break the paralysis for projects in the future by making sure they are structurally, fiscally, and environmentally sound.

There are some projects around the country that have been delayed in recent years due not just to funding, although that is a serious issue, but due to lawsuits and other controversy. The ones that I have looked at that have met bumps in the road were in this situation in the main because they weren't properly planned and groundtruthed, as they say; and they have stirred up unnecessary controversy in some instances.

This amendment will make it easier to approve and construct good projects in the future. This amendment will make it easier for the House and the Senate, which in the past have been at loggerheads over principles of Corps reform. I think this is an area of common ground that will bring people together. This amendment represents a fresh break. It won't solve all of the problems of the Corps, that will await another day; but with this amendment, it gives us a chance at a new beginning for Congress to be positively involved in these issues.

We start by equipping the Corps with the latest science and analytic tools to bring them into the 21st century rather than tying their hands with out-of-date policies.

I strongly urge that each of my colleagues join with me in supporting our amendment, which is endorsed by Clean Water Action, Taxpayers for Commonsense, Republicans for Environmental Protection, the National Audubon Society, Friends of the Earth, American Rivers, the National Wildlife Federation, Environmental Defense, the League of Conservation Voters, the American Society of Civil Engineers, the people who are charged with making these projects work.

I deeply appreciate the progress that this represents in bringing us forward. I appreciate the Rules Committee making it in order, and look forward to being able to carry this amendment to the floor, hopefully for its approval, and being able to break the impasse surrounding water resources projects.

In the aftermath of the tragedy we saw with Hurricane Katrina, with the flooding that has occurred in the Northeast just in recent days, this legislation is more important than ever.

□ 1045

Mr. HASTINGS of Washington. Mr. Speaker, I have no more requests for time. I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 1495 pursuant to House Resolution 319, amendment No. 1 printed in House Report 110–100 be modified by the modification I have placed at the desk.

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

The Clerk read as follows:

Modification to amendment No. 1 printed in House Report 110–100:

Strike the portion of the amendment proposing to insert section 5024.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

Mr. HASTINGS of Washington. Mr. Speaker, reserving the right to object, I would just yield to my friend from California for an explanation on this.

Ms. MATSUI. Mr. Speaker, there is a Washington, D.C. aqueduct project that inadvertently violates PAYGO. This modification strikes the provision from the bill.

Mr. HASTINGS of Washington. So it takes that provision that violates the PAYGO from the bill?

Ms. MATSUI. It inadvertently violates, so we struck it out.

Mr. HASTINGS of Washington. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Without objection, the modification is accepted.

There was no objection.

Ms. MATSUI. Mr. Speaker, this bill is long overdue. Our country needs a comprehensive water resources policy, and WRDA is the framework that can meet this need. We have 7 years of backlogged water projects that must be addressed. There is a growing demand on our already overburdened water infrastructure. The sooner we move forward on this bill, the sooner our communities across the country will be healthier and safer.

I urge a ''yes'' vote on the previous question and on the rule.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1905, DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007 AND PROVIDING FOR CONSIDERATION OF H.R. 1906, ESTIMATED TAX PAYMENT SAFE HARBOR ADJUSTMENT

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 317 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 317

Resolved, That upon adoption of this resolution it shall be in order to consider in the House 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. All points of order against the bill and against its consideration are waived except those arising under clause 9 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1906) to amend the Internal Revenue Code of 1986 to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million. All points of order against the bill and against its consideration are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 3. (a) If either H.R. 1905 or H.R. 1906 fails of passage or fails to reach the question of passage by an order of recommittal, then both such bills, together with H.R. 1433, shall be laid on the table.

(b) In the engrossment of H.R. 1905, the Clerk shall—

(1) add the text of H.R. 1906, as passed by the House, as new matter at the end of H.R. 1905;

(2) conform the title of H.R. 1905 to reflect the addition of the text H.R. 1906 to the engrossment;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform provisions for short titles within the engrossment.

(c) Upon the addition of the text of H.R. 1906 to the engrossment of H.R. 1905, H.R. 1906 and H.R. 1433 shall be laid on the table.

SEC. 4. During consideration of H.R. 1905 or H.R. 1906 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of either bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York (Mr. ARCURI) is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during the consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 317 provides for consideration of H.R. 1905, the District of Columbia House Voting

Rights Act of 2007, and H.R. 1906, a direct spending offset bill.

Mr. Speaker, this Nation was built upon the principle that it is patently unjust to require free men and women to pay taxes to a government within which they have no direct involvement; a principle so important that the Founding Fathers knew if they were unsuccessful they would become outlaws and probably forfeit their lives.

The fact that approximately 600,000 U.S. citizens live under taxation without representation within the United States today is repugnant to our very notion of democracy. How can the United States deny democracy in its Capital while it promotes democracy abroad?

These citizens pay billions of dollars in Federal taxes, have sacrificed their lives in Iraq and other wars since the American Revolution.

However, when you look at the text of the 16th amendment to the U.S. Constitution, which states, ''The Congress shall have the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration,'' you might ask yourself: Since there is no mention of the District of Columbia in this amendment, and it only refers to ''the several States,'' then how is it that D.C. residents are required to pay Federal income taxes?

The answer is that Congress, by statute, specifically, enacted the District of Columbia Income and Franchise Tax Act of 1947, which imposed Federal income taxation on the residents of the District of Columbia.

And when the law was challenged in the courts in 1970 in the case of Breakefield v. D.C., the U.S. Court of Appeals for the District of Columbia Circuit upheld both the tax and Congress's constitutional authority to levy it. Further, the Supreme Court later denied even to hear the appeal.

This is taxation without representation at its worst, and it is completely undemocratic. Furthermore, what is clearly evident from the Court's review of Breakefield is that if Congress can levy taxes on D.C. residents without a constitutional amendment, then surely Congress can give D.C. residents a full voting representative within the House of Representatives without a constitutional amendment. This notion that there is a binding precedent for Congress to legislate on all matters related to the District of Columbia is further supported by decisions in such cases as Tidewater, and Adams v. Clinton.

