

□ 1247

So the motion to table was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. WALDEN of Oregon. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mrs. TAUSCHER). The question is on the motion to adjourn offered by the gentleman from Oregon (Mr. WALDEN).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 185, nays 226, not voting 23, as follows:

[Roll No. 55]

YEAS—185

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

NAYS—226

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

NOT VOTING—23

Barton (TX)	Fattah	Norwood
Boucher	Frank (MA)	Pickering
Buyer	Jindal	Radanovich
Cubin	Johnson (IL)	Reyes
Cuellar	Lucas	Rohrabacher
Cummings	McCaul (TX)	Sánchez, Linda
Davis, Jo Ann	McCrery	T.
Everett	Musgrave	Scott (GA)

□ 1310

Messrs. EMANUEL, TOWNS, and SPRATT changed their vote from “yea” to “nay.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERMITTING DELEGATES AND THE RESIDENT COMMISSIONER TO CAST VOTES IN THE COMMITTEE OF THE WHOLE

Mr. HASTINGS of Florida. Madam Speaker, pursuant to House Resolution 86, I call up 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, and ask for its immediate consideration.

The Clerk read the title of the resolution.

Mr. MCHENRY. Madam Speaker, I demand the question of consideration.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from North Carolina demands the question of consideration. The question is: Will the House consider the resolution?

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

RECORDED VOTE

Mr. MCHENRY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 186, not voting 24, as follows:

[Roll No. 56]

AYES—224

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

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

NOES—186

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

NOT VOTING—24

Abercrombie	Fattah	Lucas
Boucher	Frank (MA)	Musgrave
Boyd (KS)	Jindal	Norwood
Buyer	Johnson (IL)	Peterson (PA)
Carson	Johnson, E. B.	Pickering
Cubin	Jordan	Radanovich
Davis, Jo Ann	Kuhl (NY)	Rogers (MI)
Everett	LaTourette	Tancredo

□ 1329

Ms. LINDA T. SÁNCHEZ of California changed her vote from “no” to “aye.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. JORDAN of Ohio. Madam Speaker, I was absent from the House floor during today's rollcall vote on considering House Resolution 78.

Had I been present, I would have voted “no.”

The SPEAKER pro tempore. The Clerk will re-report the title.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 86, the resolution is considered read.

The text of the resolution is as follows:

H. RES. 78

Resolved,

SECTION 1. VOTING BY DELEGATES AND RESIDENT COMMISSIONER IN COMMITTEE OF THE WHOLE.

(a) PERMITTING VOTES TO BE CAST.—Clause 3(a) of rule III of the Rules of the House of Representatives is amended to read as follows:

“3. (a) In a Committee of the Whole House on the state of the Union, each Delegate and the Resident Commissioner shall possess the same powers and privileges as Members of the House. Each Delegate and the Resident Commissioner shall be elected to serve on standing committees in the same manner as Members of the House and shall possess in such committees the same powers and privileges as the other members of the committee.”.

(b) APPOINTMENT OF CHAIR.—The first sentence of clause 1 of rule XVIII of the Rules of the House of Representatives is amended by striking “a Chairman” and inserting “a Member, Delegate, or the Resident Commissioner as Chairman”.

(c) REPEATING OF CERTAIN VOTES.—Clause 6 of rule XVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

“(h) Whenever a recorded vote on any question has been decided by a margin within which the votes cast by the Delegates and the Resident Commissioner have been decisive, the Committee of the Whole shall rise and the Speaker shall put such question de novo without intervening motion. Upon the announcement of the vote on that question, the Committee of the Whole shall resume its sitting without intervening motion.”.

The SPEAKER pro tempore. After 1 hour of debate on the resolution, it shall be in order to consider the amendment printed in House Report 110-3, if offered by the gentleman from Illinois (Mr. KIRK), or his designee, which shall be considered read, and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. HASTINGS) and the gentleman from California (Mr. DREIER) each will control 30 minutes of debate on the resolution.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am very proud to be bringing this bill to the House floor today. This minor change in House rules represents a major step forward for the nearly 5 million Americans whose voice is not currently represented on the floor of this House. That is right, Madam Speaker, 5 million Americans go unrepresented on the floor of the people's House.

This is one of the few things we can do for the American body politic that is not only the right thing to do, it is easy to do as well.

One of the most simple, yet eloquent and powerful statements in support of what we will do today was made by one of our former colleagues several years ago. Ben Blaz served in this House for 8 years as the delegate from Guam in the mid-1980s and early 1990s.

□ 1330

Delegate Blaz is a man of unquestioned patriotism and uncommon valor. He retired from the Marine Corps with the rank of brigadier general, and during his time in the corps he was awarded the Legion of Merit, a Bronze Star with Combat V and the Vietnam Cross of Gallantry.

I give you a little background on the former Delegate so that our colleagues can have some context when I tell you what General Blaz had to say at one time on this House floor. What the general said about his status in the House and the faith of his fellow Guamanians was this: “We are equal in war, but not in peace.”

So it is today, Madam Speaker. Over the past several months, and as recently as this week, in the deserts of Iraq and Afghanistan, young Americans from Guam, American Samoa, Puerto Rico, the Virgin Islands and Washington, D.C. have fought and died in defense of their country and in service to the Nation they love. In the helicopter that crashed last week, two from the Virgin Islands were on that helicopter and lost their lives.

And yet our colleagues, Mr. FORTUÑO from Puerto Rico, Dr. CHRISTENSEN from the Virgin Islands, Mr. FALEOMAVAEGA from American Samoa, Ms. BORDALLO from Guam and Ms. NORTON, from Washington, D.C., have no right to cast a vote and be a voice for their constituents and our fellow Americans out on the battlefield.

But, you know, Madam Speaker, I may be overstating the importance of this modest rules change. It is, after all, more symbolism than substance. Yes, our colleagues who I just mentioned will finally be able to cast a vote on the House floor, but, and this should be the clincher for my Republican friends who generally prefer to see democracy squelched in the people's House, if a vote cast by a Delegate or the Resident Commissioner or by them collectively amounts to the deciding votes on a question before the

House, then the vote is retaken without permitting them to participate.

So who could possibly be opposed to giving our colleagues, arguably some of the most gifted and thoughtful legislators in this Chamber, the right to cast a nondecisive vote on the House floor? I mean, that really should be done.

Let me close for now by doing something I don't often do here, and that is to quote the current President of the United States. Last night, Madam Speaker, standing where you are, not 25 feet from where I stand today, the distinguished President of the United States, President Bush, said, "This is a decent and honorable country."

What we are trying to do on the House floor today, colleagues, is the decent and honorable thing to do.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. DREIER. Madam Speaker, I rise today in strong opposition to House Resolution 78, which will allow the Delegates and the Resident Commissioner to vote on the House floor.

My colleagues who support this measure will talk about how the vote granted under this change in the House rules is merely symbolic and the votes cast don't count. But, Madam Speaker, that analysis says that the value of a vote is worth little more than its ability to be used in a press release or a letter to a constituent. I value my vote. I consider it to be an extraordinary honor to serve here, and I believe that the Delegates and the Resident Commissioners should and would desire to value their votes as well.

Those who advocate granting the right in the Committee of the Whole have apparently forgotten the full name of that committee. Madam Speaker, we are in the House right now, but when we are in the Committee of the Whole, it is called the Committee of the Whole House on the state of the Union. I underscore the word "Union." We need to remember that.

The Union is made up of the several States, and only Representatives from those States may vote here on the House floor. That is what the U.S. Constitution says.

Yes, the Committee of the Whole finds its roots in the British Parliament, but the modern House of Representatives and the 17th century British Parliament used the Committee of the Whole for two vastly different purposes.

We use the Committee of the Whole House on the state of the Union for the purpose of allowing the House of Representatives to expedite the amendment process and to allow for a more free-flowing debate. We do not, and I underscore this, Madam Speaker, we do not use it to say that we are no longer the House of Representatives, and

therefore allow us to close deliberations to emissaries of the Queen. That is not what going into the Committee of the Whole House on the state of the Union is about.

Madam Speaker, my colleagues from the territories and the District of Columbia feel disenfranchised, and I understand why. They enjoy many of the benefits granted to the citizens of the several States. However, with the exception of the District of Columbia, their representatives are different. For instance, some pay income taxes differently; some not at all. Some are subject to the recently increased minimum wage; others are not subjected to the recently increased minimum wage.

This change in the House rules is an end run around the United States Constitution. The court said so when it upheld the rule. Because the Constitution limits who can wield legislative power, in order to pass muster the rule had to make it appear that Delegates and Resident Commissioners had none.

It is the ultimate in illusions, Madam Speaker. When your vote counts, it doesn't count; and when it doesn't count, it counts. I will say that again. When your vote counts, it doesn't count; and when it doesn't count, it counts. That is really what we are doing here.

But we all know that Member voting behavior is far more subtle than my colleagues have led on. A recent academic study of voting patterns in the 103rd Congress showed that while the Delegate voting rule was in place, there was a drastic increase in the number of votes retaken in the House. While there were only three automatic revotes pursuant to the Delegate voting rule, there were a total of 75 votes taken in the Committee of the Whole that were retaken in the House of Representatives.

Madam Speaker, on those revotes, the study shows there was an average of 31 switches per vote, and that out of the 435 Members, 403 switched their vote at least once, and that there was an average of 3.9 switches per Member. While the Democrats will argue that the Delegate voting rule had no effect on the switching, there is no doubt that the rule change drastically increased the number of revotes here in the House of Representatives.

Madam Speaker, if we want to grant the Delegates the right to vote, we have, I clearly believe, two options: Either they need to start the path towards statehood, or we need to change the United States Constitution. I know full well, Madam Speaker, that both of them are long, difficult paths, but they are clearly preferable to this parlor trick of a rule.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 4 minutes to my good friend, the gentleman from Michigan (Mr. CONYERS), the distinguished Chair of the Judiciary Committee.

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

Mr. CONYERS. Madam Speaker, I want to thank the distinguished member of the Rules Committee, and I rise, Madam Speaker, in some shock about the strong opposition to this rule and the underlying bill.

I had never thought that I would hear a reason to deny a Member of the House of Representatives a vote because of convenience, because of the number of revotes that have occurred and whether or not the switched votes that took place were because of whether Delegates were voting or not. This is an incredible kind of an argument.

Today I commend the House leadership for bringing to the floor a small attempt to give our Delegates a voice in the House. This rule allows Congress to be more inclusive and integrated as it pertains to our Delegates.

Significantly, the rule brings the Congresswoman from the District of Columbia, ELEANOR HOLMES NORTON, closer to a House vote for the District, a vote that was almost realized through bipartisan efforts in the 109th Congress.

By giving our Delegates a vote in the Committee of the Whole, we provide these representatives with the opportunity to greater serve their constituents. I wonder what the rest of the citizens of this country would think would be wrong with such an opportunity for these citizens to have a voting Representative, as our citizens do?

Delegates will now have a record that reflects their positions on the measures that come before the House, but ultimately Delegates will be more involved with the work of the Congress, which would, at least in small part, become their Congress.

In recognizing our Delegates, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. FORTUÑO and ELEANOR HOLMES NORTON, I point out that their contributions have been much like that of other representatives. Our Delegates already serve and vote on committee business, they serve in caucus and leadership positions, and they diligently represent the interests of their constituents. It is an honor to work alongside these Members. Why shouldn't we help them in this long, arduous struggle toward full membership in the House?

For the Delegate from the District of Columbia, I believe that a vote in the Committee of the Whole is a step toward achieving a vote in the House. It is not the final step. Our work to bring democracy to the Nation's Capital will continue after today's, what I hope will be a success.

For over 200 years, the District residents have been disenfranchised while assuming the responsibilities of United States citizenship. Like both State and territory residents, District residents serve in the Armed Forces and are currently represented in Iraq, Afghanistan and other countries in the world. Like

State residents, but unlike territory residents, citizens of the District pay Federal taxes and vote in Presidential elections.

However, the District is alone in that it is denied voting representation in the very entity that controls all aspects of the city's legislative, executive, and judicial functions—the Congress. No other entity—State or territory—lacks this much autonomy.

I will continue to support Congresswoman NORTON in her efforts to secure a vote for the District. I pledge to work towards such a vote in the coming weeks. This Congress is capable of a sound, bipartisan response and in fact proved as much last Congress. Let us now address the unfinished business of the 109th Congress and the unfinished business of our democracy.

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

Madam Speaker, the distinguished chairman of the Judiciary Committee knows I have the highest regard for him. I was simply quoting an academic study underscoring the fact that we very much need to have a greater opportunity for deliberation on this issue, rather than moving without any hearings whatsoever.

Madam Speaker, I yield 3 minutes to a very hardworking member of the Rules Committee, the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Madam Speaker, we are here today to consider the Democrat leadership's proposed change to the current House practices to provide Delegates from U.S. territories with representation without taxation.