Our actions today would correct this injustice by granting the citizens of our Nation's Capital a full voting representative in the House of Representatives.

Some of my colleagues have suggested that the D.C. House Voting Rights Act is unconstitutional and that we in Congress will be acting outside the power enacting this bill. This is not true. Article I, section 8 of the Constitution clearly enumerates the powers of Congress. And among the powers listed, article I, section 8 states that Congress shall have the power to exercise exclusive legislation in all cases whatsoever over the District of Columbia. Article I, section 8 also gives Congress the power ''to make all laws which shall be necessary and proper'' to execute the enumerated powers.

Further, in 1790, Congress passed the Residence Act, giving residents of the new District of Columbia the right to vote. Since the Capital was still being established, citizens were allowed to continue voting in their States, Maryland and Virginia. Congress then took that right away by statute in 1800 when the Federal Government assumed control of the District. In the political battles that followed, District residents were denied a vote in Congress. Now, certainly, if Congress can grant the right and then remove that right by statute, so too can it reinstate the right by statute if it so chooses.

In the landmark Supreme Court case McCulloch v. Maryland, Chief Justice John Marshall said: ''Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and spirit of the Constitution, they are constitutional.''

Extending full representation in the House to residents of the District of Columbia is a legitimate end. It is within the scope of Congress' power to exercise exclusive legislation in matters concerning the District of Columbia and consistent with not only the letter of the Constitution, but also the spirit in which the Constitution was written by the Founding Fathers, that ''taxation without representation is tyranny.''

Too much time has passed. Every day that we fail to act is one more day that we deny democracy. It is time to correct this grave injustice and provide the citizens of the District of Columbia the same rights afforded to every other citizen in this great Nation. Our actions today will do just that.

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

Mr. SESSIONS. Mr. Speaker, I rise today for the second time in a month in strong opposition to this closed rule, to these two closed amendment processes, and to the blatantly unconstitutional underlying measure that the Democrat majority is bringing to the House floor today.

I would like to say that I am surprised by the lack of respect for regular order and procedural gimmickry that the Democrats have used to bring this rule to the floor today. Unfortunately, in what has become an all too familiar scenario in the Democrat Rules Committee, respect for minority party rights and regular order are, once again, being trumped by political expediency and the Democrat leadership's willingness to abuse power for their own narrow political ends.

Last month, when this unconstitutional bill was first brought to the House floor, the Democrats sunk to an unprecedented new low by pulling the legislation from the floor just before it passed the House, using a provision that was intended to give the Speaker flexibility in scheduling votes, not to give her an escape valve when things were not going her way.

□ 1100

Today, the Democrats seem committed to outdoing that shameful effort by waiving the ''Pay-For'' rules that they imposed on this House floor just less than 4 months ago, after committing themselves to honor their pledge to increase taxes on the American public every time they increase spending.

They have also split the bill into two pieces, one that tries to skirt the Constitution and one that skirts their own ''Pay-For'' rule, all in the name of preventing the minority from offering the popular notion that a majority of the House was on the brink of passing just weeks ago.

And as if the process that brings us here today weren't bad enough, there is little to celebrate in this deeply flawed underlying bill, the same words that the constitutional scholar and law professor Jonathan Turley has called ''the most premeditated unconstitutional act by Congress in decades'' either. Thankfully, President Bush has made it clear that this cynical political exercise is destined for his veto pen, if it even makes it that far.

My opposition to this matter stems from its incompatibility with a pretty basic foundation of American government: the Constitution. Section 2 of article I clearly states that ''The House of Representatives shall be composed of Members chosen every second year by the People of several States.'' And as any fourth grader in the country can tell you, Washington, D.C., is simply not a State. There is simply no one that has moved into or lives in Washington, D.C., that thought that they would be given this ability. Washington, D.C., is not a State.

Supporters of this legislation will claim that the ''District Clause,'' which gives Congress the power to legislate over our Nation's seat, also gives Congress the power to grant D.C. a Member of Congress. But this same clause makes it clear, by its very nature, that Washington, D.C., is not a State, which brings us back to the original problem of this bill's being completely unconstitutional.

But don't take my word for it. If the Democrat leadership won't listen to reason, one would hope that they would at least listen to one of our Founding Fathers, Alexander Hamilton, who offered an amendment to the Constitution that would have provided D.C. with a vote in the House. Unfortunately, I know we all don't know this, but his amendment was defeated on July 22, 1788.

But if neither my word nor the Constitution nor the actions of our Founding Fathers is good enough, I wonder if the Democrat majority would be willing to listen to an equal branch of government, as they had an opinion on this matter. In 2000, the Federal District Court in Washington, D.C., concluded that ''the Constitution does not contemplate that the District may serve as a State for the purposes of the apportionment of congressional representatives.'' It seems pretty clear to me, but I guess not to every single Member of this body.

So for a moment let us ignore my word, the Constitution, the actions of our Founding Fathers, and the decisions of the Federal judiciary. What would it mean if Congress simply gave D.C. a seat in the House, rather than going through the necessary process of passing a constitutional amendment, which was attempted in 1978 and failed? Well, it would create a precedent that Congress would give the District three votes next year or they could perhaps give them 10. The way that this legislation is currently drafted, it gives the District two votes in the Committee of the Whole, more than any other voting Member, as well as a vote in the House.

But rather than discuss the facts or the logic of this approach, I suspect that supporters of this legislation will come to the floor and talk about ''fairness.'' But I fail to see how it is fair to give Washington, D.C., super-representation, two votes for amendments, or every voter in Utah an unprecedented two votes also, one for their Congressman and one for a new at-large Member, keeping the ''one man, one vote'' principle in every other State. Perhaps a Member on the Democrat side will be kind enough to come down to the floor and explain this logic to me; but I am not going to hold my breath.

Mr. Speaker, as Members of Congress, we take an oath to uphold and protect the Constitution, not to trample on it. No matter what the supporters of this bill may claim to the contrary, the Constitution is not a cafeteria. You cannot pick and choose which parts you are going to respect and which ones you are going to ignore. That is why our Framers, in their infinite wisdom, created an orderly, lawful process for amending the Constitution. And despite the best efforts of the Democrat leadership, I am sure that the Framers' legacy to our country will prevail and will prevent this poorly drafted and ill-conceived measure from becoming law.