The Democrat leadership, in a political effort to pad votes, is willing to trample on the Constitution by allowing these Delegates to cast votes on amendments that could affect taxpayers across the United States of America without requiring that these residents pay taxes into the United States Treasury. According to a 2000 census, American Samoa had 60,000 residents, about one-tenth the size of an average congressional district. This too undermines the fundamental constitutional provision and principle of one man, one vote.

I encourage all of my colleagues to oppose this bad policy and political effort by the Democrat leadership and majority to extend representation without taxation to nontaxpayers and to dilute the votes of the American taxpayers in the United States House of Representatives.

□ 1345

Mr. HASTINGS of Florida. I would merely urge the gentleman to recognize that Puerto Rico has 4 million citizens, and I don't know what planet he is living on, but everybody in the District of Columbia pays taxes. And I don't understand this continuing argument. I am curious to know what would happen if Dallas, Texas, didn't have the right to vote in the House.

I would also remind the gentleman that the United States District Court of Appeals for the District of Columbia

has already ruled that this matter is not unconstitutional.

Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from New York (Ms. VELÁZQUEZ), my good friend and classmate who is the Chair of the Small Business Committee.

Ms. VELÁZQUEZ. Madam Speaker, I come before this House of Representatives, and I would like to speak not only on behalf of the 4 million American citizens who live in Puerto Rico, but also on behalf of the seven American Puerto Ricans who lost their lives in Iraq fighting to protect our Nation.

Today I rise to remove the muzzle from the mouths in support of the close to 5 million U.S. citizens' voices that are represented by the Delegates of the U.S. Virgin Islands, Guam, American Samoa and the Resident Commissioner of the Commonwealth of Puerto Rico. I say voices because that is all their representatives in Congress are allowed to utter at the well of this House of Representatives. It is time to allow them to also act on behalf of their constituents in this Chamber by allowing them to vote in the Committee of the Whole House.

Right now these Members are allowed to fully participate, not only debate, but also vote at the committees on which they serve with distinction. The change proposed is very measured. It simply allows our respected friends and colleagues to vote in an additional committee, the Committee of the Whole House.

Why are my colleagues from the other side of the aisle so unwilling to allow them in this committee? They do not seem to mind them in the other committees. Madam Speaker, my Republican colleagues have even placed the Republican Resident Commissioner of Puerto Rico in several committees, including Foreign Affairs.

My colleagues on the other side of the aisle claim that this rule may have constitutional problems. The reality is that the courts don't agree with this. I will tell my colleagues on the other side of the aisle, you cannot pick and choose which court decisions you agree with or you like. That is not how democracy works.

But as you all know, the Committee of the Whole House does not vote on final passage of legislation. It carries out similar work as the standing committees.

The only thing this new rule does allow is for our Delegates and Resident Commissioner colleagues to vote in a committee. The difference for their constituents is that this committee is not located in a small room, but meets here in this Chamber for all to watch.

Today's debate is about whether this House believes it is right to give these Members the opportunity to express their positions and values through the act of voting out in the open. Openness is a strong democratic value that all of us should support.

I want to emphasize this. These men and women are Members of this House.

Let us help them express the voices of their U.S. citizen constituents by allowing them to vote in this committee as well.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 2 minutes to the distinguished ranking member of the Committee on Resources, the gentleman from Fort Yukon, Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Madam Speaker, I rise to thank my distinguished colleague from Maryland, the majority leader, for introducing this resolution, but I am forced to oppose it.

The voting rights we are considering today are so limited in scope that they are merely symbolic, which has been said. Under the gentleman's resolution, the Delegates and Resident Commissioner will never be able to cast a vote to determine the final outcome of a vote, because if it were to be decisive, there would be an automatic revote on which they could not participate. As odd as it may seem, when it doesn't count, it counts. And when it counts, it doesn't count, as my good friend from California said.

Madam Speaker, this proposal falls far short from what we should be doing to address the way our Nation currently deals with its insular areas, and that is why I am unable to support this legislation. As chairman of the Resources Committee in the mid- to late 1990s, we led an effort, we, this side, not that side, led an effort that would have specifically addressed the question of political status of the 4 million American citizens that reside in Puerto Rico. That bill did pass this House by one vote, but the Senate failed to act on it.

In the last Congress, my good friend and colleague from Puerto Rico, the ranking member of the Insular Affairs Subcommittee, Resident Commissioner Luis Fortuño, revived this effort after 5 years of inaction. He introduced a bipartisan legislation that was followed with the recommendations set forth by the White House Task Force on Puerto Rico's Status Report to Congress.

Puerto Rico has been a U.S. territory with an unresolved political status since our Nation acquired the island in 1898. Puerto Ricans have been citizens and have honorably served in our Nation's Armed Forces since 1917. Close to 60 of them have already paid the ultimate sacrifice in our Nation's war against terror in Iraq and Afghanistan.

These 4 million U.S. citizens deserve more than just symbolism. They deserve a permanent resolution to the question of their political status.

Madam Speaker, I say respectfully, it is time we act honorably and give them the right to vote as a State.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2

minutes to the distinguished chairwoman of the Congressional Black Caucus and my good friend from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Madam Speaker, I rise in support of the resolution. The Delegates vote in committees. They are assigned the task. They spend the hours, and they deserve the vote in the full House. There is no reason, except for an act in 1995 that caused them to lose that right to vote in committees, Committee of the Whole, and here this resolution talks about voting in the Committee of the Whole.

We need their vote. They are citizens of our country. They work, they pay taxes, they fight our wars. There is no reason that they would not be allowed, not just the Committee of the Whole, as was mentioned just earlier, they also need that final vote on legislation. When you fight wars, and we are in some now, and some of their people are fighting, they ought to be represented and have a voice in this Congress.

At the same time, and I don't want anybody to mistake, the District of Columbia, who has over 700,000 residents, more than some of our States who have two Senators and a Congressperson, not being allowed the right to vote? Something is very wrong with that in this country where we live. And I believe that this is the first step to regain what they lost earlier, but it is certainly not, I hope, the final step.

It is important as we go forward and as we acknowledge Congresswoman, as I call her, Delegate ELEANOR HOLMES NORTON, my good friend, Congresswoman DONNA CHRISTENSEN and the Representatives from Puerto Rico and Guam and Samoa Islands, that they fight our wars, they pay taxes in D.C., and they serve in our Congress. So I rise to support it, and Members of the Congressional Black Caucus take a unanimous position that we support this legislation. We ask for its immediate passage, and we come back and give D.C. statehood that they have earned and should have.

Citizens from Guam, American Samoa, the U.S. Virgin Islands, Puerto Rico and Washington, D.C. have paid taxes and have protected the Constitution of this country in our military. Some of our colleagues who have been fortunate enough to serve Americans in this august body have protected it as Members of Congress. It is now time for us to protect the rights of those citizens to at least be able to vote in the Committee of the Whole. It is a first step toward equity, equality and egalitarianism for so many people who have given so much but have received so little with regard to having a voting representative in the United States Congress.

Right here, in Washington, D.C., citizens were not allowed to even vote for President until the adoption of the 23rd Amendment to the Constitution in 1961, but which actually occurred in 1964. Right here, in Washington, D.C., citizens were not even allowed to vote for their own Mayor or local form of government until 1974. Right here, in Washington, D.C., as I face the setting sun, thousands of white tombstones, honoring some of the souls

of individuals from Guam, American Samoa, the U.S. Virgin Islands, Puerto Rico and Washington, D.C. face us as immortals. These citizens, about six miles away from where I stand at Arlington National Cemetery, have paid the highest price for freedom any individual will ever pay. These citizens—hardworking, women and men, some of whom have served and are still serving our country in Afghanistan and Iraq—two centuries and thirty-one years since the Declaration of Independence, do not have the right to full representation in Congress. I applaud my colleagues for beginning the process that, I hope, will ultimately allow the citizens from Guam, American Samoa, the U.S. Virgin Islands, Puerto Rico and Washington, D.C. full voting representation in Congress. This is but a small step, but it is a step in the right direction. It is right, it is just, and it is time.

Mr. DREIER. Madam Speaker, at this time I am very happy to yield 2½ minutes to my very hardworking friend from Grantville, Georgia (Mr. WEST-MORELAND).

Mr. WESTMORELAND. Madam Speaker, legislation to allow Delegate voting should have appeared on the 100-hour agenda because it would fit snugly under the agenda's general theme of symbolism over substance.

In fact, to bolster their case, the bill's advocates insist that Delegates' votes will be meaningless. But it is not meaningless. We have a written Constitution that clearly outlines who receives a vote in Congress. The principle is as clear as it is simple. The Members will be chosen every second year by the people of the several States. The Constitution doesn't provide exemptions to those rules in cases where it feels good, it is seemingly irrelevant or is politically expedient.

Residents of U.S. territories reap the benefits of the world's biggest economy; they are protected by the greatest military in the world, and they have coveted access to the 50 States. Yet territories, by definition, are not States. This status comes with pros and cons. On the one hand, they maintain a greater deal of autonomy, independent identity and self-determination. On the other hand, territories don't get the same representation in Congress as States do. This is a prime example having your cake and eating it, too.

There are many reasons to oppose this legislation. For one, it makes no sense in the people's House where representation is determined by population for Puerto Rico's 4 million to get the same vote as American Samoa of 57,000. It makes no sense to give Delegates a vote that doesn't count if it counts. And it makes no sense to pretend that this effort is anything but political opportunism.

But those aren't the most important reasons for opposing this bill. The most important reason is that it plays fast and loose with the constitutional limitations on who can vote on the floor of this House. We are not members of a backyard club making up rules on who gets to vote as we go along.

When we took this job, we swore to uphold the Constitution, and that is what I am doing by opposing this legislation today. If supporters of this bill think it is important to give Delegates a vote on the House floor, I urge them to draft a constitutional amendment, not a constitutional runaround.

I ask and I say to the majority's argument with us, it is not with us, it is with the Founding Fathers and the writers of the Constitution.

I ask my colleagues, and especially those from the great sovereign State of Georgia, to oppose this legislation.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield to a continuing champion of this subject for 3¾ minutes, the distinguished gentlewoman from the District of Columbia, most deserving of statehood, Ms. NORTON.

Ms. NORTON. Madam Speaker, I thank the gentleman for yielding and for his gracious introduction and work on this debate.

The other side really doth protest too much. Most Delegate votes, of course, don't carry the day, so a revote is not necessary.

If the vote doesn't count, if the vote is only symbolic, then it certainly has not been worth 2 hours of votes to adjourn, as if the world was coming to an end. It certainly has not been worth the insults to the Delegates. It certainly has not been worth the disgrace to the House of Representatives to have Members of this venerable House come down and take to the floor to argue against the right to vote that has been upheld by the Federal courts of the United States. It certainly isn't worth besmirching your name in that way, and besmirching ours because that debate has occurred here.

The matter before us is no longer subject to debate in a political body in our political system because that matter has gone the full way in our system. And the courts in our system, my friends, have the last word in our system on matters of constitutional right. You have got to understand that.

□ 1400

Using regular order, Mr. Speaker, right after my freshman year I wrote a memo arguing for the Committee of the whole vote. The Democrats didn't handle this matter lightly. Nobody in 200 years had argued that Delegates should have a vote on the House floor; they sent the memo to outside counsel, then they subjected it to debate in the Rules. The first day of the 103rd Congress the Republicans argued strongly against the matter. And then they did something very unusual, they took the House to court and lost in the district court and the court of appeals. This is a system of laws in which we work.

They had two more times to debate in the courts, in the trial court and in the court of appeals. They finally had their way politically. They had their way, notwithstanding what the Federal courts had found, and they yanked the

authority, court-approved authority of Delegates to vote out of the rules the moment they came to power, showing no respect for the Delegates, and an insult to the Democrats who had tried to maximize participation in the people's House.

I was thrilled and grateful to get that vote then, I welcome the vote now, but it is very hard to be grateful to the House or anybody else for a vote you are entitled to. A vote that offers so little for Americans who have given so much should be hard even for the other side to resist.

The test for the 110th Congress is not the Delegate vote, however. The test is the District of Columbia House voting rights bill, where we left off at the Judiciary Committee.

I want to thank Representative TOM DAVIS and the cosponsors of that bill. I want to thank the Democrats. I can't go anywhere in my own caucus that they don't say, when are we going to get to vote on your full House bill?

The Democrats have devoted decades of energy to full voting rights. I ask that the House bring forward H.R. 328 so that the House can vote on a full House vote for the District of Columbia.

Mr. DREIER. Madam Speaker, I am going to ask unanimous consent to yield the management of the time to my colleague from Pasco, Washington (Mr. HASTINGS).

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

There was no objection.

Mr. DREIER. Madam Speaker, as I do that, I would like to yield 2 minutes to the gentleman from Cherryville, North Carolina (Mr. MCHENRY), a hard-working Member.

Mr. MCHENRY. I thank my colleague.

Madam Speaker, today the House Democrats continue their abuse of power. They are pushing forward a measure to allow the territory Delegates, nonvoting Members of Congress traditionally, actually, not Members of Congress on a technical basis because they don't represent States, their constituents don't pay Federal income taxes, they are going to allow these individuals to cast votes and even preside when the Chamber meets. So let's have a quick Q&A on this; let's talk questions and answers here.