I urge each of my colleagues to reject this outrageous rule and the underlying assault on the Constitution.

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

Mr. ARCURI. Mr. Speaker, I thank my colleague for his comments, but I could not disagree with him more.

First of all, this bill does not attempt to create statehood for the District of Columbia. In fact, as I said just a few moments ago, the legislation that has been passed in prior occasions, the one, in fact, with respect to requiring residents of the District of Columbia to pay income tax, despite the fact that the 16th amendment says that it is for the residents of the States, indicates very clearly that the District of Columbia is not a State and, rather, that Congress has the authority and the ability to make legislation with respect to the District of Columbia. In the Tidewater case, again Congress came forward and said that diversity jurisdiction applies to the District of Columbia even though it is not a State, and clearly that was upheld by the Supreme Court.

So this is not without precedent. This is something that Congress has done in the past because under article I, section 8, they have exclusive jurisdiction over the District of Columbia.

A couple of other points that I just would like to respond to. My colleague said that the majority just won't listen to reason, and I can't help but think that maybe that is what was said about the Founding Fathers by the members of parliament, that the people in America just won't listen to reason. How dare they talk about being represented just because we tax them?

This issue is critical. We tax the people in the District of Columbia. They are citizens of the United States. They fight and they die in our wars. They should be able to have a voting Member in Congress.

He also said that the majority has sunk to an all-time low. I am very troubled by that. If giving the right to vote to Americans, giving the right to vote to people who live here in the District of Columbia, in our capital, is sinking to an all-time low, then that is where I want to be, because clearly that is what we should be doing. We spend billions of dollars in other places in the world to ensure that citizens in other places in the world have the right to vote. We certainly should be able to do that here in our own country.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentleman for yielding.

Mr. Speaker, this is a new Congress. This is a Congress with respect for the Constitution and the principles for which it stands. This is a Congress that respects the underlying principle that people in this country deserve the right to be represented and to have a voice in this great democracy of ours.

Mr. Speaker, I rise today in support of the rule and in support of this legislation that is long overdue and which will correct an anomaly in our democracy, an anomaly which denies representation to approximately 600,000 residents of this country.

Residents of the District of Columbia have had to wait over 170 years to vote in this country's Presidential election. They have had to wait for over 180 years for the right to exercise home rule. They have had to wait for over 200 years to have a vote in the House of Representatives. And we should not make them wait one day more.

These residents live in the shadow of our great Capitol, who pay taxes to our Federal Government, who serve in our military, who fight and die to protect the very representative rights that we have in this country, but yet we deny these citizens the right to have control over the laws that govern our country. They have no Representative who can vote in this House of Representatives.

This past Monday, Mr. Speaker, the residents of the District of Columbia engaged in an act of grass-roots lobbying in its purest form. Thousands of these unrepresented residents marched down Pennsylvania Avenue to the Capitol on the city's annual Emancipation Day, marking the day that slavery ended in the District. They marched to the Capitol to ask this legislative body to recognize and rectify the injustice that they experience every single day. They marched for the right to have a say in this legislative body. These citizens, these students, these senior citizens, workers, activists, and church members marched to have a vote.

This is a Congress that respects the Constitution. And my respect for the Constitution goes back to very early days. And one of the greatest things that I have ever received was recognition, even in law school, by the Federal Bar Association for outstanding performance in constitutional law.

The Framers of our Constitution gave Congress the right to make laws concerning the District of Columbia, and it is under the power of the District clause of the Constitution that I join today in supporting the District of Columbia Voting Rights Act.

This is long overdue. The last Congress earned the distinction of being called the ''worse than the do-nothing Congress.'' This is a Congress that is going to get the job done, and this is a Congress that is going to respect the Constitution.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 8 minutes to the gentleman from San Dimas, California, the ranking member of the Rules Committee (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I rise in the strongest possible opposition to the rule, recognizing full well that there are a wide range of views on the constitutionality of this question.

I have listened to Mr. ARCURI, the gentleman from New York, make his argument that he believes very much in the right to representation, which I obviously completely concur with. And the people of the District of Columbia, I think, are very ably represented here right now by our distinguished friend, my Delegate who represents me very well, since I seem to spend more time here than I do in California, Ms. ELEANOR HOLMES NORTON. But the fact is,

Mr. Speaker, as we look at this question, Thomas Jefferson was the one who said ''Two thinking men can be given the exact same set of facts and draw different conclusions.''

□ 1115

And so I recognize that there are some who come down on the side of believing that it is constitutional for us to proceed with this. I read the Constitution in a little different way. When I see those two words, the ''several States'' as being the criterion for representation here, or at least one of the criteria for representation here in the House of Representatives, it says to me that there need to be changes to the U.S. Constitution if in fact we are going to proceed with the action that the majority in this House, the majority leadership in this House, wants to take on.

So I recognize that there are disparate views on this, Mr. Speaker. The thing that troubles me most is the procedure around which we are considering this measure. And what I would like to do, I would like to engage my good friend from New York, Mr. ARCURI, the manager of the rule, in a colloquy, if I might, just to consider this procedure around which we are going to be debating this question.

Actually, from what I can tell, in our analysis of this rule, we are blazing completely new ground here when it comes procedurally to this institution. I have heard a lot of criticism over the years of the tenure that I had as chairman of the Rules Committee, and one of the points that I would like to make is it wasn't really about what we did, but it was about promises that were made about fairness, promises that were made about the way every Member of this House, Democrat and Republican, was going to have an opportunity to participate.

So the question that I have is, I know that under regular order, if the House agrees to a straight motion to recommit the bill to the committee, or such a motion with instructions that the committee promptly report it back with an amendment, the bill then, when that motion to recommit prevails, does in fact go back to the committee and it must naturally assume that the committee will follow the House's instructions. And I wonder if the gentleman could tell me if that is in fact going to be the case under our consideration of this rule that we are going to be voting on, the one that we are debating right now.