Why would the Democrats do this? Because 80 percent of the territory Delegates are, hold for an answer here, they are Democrats. They want to cushion their numbers. Why is this an abuse of power? Well, there is this little thing we Americans call the Constitution. It says, "The House shall be comprised of Members chosen by the people of the several States," not territories, not mayors of cities allowed to vote on this House floor, not any individual, but "comprised of Members chosen by the people of the several States," not non-State territories. But plainly the Democrats are cushioning their numbers and abusing their power.

The Democrats' power grab is a continuation of the abusive policies and actions they have taken since day one in this institution. Since day one they have shut down all debate. Since day one they have shut down the committee process. They held open a vote to change the outcome because they were losing on the vote. They ran through the Speaker's special interest project affectionately known as TunaGate, and all without fulfilling their pledge of working a 5-day week. In fact, in 3 weeks we only worked 40 hours in this House. That is a new Democrat majority, that is a continuation of the abuse of power.

What we have to do today is vote down this legislation that is, first, unconstitutional, and second, an abuse of power by the Democrat majority.

I urge my colleagues to vote "no" on this measure.

Mr. HASTINGS of Florida. Madam Speaker, I yield 3 minutes to the distinguished woman from the Virgin Islands, my good friend, Dr. CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you for yielding, Mr. HASTINGS.

Madam Speaker, I rise as a representative of the people of the U.S. Virgin Islands, proud Americans who willingly and gladly serve this country in every way, including the ultimate sacrifice, as I have said on two occasions on this floor this morning, and who only seek the fullest representation possible under the Constitution of the United States, and that is purely and simply what H.R. 78 does. I thank the Democratic leadership, Mr. HASTINGS, and my colleagues for their support.

Just as it did in 1992, the rule granting Delegates the right to vote in the Committee of the Whole includes a mechanism which provided for an automatic revote in the full House of any of the amendments which passed or failed by a margin that included the votes of the Delegates. That rule and procedure was tested in Federal court and was upheld as constitutional.

While this is less than perfect, as is often said, we must not let the perfect be the enemy of the good, or, I add, the enemy of what is the right thing to do.

Listening to the strong objections from the other side on the basis of unconstitutionality, taxation, and others which are not relevant to the discussion, I have to wonder if these same objections would be raised by my Republican colleagues, an issue that is clearly one of participation and inclusion, if there were four Republican Delegates and one Democratic Delegate.

The one Resident Commissioner and four Delegates in the House of Representatives are the sole congressional representatives of over 4.5 million Americans. It is apparently lost to my friends on the other side of the aisle that these Americans have no representation whatsoever in the U.S. Senate in addition to their Delegates being unable to vote in the House of Representatives on legislation that has great and

enduring impact on the lives of those we represent.

During the historic debate in 2002 on the resolution authorizing the use of military force against Iraq, for example, although I spoke on the record, I was not able to vote "yea" or "nay" on behalf of my constituents, many of whom I knew would soon be called upon to serve and die for their country.

Madam Speaker, my fellow Delegates and Resident Commissioner have worked closely with all of you at the committee level, some of us have chaired subcommittees or will be doing so in the near future. It is therefore fitting and proper that we be given the right to vote in the Committee of the Whole once again. It worked well in the 103rd Congress; it does not violate the Constitution.

We should be given this greater degree of participation in the formulation of the laws that affect the lives of the people who send us here to represent them. And then once we have passed this, we must go on from here to give the residents of the District of Columbia full voting rights in this body as they deserve.

I ask my colleagues to respect your fellow Americans in the District and the territories. Do justice to your colleagues; let's get a unanimous vote for democracy. Vote "yes" on H. Res. 78.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Madam Speaker, I rise, too, in strong opposition to this resolution which violates the Constitution and the fundamental intent of the Framers of the Constitution as well, and it does so in four ways.

First, it would allow Delegates to vote, even though our Founding Fathers intended that this legislative body represent the people of the States. The Constitution, Article I, section 2, clause 1, states, "The House of Representatives shall be composed of Members chosen by the people of the several States." By definition, Delegates do not represent States.

Secondly, this resolution violates the principle of one person, one vote.

The average congressional district represents approximately 650,000 people, but three of these areas have populations of less than 160,000 people, and American Samoa has residents of less than 57,000 people.

The Supreme Court has already spoken on this. In 1964, the decision of *Wesberry v. Sanders*, the Supreme Court said, "To say a vote is worth more in one district than in another would run not only counter to our fundamental ideas of a democrat government, but it would also cast aside the principles of the House of Representatives elected by the people. That was a principle tenaciously fought for and established at the Constitutional Convention."

Thirdly, the qualifications for these Delegates are not the same as all the

other Members of the House. Neither Puerto Rico, American Samoa nor the District of Columbia requires that their Delegates be a citizen of the United States for 7 years, as all other Members have to be.

Fourthly, the Constitution requires that all Members be elected and "chosen every second year." Puerto Rico Delegates, however, hold 4-year terms.

Finally, Madam Speaker, it was a former Democrat Speaker of the House who said, "It is very clear that a constitutional amendment would be required to give Delegates a vote in the Committee of the Whole or in the House." H. Res. 78 does not do this.

H. Res. 78 obviously is not a constitutional amendment; it is, instead, an attempt to resurrect a shameful move done back in the 103rd Congress, back in 1993.

I do not support, nor should the Members of this side of the aisle nor any Members of this Congress, an assault on the Constitution of the United States nor an assault on the people of this country as well.

Vote "no" on this resolution.

Mr. HASTINGS of Florida. Madam Speaker, before yielding, I would just like for my distinguished colleague to reference two cases, *Michaels v. Anderson*, and the action of the United States District Court.

And since you are so worried about the constitutionality, I would just urge that you read those two cases; it may add clarity.

Mr. GARRETT of New Jersey. Would the gentleman yield?

Mr. HASTINGS of Florida. I wish I had the time.

Madam Speaker, as a matter of fact, with your permission, how much time do we have?

The SPEAKER pro tempore. For the majority, 8½ minutes before yielding, and 14½ minutes for the minority.

Mr. HASTINGS of Florida. Perhaps you can get some time from your side.

With that in mind, I had the good fortune, Madam Speaker, of traveling on two different occasions to American Samoa. I never met people that were more inclined to be patriots than the people of American Samoa. I had the good fortune of traveling there on each of those occasions with the gentleman now that I yield 4½ minutes to, my very good friend from American Samoa (Mr. Faleomavega).