Mr. ARCURI. The rule contains two motions to recommit, one for each bill.

Mr. DREIER. The rule contains two motions to recommit, one for each bill.

My question is whether or not the success of a motion to recommit would in fact send this measure back to committee, or would it in fact do something that has never, ever been done before, based on my reading of the rule: Would it in fact kill the bill itself?

Mr. ARCURI. If either bill is not passed, then both bills are defeated.

Mr. DREIER. Yes. But the point is if, for the first time ever, this rule actually takes a motion to recommit, Mr. Speaker, and it basically submits it to be laid on the table potentially, the bill to be laid on the table, therefore preventing the House from having the opportunity to work its will, never before in the history of this institution, Mr. Speaker, has this kind of sleight of hand been used. We know, Mr. Speaker, why it is that we are here considering this measure again. It is very simply due to the fact that a bipartisan majority, Republicans leading with Democrats voting along in support of the motion to recommit on this bill, led to what is clearly sleight of hand, undermining the long-standing tradition.

We, as the minority, on 47 different occasions in the years leading up to our winning the majority in 1994, were denied the opportunity have a motion to recommit. We were denied that time and time again, Mr. Speaker. Not every time, but we were often denied it.

So that is the reason that we made a decision when we won the majority in 1994 that we were going to guarantee that the minority had a right to offer a motion to recommit, at least one bite at the apple, and in most cases a substitute; so at least two bites at the apple in most cases. But we very, very firmly made that commitment to the motion to recommit.

Now, what is it that's happened? We lost the majority in last November's election.

Mr. ARCURI. Will the gentleman yield?

Mr. DREIER. I will yield in just a moment when I am done with my statement. I know the gentleman has plenty of time. I look forward to yielding to the gentleman, but I would like to explain why it is that we're here and how outrageous this rule is.

What happened last November, when we lost the majority, we got ourselves in a position where we figured, gosh, we will have only one bite at the apple, only one opportunity to allow the majority of the House to come together and address these issues. And what happened, Mr. Speaker? What happened is very clear. On seven occasions so far in the 110th Congress, the House has worked its will. A bipartisan majority of Republicans and Democrats came together and succeeded in passing motions to recommit, including on a District of Columbia bill that we are addressing here.

So what is it that happened? Because of the fact that the Democratic majority leadership, not a majority of the House, but the majority leadership decided they did not want us to do this, they have resorted to a procedure which unfortunately creates a scenario whereby if the House succeeds in passing a motion to recommit, the opportunity to have a bill laid on the table, which basically kills the bill completely, is put before us. And I think, Mr. Speaker, that that is a very, very unfortunate precedent that the new majority is looking at, and they are doing it simply to subvert the will of this House.

And with that, Mr. Speaker, I'm happy to yield to my friend.

Mr. ARCURI. Thank you, sir.

This rule ensures that neither of the two bills can achieve passage in the House without being subject to a motion to recommit. Now, you talk about fairness. My colleague talks about fairness, and he believes in fairness as we all do. But that is what this bill is about; this bill is about fairness.

Mr. DREIER. If I could reclaim my time, since I'm managing the time here, Mr. Speaker, I could reclaim it by saying I have already spoken about the fact that I recognize Mr. ARCURI's belief that this is a constitutional bill, and I share his commitment to fairness of the bill itself.

I am not here talking about the bill. I am here talking about the procedure, which is blatantly unfair, that is undermining the opportunity for this House to work its will on this issue. When I yielded to the gentleman, it was to talk about our procedure here. I think that it is very, very unfortunate that for the first time in the over 200-year history of this institution, we are going to be taking this very precious right of a motion to recommit and killing legislation.

With that, Mr. Speaker, I thank my friend for yielding.

Mr. ARCURI. Mr. Speaker, my colleague, again, talks about fairness, and fairness is why we are here today.

He talks about what we are trying to do today. What we are trying to do is give the residents of the District of Columbia their long overdue right to vote. That is why we are here today. The procedure that we are following is fair, it is just, and the important thing for us to remember is why we are here, and that is to give the right to vote to the residents of the District of Columbia.

Mr. Speaker, I yield 9 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding. I thank the gentleman for his strong advocacy for the rights of all Americans.

I must begin by saying when you hear people come to the floor and invoke the word ''fairness'' in a debate where they oppose the basic right to vote, they drain that word of all of its meaning.

Mr. Speaker, I would like to speak to the rule proper. I would like to offer some thanks during this rule period. And I would like to say a word about Utah, our very strong partner about whom we hear little because they are so far away.

The other side, after the last vote on this bill, clucked that they had actually stopped our people in the Nation's Capital from getting a vote. Imagine how that was received all around the world. Now they come to the floor with the nerve to object to the procedure.

Mind you, the substance is really what they are after. If in fact the District of Columbia was a largely Republican city, these Members would be on the floor arguing for voting rights for the District of Columbia just as the radical Republican abolitionists gave us the vote, which was then taken from us, and gave us home rule.

Mr. DREIER. Would the gentlewoman yield?

Ms. NORTON. I will not yield, sir. The District of Columbia has spent 206 years yielding to people who would deny them the vote. I yield you no ground, not during my time. You have had your say, and your say has been that you think that the people who live in your capital are not entitled to a vote in their House. Shame on you.

Then they want an open rule. They want an open rule so they can deny the vote. The American people will have nothing but praise for the Democratic leadership because the Democratic leaders have found a way to observe two cardinal principles, the principle most basic of all, the right to vote, yes, the principle of fiscal responsibility.

Now, the Democrats could never have thrown the foul ball that was used to delay this bill, and the reason is, of course, that the other side spent 12 years building a deficit and didn't observe the PAYGO rule, and so there would have been no germaneness issue. I don't think that was so smart.

The bill was open to an outrageous attempt to repeal our gun laws. We are a free people. We are entitled to have the same jurisdiction over our gun laws they have, and we are going to insist on it. And the Democratic leaders did not bow to that trick. Instead, they went back and found a way to keep to the principle of finally paying for what we do, as you should have done for more than 10 years.