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

Mr. FALEOMAVEGA. Madam Speaker, I have had a sleepless night in pondering and wondering how this day's debate is going to turn out, and it is most unfortunate that this issue has become divisive among our colleagues this day.

Much has been said about America's insular territories and the District of Columbia. In fact, this is probably the first time in years that we have ever given this much attention to the privileges and rights of the five congress-

sional Delegates, the privileges and rights of those of us who represent some 5 million fellow Americans that are part and parcel of this great Nation.

Some have said that the insular areas don't pay Federal income taxes, and therefore why are we allowing our congressional Delegates to vote in the Committee of the Whole. In the first place, it is constitutional; we have been through that test already 13 years ago.

The question of taxation without representation also comes to mind. And I submit to my friends on the other side of the aisle, it seems that at some period, at least in my humble opinion, at some period of time, if the Congress ever works its will to have the insular areas to pay Federal income taxes, that should we not also be allowed the right to vote?

How ironic that here under the shadow of our Nation's Capitol some 600,000 U.S. citizens pay Federal income taxes. And my distinguished colleague representing the District of Columbia for how many years has pled this case, no representation without taxation, but she pays taxes. So how ironic is it that we are talking about representation and taxation, and yet right under the shadows of our Nation's Capitol 600,000 U.S. citizens are denied their due representation by my distinguished friend and colleague from the District of Columbia in the process. Where is the equity and fairness in the process, Madam Speaker?

Much has been said about the population as a factor in this debate. And it seems that my friends on the other side have, almost to the point of making a mockery of the fact that I happen to have 70,000 residents of my district that I represent, I make no apologies for the fact that I represent some 70,000 residents of the United States territory of American Samoa. I make no apologies for the fact that nine of my soldiers have died fighting for our country's interest in that terrible conflict in Iraq, and about 40 or more wounded. I daresay, I wonder if any of my colleagues have a constituency of 70,000 whose soldiers, eight of them I have had to personally escort their remains to my district, which is about only a 16-hour flight from here.

□ 1415

I make no apologies for the fact that I am here because this body passed a law some 26 years ago to allow my little territory representation. So if my colleagues on the other side want to introduce a bill to get rid of Delegate representation in this body, then do so. But don't come here and make these, almost an embarrassment, to suggest that my little constituency is less important to the fact that there are 36 million Californians living in California. Is it any different than the 500,000 living in Wyoming, another half million living in Vermont, or other States of our great Nation? So let's not

use population as a factor to suggest that because I only have 70,000 residents and some 130,000 living throughout the United States, that because of that reason we should not be here.

I submit, Madam Speaker, I am saddened that this has gotten to the point where we are caught in the crossfire, and here the congressional Delegates are caught in between the political movements that are going on.

I respectfully request and ask my colleagues on both sides of the aisle to pass this proposed resolution.

Madam Speaker. I rise today in support of 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. I thank my good friend and colleague the gentleman from Maryland—the distinguished Majority Leader for his initiative and leadership by introducing this resolution now before us for consideration.

This is not the first time this proposed rule has been debated and adopted. In 1993, the 103rd Congress amended the House Rules in the exact manner we are discussing today. From 1993 to 1995, the House of Representatives voted to allow the Congressional delegates of the different territories to vote in the Committee of the Whole, with the caveat that if the outcome of the vote was within the margin of the number of Delegates voting, the Committee would rise and the House would revoke the question without the participation of the Delegates. In 1995, the new Republican majority eliminated these provisions from the House Rules and our Congressional delegates no longer voted in the Committee of the Whole.

In the lawsuit filed by our Republican colleagues challenging these Rules in 1993, the federal district court determined that the Rules changes were constitutional. As the district court held, the determining factor that rendered these proposed rules constitutional was the revoke provision that was included. In the view of the court, this provision essentially made the vote meaningless as an exercise of legislative power—a power that is reserved by the Constitution to the Representatives of the States. This judgment was later affirmed by the U.S. Court of Appeals for the DC Circuit.

Given that this amendment to the House Rules was adjudged to be constitutional only because it provided what was characterized as a meaningless vote, why are we discussing this legislation? I submit that we are here because although the privilege extended by this change in the Rules is meaningless as an exercise of legislative power, it is vitally important because it provides a forum for our representatives from Puerto Rico, DC, American Samoa, Guam, and the U.S. Virgin Islands to participate in the democratic process.

As the Majority Leader explained on the floor of the House last Friday when asked the purpose of this legislation, and he said and I quote, "the purpose is to honor democracy." Each of us has been elected by our home districts to represent their interests in the U.S. House of Representatives. Because we do not represent states we do not vote on legislation, but we do advocate on behalf of our constituencies nonetheless. The Rules changes contemplated here today represent a symbolic extension of our ability as Congressional delegates to advocate, to educate, and to inform

our colleagues in the House of Representatives as they vote on legislation that impacts the lives of some 5 million of our fellow Americans who live in the District of Columbia, the Commonwealth of Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

If our goal here in Congress is to produce the best possible legislation, would it not benefit us to consider and debate in the Committee of the Whole the potential impact of legislation on all Americans, including those 5 million Americans residing in the territories? For example, given the strategic importance of Guam in the Pacific and the billions of dollars the United States spends on our military presence in Guam, wouldn't legislation pertaining to Guam benefit from the perspective of Guam's representative? Also, given that the Resident Commissioner represents nearly 4 million Americans, shouldn't his perspective on initiatives that impact the people of Puerto Rico at least be considered as Congress deliberates on such issues?

Another obvious benefit of this legislation would be that the votes taken in the Committee of the Whole would establish a voting record for our constituents to inform them of our positions on issues that affect the lives of all of our people. While we make every effort to ensure that those we represent here in Congress are familiar with our position on current issues, a recorded vote would provide evidence of our commitment to their issues of concern.

Recently, concerns have been expressed that, in my opinion, only distract from the fundamental issue of honoring democracy by agreeing to these Rules changes. First, this is not an issue of party affiliation. We are here from both parties. Second, this is not an issue of patriotism. We are all Americans—just as in your districts, our soldiers from the territories sacrifice their lives and limbs to protect our freedoms. Third, this is not an issue of population size. Our populations range from 70,000 to over 3.4 million. We are each here to represent the interest of our respective areas—territories, district, and commonwealth.

The Rules changes being considered to allow Delegates and the Resident Commissioner are important not because they would provide the territorial representatives a symbolic vote, but because they would enhance our opportunities to participate in the democratic process.

These changes have been judicially affirmed as clearly constitutional. The passage of these rules gives Congress the potential to enhance legislation produced in the House. H. Res. 78 would allow us as Delegates and Resident Commissioner to better represent our constituents by providing a voting record through which they could evaluate our positions on national legislation.