Mr. MCHENRY. Mr. Speaker, I ask those that are debating on the floor to address their comments to the Speaker, and that is according to House rules. I ask you to enforce those rules.

The SPEAKER pro tempore. Members are advised to direct their comments to the Chair.

Ms. NORTON. I would be glad to do it. If the Member doesn't want to face me face to face, I will address the Speaker, you will get the point.

The SPEAKER pro tempore. Members are advised to direct their comments to the Chair.

The gentlewoman is recognized.

Ms. NORTON. Mr. Speaker, for more than 4 years, thousands of Americans and others around the world have sought this bill and contributed ideas, time and effort, beginning with Speaker NANCY PELOSI, who added to her long and unequivocal push for full rights for District citizens, her personal attention and intervention when it counted most to move this bill forward. And majority leader STENY HOYER, whose outspoken dedication to our rights overcame procedural malevolence to bring today's bill forward. However, the idea originally came from the Republican side. When I was in the minority, moved by his personal sense of right and wrong, Congressman TOM DAVIS smartly and doggedly started us down the bipartisan path to equal votes for the District and for Utah.

Judiciary Committee Chair JOHN CONYERS, since his election in 1964, has robustly argued that rights for D.C. residents must match their burdens. HENRY WAXMAN, first as ranking member, now as Chair, began leading a principled effort for equal rights for D.C. citizens long before I was elected to Congress.

Utah Governor John Huntsman, and the Utah delegation, Representatives BISHOP, CANNON and MATHESON, forged a unique partnership on their understanding that Utah and D.C. residents felt the same sense of loss and should obtain these precious rights together.

□ 1130

The local and national civil rights organizations formed themselves into a formidable D.C. voting rights coalition, led by D.C. Vote, which gave the effort, organizational know-how and boundless dedication, and the Leadership Conference for Civil Rights, which has carried D.C. voting rights as a major civil rights cause for decades.

The official international human rights entities abroad have gone on record to ask the United States of America to conform with international law by granting voting rights to the citizens of its capital. My own colleagues of both parties, who passed this bill in committees by overwhelming votes, 29–4, 24–5 and 21–13, especially my Republican colleagues, have joined this effort for the District of Columbia and for Utah out of principle.

The District of Columbia's four home rule mayors and city councils, particularly current Mayor Adrian Fenty and City Council Chair Vincent Gray, and, most especially, the residents of this city, living and dead, have fought for equal citizenship over the ages.

Today, we will get the vote I predict, at least in the House.

Mr. Speaker, I give great praise to a State which is the most Republican State in the Union for having unabashedly and continuously joined with us out of a deep sense of grievance of its own, that its missionaries, temporarily abroad in the service of their church, were not counted in the last census, and, thus, the State was deprived of a seat that they believed they were entitled to.

I would like to quote Governor John Huntsman, the Governor of the State, who came and said, ''I have not extensively studied the constitutionality of the D.C. House Voting Rights Act, but I am impressed and persuaded by the scholarship represented. The people of Utah have expressed outrage over the loss of one congressional seat for the last 6 years. I share their outrage. I can't imagine what it must be like for American citizens to have no representation for over 200 years.''

We will pass this bill today. We will put it in the hands of two Republican Senators from Utah, Senators Hatch and Bennett, and there I believe it will fare well, because the people of Utah want this vote, their vote, as much as we want our vote.

I ask, in testament to that, that two editorials from the Salt Lake Tribune be included for the RECORD.

[From the Salt Lake Tribune, Mar. 13, 2007]

UTAH'S 4TH SEAT: ONE QUIBBLE ASIDE, NEW BILL WOULD DO THE RIGHT THING

It's back. A bill before Congress would give the District of Columbia its first voting member of the House of Representatives and Utah its fourth seat in that body. We favor it because Utah's rapidly growing population is entitled to a fourth seat. There are things about the bill that could be better, but the overriding principles are right. The 600,000 people of the District of Columbia have a delegate in the House but she cannot vote on the floor, That's a cruel irony in a nation that fancies itself a beacon of republican democracy.

That situation is an accident of constitutional history. The founders fashioned D.C. so that no state would have the advantage of being the seat of the federal government. But it is the states, under the Constitution's language, that elect U.S. representatives and senators. For more than 200 years, that circumstance has denied the people of D.C. votes in Congress.

This bill would rectify that by treating D.C. as a congressional district for purposes of representation in the House. At the same time, it would increase the membership of the House from 435 to 437. One seat would go to D.C. The second would go to the next state in line for another seat because of population growth, i.e., Utah. The reason for this second provision is to preserve the existing partisan balance in the House. D.C. presumably will elect a Democrat. Utah presumably will elect a Republican.

Our major quibble with the bill, H.R. 1433, is that it would have Utah elect its new member-at-large, that is, statewide, rather than by congressional district, until after the 2010 census and reapportionment. We believe that is a mistake because it would allow every Utah voter to vote for two members of the House while every other voter in the U.S. could vote for only one.

Besides, the Utah Legislature last year created four equal congressional districts in anticipation of an earlier version of this bill which failed in the last Congress.

The at-large proposal would spare Utah's sitting members of the House from running in special elections to fill the four new seats. While that is a real hardship in terms of fundraising, it would be worthwhile to preserve the principle of equal representation.

The quibble: The bill would have Utah elect its new member at large, that is, statewide, rather than by congressional district, until after the 2010 census and reapportionment.

[FROM THE SALT LAKE TRIBUNE, DEC. 7, 2006]

CAPTIVE CAPITAL: NO CONSTITUTIONAL BAR TO D.C. REPRESENTATION

How can it be unconstitutional to give some 600,000 American citizens—tax-paying, military-serving citizens literally living in the shadow of the Capitol dome—the right to vote for some representation in Congress.

Only a tortured, neocolonial reading of the Constitution would conclude that we should exclude the people who live in the Federal City from the representation that all other Americans take for granted.

OK, so that's the reading that has carried the day for 200 years. That doesn't make it right.

A last-gasp effort to stick to that thinking, if it hadn't quickly died on the floor of the Utah House Monday, could have jeopardized the deal to give Utah its well-deserved fourth seat in Congress by denying the quid pro quo of the first-ever seat for the District of Columbia.

The deal is dead for now anyway, lost in the crush of last minute, lame-duck congressional business. The Utah Legislature's approval of four prospective congressional districts still matters, though, as the issue may arise next year.

Either way, people who claim to live by the U.S. Constitution should read past its third paragraph.

Sticking to the notion that people in Washington can't be represented in Congress because they don't live in one of ''the several states'' places text above meaning.

Other constitutional provisions, ranging from the vague clause that gives Congress exclusive power over a federal district to the equal protection and voting rights provisions of the 14th and 15th Amendments, also matter. Read together, they leave little excuse for the taxation without representation that D.C. residents have suffered almost since the beginning of the Republic.

In arguing for an independent federal zone for the national capital, something that was thought necessary to ensure that no state would gain an unfair advantage over the others by having the seal of federal power in its back pocket, James Madison's Federalist No. 43 simply took it for granted that the rights of that district's inhabitants would be protected. They weren't.

A 2000 Supreme Court ruling held that the situation was unfair to D.C. residents, but that the courts had no power to remedy that, it was up to Congress, with its exclusive power over the District, to grant relief.

Congress should still consider just that.

Only 200 years late.

Mr. SESSIONS. Mr. Speaker, we simply are on the floor today to say that the means do not justify the ends. It should be done properly and constitutionally; just as it was done in 1978, it should be done today. We think the way that the Democrat majority is doing this, to give super-voting powers to the District of Columbia and to the State of Utah, is unconstitutional. So I make no apologies for standing up for the way I read the Constitution and what I believe.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, let me just say at the outset that I am happy to yield to my friend from the District of Columbia at any time whatsoever, and I want to once again praise her representation and the passion that she shows in her commitment to this issue.

As I said, I spent a great deal of time residing here in the District of Columbia, and I feel she very ably represents the District of Columbia and I am proud to have her as a colleague, Mr. Speaker.

Now, let me say this. I feel that the passion that she has shown in arguing in behalf of the legislation itself is something that I recognize and revere.

I said to Mr. ARCURI, Mr. Speaker, that I believe there can be recognition that there are diverse views on this question. I have come down on the side of recognizing that those words in the Constitution, ''the several States,'' mean that if we are going to do this, we should do it through a different route than the one that we are pursuing.

Ms. NORTON. Mr. Speaker will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend, the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I respect the gentleman, who indeed has, as always, given me and the city respect, and I know he understands what it must be like to be in the Congress for 17 years and come to the floor and see people debating your budget and your laws and you can't even vote on them.

I appreciate that the gentleman came to the floor on procedural matters. If the differences between the gentleman and me are on procedure, would not the better side of valor be to allow people on both sides to understand that you favor voting rights; and if your problem is constitutionality, I am sure the gentleman will understand that there is a third branch of government who can decide this matter for us both, particularly since he concedes that opinion on the constitutional question is divided.

Mr. DREIER. Mr. Speaker, reclaiming my time, I will say that obviously it appears, and the gentlewoman has already stated what she believes the outcome will be in this House; it be will be in the hands of those two Senators of whom she just referred, and we will see what happens, whether it is within the first branch of government or within the third branch of government. Obviously, the second branch of government will have a role in determining this.

The argument that I believe needs to be made, and Mr. SESSIONS just touched on this and has been arguing it throughout his management of this, the passion that is shown for the rights of the District of Columbia are very, very important, and the gentlewoman from the District of Columbia, Mr. Speaker, recognizes those and represents them extraordinarily well.

But an equal passion for the Constitution of the United States and, Mr. Speaker, an equal passion for the job that Mr. SESSIONS and I and Mr. ARCURI and the other members of the Rules Committee have for democracy in this institution is something that is very, very important.

I would say, Mr. Speaker, to my friend from the District of Columbia, who argues so strongly on behalf of the need for representation here in the House of Representatives for the District of Columbia, that if we look at this rule, which is subverting 200 years of precedent in this institution, by saying that if a motion to recommit on either of these bills in fact prevails, the motion is laid on the table, never before in the history of this institution, Mr. Speaker, has this been done.

So I have to say that we have an equal passion for our commitment to the precedents and the responsibility of the greatest deliberative body known to man; and for that reason, Mr. Speaker, we are troubled with the procedure around which we are about to move ahead with this very important debate.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, the gentleman argues about an unprecedented procedure. What about the unprecedented procedure that the other side used to delay this bill, sending the message around the world to delay this bill when it was delayed the last time?

This procedure is legal. Therefore, if you want to use procedure to stop the bill, you should say so. The fact is you have raised a constitutional point. You are not a constitutional scholar, and no Member of this House is, even I, who was a constitutional lawyer.

Therefore, when in doubt about something as precious as the right to vote, when the people we are talking about have paid taxes and have gone to war since the birth of the Republic, surely we should err on the side of encouraging everybody to vote for the bill, send it to the Senate, and let the one institution that can decide constitutional questions, the Supreme Court, make that decision.

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

Ms. NORTON. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me just say the thing that is most troubling is the decision to pull this bill was not a decision made by the minority. It was made by the majority leadership when that happened before this break. The reason that decision was made was that there was a sense that a majority in this House, a majority in this House might have been supportive of that motion to recommit that we were about to vote on.

Never before, never before had we seen, as general debate, as the debate had been completed, all of a sudden the bill was pulled from the floor.

Ms. NORTON. Reclaiming my time, it is certainly true that the vote was delayed and it was legal to delay it. By delaying the vote, do you know what the leaders of this House did? They saved the reputation of this House throughout the world. No one knows what would have happened. But no vote on guns occurred.

You don't know what would have happened.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SNYDER). Members are reminded that the rules require that comments be directed to the Chair, and Members

should not address one another in the second person.

Ms. NORTON. I can understand why the Members on that side don't want to be spoken to directly.

Nobody knows what would have been the result of that vote. The least of all who know is the other side.