I strongly support this legislation and I urge my colleagues to support H. Res. 78, and allow the Delegates and the Resident Commissioner a vote in the Committee of the Whole on the State of the Union.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in opposition to House Resolution 78. This is an uncom-

fortable decision for me since for many years I have tried to convince the Republican-controlled Rules Committee to grant my friend, the Representative from the District of Columbia, a vote in the Committee of the Whole.

In the beginning I did so because the right to vote in the Committee of the Whole, which has little meaning in practice, carried important symbolic meaning to people who had no representation at all.

Over the past 4 years, I have embarked on a journey to give D.C. a real vote in the House of Representatives. Working with Congresswoman NORTON and numerous legal scholars and many colleagues on my side from across the ideological spectrum, we have crafted a bill that was politically neutral, gave real rights to the District of Columbia, and solved Utah's special problem created in the last census to boot.

The Speaker of the House has been a cosponsor of my legislation. The majority whip says he expects the bill to be brought up quickly this session. It is clear that if our bill, the D.C. FAIR Act, were brought to the floor today, it would pass with solid support from both parties.

Today's resolution muddies the waters. It fails to recognize the fundamental difference between the District of Columbia and the territories. It ignores the carefully constructed bipartisan compromise we reached in the D.C. FAIR Act. It amounts, as *The Washington Post* opined today, to little more than "dithering."

I hope this vote, which grants illusory voting rights to Delegates, is designed to expose the strong support that exists for full D.C. voting rights. But pardon me if I appear cynical.

To the cynic in me, this resolution smacks of obfuscation. What the majority is doing today threatens to delay action on the real injustice that has plagued the District for more than two centuries. I am looking for assurances that this is not the case.

Admittedly, we could have avoided this awkward grouping of governmental apples and oranges if the Republican leadership had brought the bill to the floor at the end of last year. The bill was ready. It is ready now, too. It is time for the new majority to not just talk the talk.

What is proposed today in H. Res. 78 is not a politically neutral solution. It adds four Democrat votes and one Republican. Traditionally, when we have added votes in the House, we have done so in a politically neutral manner. Worse, this resolution mixes the interests of the District of Columbia, the Federal district, the capital of the free world, whose residents pay Federal income taxes, with those of the territories.

This mushy thinking is what has led to nearly 200 years of no representation for District residents. H. Res. 78 distracts attention and saps energy from the movement we have created behind D.C. voting rights. It is confusing and

allows Members to check a box that in reality is not being checked.

Still it is tempting to support this, if only to get more Members of Congress acclimated to voting to expand representation for District residents. But this is a sham, and I am not going to be part of it. I can't condone grandstanding and symbolism when real reform is so easily within our grasp.

Mr. HASTINGS of Florida. Madam Speaker, I heard someone say the vote counts, and it doesn't count. But every time I see the scroll indicating that another American soldier has died, that is a count that adds up, and that count is firm. The people of, the residents of Puerto Rico and the Delegates lose the lives of their soldiers in that count along with those of us from the respective States.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Puerto Rico (Mr. FORTUÑO).

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

Mr. FORTUÑO. Madam Speaker, I am the only Republican afforded a vote under H. Res. 78, and I want to thank the gentleman from Maryland (Mr. HOYER) for introducing this bill. Having said that, I also want to thank the gentleman from Alaska, Resources Committee Ranking Member DON YOUNG, for bringing this issue to the appropriate perspective.

What the House really needs to do for the almost 4 million citizens that I represent before the Senate, the executive branch, as well as the House, is to authorize a process of self-determination for Puerto Rico.

Puerto Rico has been a U.S. territory since 1898, and we still to this day remain disenfranchised. Puerto Rican Americans have been citizens since 1917, and we have served with distinction and valor in our Armed Forces and have defended our Nation in every battlefield around the world. I will say that 18,000 served in World War I. Over 65,000 served in World War II, and I must say, the oldest surviving veteran of that war was my constituent, Mr. Emiliano Mercado, who died today of natural causes at the tender age of 115 years.

More than 48,000 Puerto Rican Americans served in Vietnam; 430 of them were killed and 3,000 were wounded. Close to 2,600 Puerto Rican National Guard volunteers and U.S. Army Reserve soldiers mobilized for Desert Storm.

So far, I have lost 56 constituents in the global war on terror. I regularly visit our soldiers at Walter Reed Army Medical Center. Every time I visit with our soldiers, our true American heroes, I cannot help myself but think that none of them have been able to elect their Commander in Chief, only because they reside in a territory. If they were to reside in one of the States, and they could because we are U.S. citizens, they would have been able to vote

for the Commander in Chief. This is morally wrong in the 21st century.

We are about to commemorate the 90th anniversary of Congress granting U.S. citizenship to the people of Puerto Rico, yet we still cannot vote for our President, nor vote in this Chamber, nor vote on legislation that affects us.

Congress has an unfinished agenda with Puerto Rico. The 4 million citizens that live in Puerto Rico should finally be given the opportunity to make an educated, fair and democratic choice regarding their final status preference.

After 108 years of territorial status and 90 years of being U.S. citizens, we are tired of waiting. The people of Puerto Rico deserve better, and we have earned our right to be heard.

I urge my colleagues to vote in favor of this resolution, but I bring it back to the bottom line, and the bottom line is that we have unfinished business with Puerto Rico as well as the U.S. territories.

Mr. HASTINGS of Washington. Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the distinguished minority leader.

Mr. BOEHNER. Madam Speaker, let me thank my colleague from Washington for yielding.

I remind my colleagues that when the session started, as every session has started, we raise our right hands and we swear to uphold and defend the Constitution of the United States. That is our solemn obligation.

The Constitution outlines who has the right to vote here in the House. It clearly spells out that the Members from the States have the right to vote. Over the years as Delegates came to this House, they were granted the privilege of voting in the committee. That is not something spelled out in the Constitution.

I could describe what is going on here today is an outrageous grab of power by the new majority; a breach of the trust of the Members here. That is if it weren't such a silly idea.

To say to the Delegates that you can vote as long as it doesn't count, but if your vote counts, we are going to revoke it, I think that diminishes the stature of the House, diminishes the stature of the Delegates, quite frankly, to say that they have a vote, but only if it doesn't count, because if it counts, there is an automatic revoke under this rule that is outlined today.

I think it does demean the House. I think it undermines our responsibility to the American people. And I think that this should not be on the floor today.

The process by which this bill came to the floor, no committee hearings, a short Rules Committee hearing. We heard earlier today about the problems with the rule and how it was crafted. And here we are having this debate once again.