One thing we do know is that it was a perversion. It would have been a perversion to even allow a vote about guns, a vote about guns that would have deprived the District of its own right to decide the issue in order to decide whether it should have a vote.

The decision therefore to pull the bill was legal and the delay saved the principle that we should be voting on one basic right, the basic right that is before us today in the House Voting Rights Act.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague from Texas (Mr. SESSIONS) for yielding the time.

Mr. Speaker, today we are engaged in a very serious debate. It is a constitutional debate. Having served on the Government Reform and Oversight Committee, we actually passed this bill. I opposed it in committee on constitutional grounds. I offered amendments to actually fix what I feel are constitutional problems in this legislation, and there are constitutional ways to achieve what my colleague, the Delegate from the District of Columbia, seeks to do.

There are constitutional ways to do that. Just as in the 19th century, the part of the District of Columbia that was part of Virginia was ceded back to the State of Virginia; likewise, the part of the District of Columbia that was Maryland could be ceded back for representation purposes to the State of Maryland. So there are constitutional ways to achieve what the Delegate seeks to achieve.

But the Constitution clearly provides how Congressmen and Senators are allocated, and they are allocated to the States. The District of Columbia was provided for. The District of Columbia is a Federal city and it is not a State.

Presently, D.C. has a Delegate who votes in committee. Actually, under the new Democrat rules, they also vote here on this House floor. I believe that is unconstitutional as well. But what this bill does is allow the District of Columbia to keep that Delegate vote and supplement it with another vote.

Now, what I would submit is that the new Democrat majority is trying to pad their numbers on this House floor. That is why they gave Democrats who are nonvoting Members of this body the ability to vote on the House floor. That is also why, I submit, that this Democrat majority is submitting this bill for approval on this House floor, and keeping not only the Delegate vote, but adding another Democrat vote to this House floor.

I don't oppose it for personal reasons. I oppose this legislation for constitutional reasons, and I would submit to the Delegate from the District of Columbia that we all must make a judgment on the constitutionality of legislation that we see before us on the House floor, and in that way, we must be constitutional scholars and study it.

So, beyond that, let's think about what the Democrats are doing, Mr. Speaker. They are looking for a raw power grab. They not only want to add another seat in Democrat hands to this body, but they want to allow nonvoting delegates the ability to vote on this House floor. I think that is wrong and unconstitutional, and I think the American people need to understand what is happening here. It is a raw power grab by the new Democrat majority.

□ 1145

Now, I think there are a lot of valid reasons for us to look at ways to allow the people in the District of Columbia to vote for Congress and for Senate, and I think the way to do that is to cede that part of Maryland that is now the District of Columbia back to the State of Maryland for voting purposes. And if they truly seek to do what they seek to do today, they could propose a constitutional amendment which has previously been rejected. I urge us to vote down this rule.

Mr. SESSIONS. Mr. Speaker, at this time I yield, with Mr. ARCURI's concurrence, 4 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding. And I am opposed to this rule for specific reasons about the process and about the unique and unheard of change that would state that if a recommital motion passes, that that is laid upon the table. That strips completely the authority of the minority to have input into the process. And I would think, Mr. Speaker, that Members of the majority party would be ashamed. I would think that that would be the appropriate course of action, and that they ought to rethink what they are doing.

But I came down to the floor to talk about the substance of the bill, because I believe passionately in representation. I believe passionately in the importance of members, of citizens, residents of the District of Columbia to have representation, voting representation in this House. I believe passionately in the Constitution. And I believe that those two beliefs are not mutually exclusive.

There is a particularly appropriate way to proceed, and that is through the issue of retrocession, which as you know, Mr. Speaker, provides that that portion of the District of Columbia that has residents in it, citizens in it, could be moved back into the State of Maryland and thereby obtain appropriate representation.

Mr. Speaker, I know that facts are troubling things, and the supreme law of our land, the Constitution, requires us to do certain things and one of them is to follow the Constitution.

Article I, section 2 of the Constitution states: ''The House of Representatives shall be composed of members chosen every second year by the people of the several States.'' It doesn't say, and the District of Columbia. It says: the people of the several States.''

Mr. Speaker, I would suggest that that, along with the next 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.'' It is clear that this action will be unconstitutional if it moves forward.

Even Peter Rodino, former Democratic Chair of the Judiciary Committee in the 95th Congress, when confronted with this issue said: ''If the citizens of a district are to have a voting representation in Congress, a constitutional amendment is essential. Statutory action alone will not suffice.''

So, Mr. Speaker, it is clear that this action that is being proposed by the majority party is indeed unconstitutional, and I would agree with the delegate from the District of Columbia that there is a body in our system of government that will determine that. That is the judiciary branch. I am hopeful that it will occur rapidly.

And I would be happy to yield to the delegate from the District of Columbia to see whether or not she would support, along with this, a demand for an expedited review of this legislation and would it move forward.

Ms. NORTON. I will support that, if the gentleman will support this bill by voting for it on the floor.

Mr. PRICE of Georgia. Reclaiming my time, I thank the gentlelady for supporting it because I think that is important. I think it is important that if this in fact moves forward, I am not certain that it will move through the other body, but if it does move forward, that it gets the expedited review that is so imperative for our Constitution to be followed appropriately.

Ms. NORTON. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Has he agreed therefore to support the bill when in fact the vote is taken?

Mr. PRICE of Georgia. Mr. Speaker, my oath tells me that I am not to support anything that I believe to support anything to be unconstitutional. I believe this bill to be unconstitutional. I also believe that others may have a different perspective, and I appreciate that, and that the place to decide that is in the court. And I would hope that we would have an expedited review.

Mr. SESSIONS. Mr. Speaker, by agreement, I believe Mr. ARCURI and I are going to be the final two speakers. He has agreed that I will offer my close and then yield back my time, and the gentleman will have the remaining time.

Mr. ARCURI. Agreed.

Mr. SESSIONS. Mr. Speaker, the minority believes that the means just don't justify the ends. We believe that there is a process for getting this done constitutionally and appropriately. We believe the way the rule is written, we believe that the supermajority that this would give to Washington, D.C. two voting Members as well as a super-Delegate Member who would be from Utah would violate the one man-one vote clause. We believe that the way that this is written is wrong and not correct, and we should not proceed under that matter.

Related to the gentlelady's comments about us delaying tactics several weeks ago, I find that curious because we were following regular order rules, rules that had been established. And I find it interesting that regular order would be called a delaying tactic.

Mr. Speaker, I am asking Members to vote against the previous question so that I might be able to offer an amendment to the rule which would strike the obvious attempt to nullify and mute the minority's ability to recommit a bill.

The provision says that if the minority has a valid motion to recommit and the majority of the House agrees to it, the bill is tabled. The majority has taken away the House's ability to send something back to the committee for further consideration.

The distinguished majority leader has spent a great deal of time telling Members in the press that the motion to recommit offered on March 22 would have killed the bill. Well, that just wasn't true. It would have sent the bill back to the committee.

The egregious provision makes the minority leader's wishes come true now. It causes any motion to recommit the bill other than a forthwith motion to effectively kill the bill. Why would the Democrat majority want to limit the minority's opinion in such a manner? Would it be so that they might be able to say with a straight face that a vote to recommit actually kills the bill?

Mr. Speaker, I ask unanimous consent that the text of the amendment and the extraneous material be printed just prior to the vote on the previous question.

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

There was no objection.

Mr. Speaker, I yield back my time.

Mr. ARCURI. Mr. Speaker, I would like to thank my colleague from Texas and my colleagues on the Rules Committee for their spirited debate in this issue. I would also like to thank my distinguished colleague from the District of Columbia for her leadership on this issue and her passion. She has shown such incredible focus in terms of what she feels and what she believes, and it is contagious and I commend her for it.

This is an issue that is not only important to the residents to the District of Columbia, but it is important for the residents of the entire country because it is about giving the right to vote to people who deserve it. And that is what our country was founded on and that is what we are all about.

In my closing, I would just like to mention several points that were discussed in the previous debate, and one of them was brought up by my colleague from North Carolina. And I am troubled by the fact that he is attempting to talk about power grabs and talking about turning this issue into a political issue. This is not a political issue. It never has been. That is what the American people don't want out of their Congress. They want debate on issues that are important to the people.

This is something that is important to all of America. It is important to the residents of Utah, and it is important to the residents of the District of Columbia. It is not about a power grab. It is not about politics. And that is what the American people don't want to hear their Representatives in Congress talking about. They want to hear about why we support a bill. And the reason that this bill is important, the reason that this bill is critical is because it is constitutional.

My colleague from Texas said that the end doesn't justify the means, and I agree with him; the end cannot justify the means. This bill is not about that. This bill is clearly constitutional.

And I remind my colleague from North Carolina that if he looks at why Congress originally set up the District of Columbia, it was because the capital was in Philadelphia, and they were not able to do the kinds of things in Philadelphia that they wanted to because Pennsylvania was a sovereign State and they couldn't tell the State of Pennsylvania what they wanted done. So they came upon this idea to create a district, a district which they would have control over. That is why the District of Columbia was set up. That is why we are debating this bill today.

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

Mr. ARCURI. I yield to the gentleman from North Carolina.

Mr. MCHENRY. The gentleman used my name in his speech, so I would certainly like to yield for a question.

So when the Founding Fathers created the District of Columbia, why then did they not grant the District of Columbia two Senators and a Member of this House?

Mr. ARCURI. Mr. Speaker, I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. When the Constitution was written, first of all, Senators weren't popularly elected; they were appointed, not elected, number one. Number two, when the Constitution was written there was a 10-year period during which the District essentially had all the same rights it had always had because the Framers guaranteed to Maryland and Virginia they would not lose those rights. So when the seat moved over and it became the jurisdiction of the Congress, only the Congress could fulfill the mandate now that the city was under its jurisdiction to grant the city the right to vote.

We are asking for the right to vote only in the House. And the Senate, somebody would have had to appoint Senators at the time. So that could not have been done.

Mr. ARCURI. Mr. Speaker, this bill is, as I said, about fairness. They are talking about everything but what is important. They are talking about every fact except the important fact, and that is that this bill is about giving the right to vote to citizens of the United States. That is what is important.

Nearly 600,000 citizens of Washington, D.C. have waited far too long for equal representation in this Chamber. They have sacrificed their lives defending this great Nation and paid their fair share of taxes. We have an opportunity to correct this grave injustice and provide to the citizens of our Nation's Capital the most important right of all, and that is the full right to vote.

I want to commend again the Delegate from Washington (Ms. NORTON) for her tireless efforts that have brought us here for this historic day. It is this type of passion and commitment that further strengthens our democracy. I urge a ''yes'' vote on the rule and on the previous question.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 317 OFFERED BY REP. SESSIONS OF TEXAS

Strike section 3.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to

yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

Mr. ARCURI. 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 electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 196, not voting 18, as follows:

[Roll No. 228]

YEAS—219

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
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
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
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)
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
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
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

NAYS—196

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
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
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
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
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
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)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Boehner
Brown, Corrine
Cantor
Cubin
Davis, Jo Ann
Engel
Fattah
Higgins
Israel
Lampson
Marshall
Millender-McDonald
Oberstar
Rohrabacher
Sali
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 the vote.

□ 1222

Mr. HUNTER and Mr. FERGUSON changed their vote from ''yea'' to ''nay.''

Mr. CRAMER changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. SALI. Mr. Speaker, on rollcall No. 228 I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. ARCURI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 219, nays 196, not voting 18, as follows:

[Roll No. 229]

YEAS—219

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison

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
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
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)
Snyder
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

NAYS—196

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
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
Foxx
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
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
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)

NOT VOTING—18

Boehner
Cantor
Cubin
Davis, Jo Ann
Duncan
Engel
Fattah
Flake
Higgins
Israel
Lampson
Meeks (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 Columbia shall be considered a Congressional district for purposes of representation in the House of Representatives.

(b) CONFORMING AMENDMENTS RELATING TO APPORTIONMENT 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 APPORTIONMENT 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