I was here in 1993 when this issue was brought to the House the first time.

The debate was probably more raucous then than it is today.

But it saddens me that there was no discussion about this with the minority. There was no advance notice of it until last Friday when the majority leader outlined the schedule for this week. So here we are, no opportunity to have a real conversation between the majority and the minority party about doing this.

Over the course of the last 3 weeks, and actually before that, going into December, I have done everything I can to reach out to the Speaker and the majority leader to try to work here in this House in a bipartisan way on the issues the American people care about. And it seems, though, over the last 3 weeks that more we reach out and offer our hand of bipartisanship, it is slapped away.

It happened last night up in the Rules Committee on the rule that brought this to the floor, and I am saddened by it. We have an opportunity to work together. We have an opportunity to do what the American people expect of us. But if we are going to do it together, we need to live up to our promises, and we need to live up to our commitments.

I don't think that what we are doing on the floor today helps that process at all. And so while it would be easy for me to describe this as a power grab, I could if I thought this meant something, but it means nothing. This is symbolism at its best. And in the process of creating symbolism for a few, I think we diminish our roles as serious legislators here on behalf of the American people.

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

Mr. HASTINGS of Florida. Madam Speaker, I yield myself 30 seconds merely to respond to the distinguished minority leader that we offered in the Rules Committee a motion that they denied, and that was to have an opportunity to have a substitute. An amendment was made in order if the gentleman had chosen to make that amendment, and he chose not to.

But I say to those who argue that there is symbolism involved here that indeed there is. But death is more than symbolism. Death is real, and the persons who die that come from the 5 million persons that these Delegates and the Resident Commissioner represent are real people. They and their families need this symbolism.

Madam Speaker, I am very pleased to yield the balance of our time to the distinguished gentlewoman from Guam (Ms. BORDALLO), my good friend.

□ 1430

Ms. BORDALLO. Madam Speaker, I rise in full support of House Resolution 78, which would grant a measure of symbolic participation for the Delegates in the Committee of the Whole.

Our chairman referred to General Blaz earlier. He was a distinguished

Delegate representing Guam, and he was a member of the Republican Party. But the participation is neither Democrat nor Republican here; it is American.

Let me say a few words about my district, the island of Guam. Some would point out that Guam's population is small, with only about 160,000 residents. I would point out that Guam has lost seven soldiers in the Iraq war, far more per capita than most communities other than maybe American Samoa. If our Nation had the same percentage of deaths in the Iraq war as Guam, the death toll would be more than three times the current toll. In other words, when it comes to joining the military and dying for our country, Americans from our island have more than contributed our share.

Some would say that Guam does not deserve this new level of participation. I would respond that you have not met the people of Guam who survived a brutal enemy occupation during World War II. You have not heard their stories of loyalty to our Nation. You have not learned of their confinement in concentration camps, of their being beaten and beheaded. You have not seen and felt their patriotism.

Our ability to participate in the Committee of the Whole would make these sacrifices all the more meaningful for us as Americans. It means, Madam Speaker, that my colleagues will recognize us for who we are, members, members of the American family.

Some would say that the test for our participation is our level of taxation. I say that you surely misunderstand the promise of America and the meaning of democracy. Democracy is founded on voting and participation. Would you teach this lesson to the Iraqis? Have we become this cynical as Americans that even symbolic participation is tested by the taxes that we pay? Is the greatest test the willingness to defend the Nation or the 1040s? Is the greatest sacrifice that made by our troops and their families or that made by our tax accountants?

If you would deny your fellow Americans, the people of Guam, this small bit of symbolic participation, the greater loss is our Nation's loss of its promise to the world of a democracy that is inclusive and that values all of its citizens. The loss is the ideal of American democracy, however imperfect. The loss is the recognition of a cynical Congress that wants to know how much taxes you have paid, not how much sacrifice that you have made for this great land. The loss, ladies and gentlemen, is not Guam or the territories or the District of Columbia. It is the Nation's.

Mr. HASTINGS of Florida. Madam Speaker, do we have any time remaining at all?

The SPEAKER pro tempore. The gentleman from Florida has 15 seconds remaining.

Mr. HASTINGS of Florida. In that 15 seconds, I would ask my friends, the

Delegates, if they would just stand and have America know something, that I am getting ready to cast a vote for them. They cannot cast a vote for themselves. How long does it take for 5 million people to be represented in this body?

I thank my colleagues.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in opposition to H. Res. 78.

This bill reverses the last 12 years of precedent and returns our House Rules to a questionable practice of delegates voting in the Committee of the Whole.

Our Constitution clearly states that Members of Congress should be chosen by residents of States.

As much as we appreciate the contribution of our great territories and the District of Columbia, they are not States.

If the other side would like to change that, they are welcome to propose a constitutional amendment.

Instead, this bill makes an end run around the Constitution by granting Delegates this privilege.

Opponents are arguing that the courts approved this practice as long as the House re-votes on an issue if the Delegates make a difference in the outcome.

We are taking time away that we could be spending on more important issues by forcing a superfluous voting exercise on every closely divided issue.

This was a bad idea in 1992. A Chicago Tribune article at the time said: "This change would subvert the Constitution to give the territorial delegates the power to vote, but guarantee that any time their votes really count, they won't be counted."

And this is a bad idea today. Today's Washington Times editorial said: "Despite Democratic protestations to the contrary, it's hard to see this rule change as anything other than an attempt to add four more votes to their majority."

Frankly, we are creating a rule today that will waste our time and waste the American people's time.

Mr. HONDA. Madam Speaker, as chair of the Congressional Asian Pacific American Caucus, I strongly support H. Res. 78, a resolution that would restore the privileges of the House Delegates representing the District of Columbia, the U.S. Virgin Islands, Guam, and American Samoa, as well as the Resident Commissioner of Puerto Rico, to cast a vote in the Committee of the Whole.

For the past 12 years, Delegates and the Resident Commissioner have been deprived of the ability to sufficiently represent the voices of their constituents. The time is long overdue to restore this privilege.

Of great significance to the Asian Pacific Islander community, the resolution would give greater voice to the approximate 170,000 U.S. citizens in Guam, and the approximate 60,000 U.S. nationals in American Samoa.

Permitting the Delegates and the Resident Commissioner to vote in the Committee of the Whole improves the legislative process and increases the degree to which the House of Representatives accurately reflects needs of American citizens and nationals. In this regard, every American benefits with a truer democracy.

On behalf of CAPAC, I urge my colleagues to pass this measure.

Mr. HOYER. Madam Speaker, I am proud to be joined by House Democratic Whip Clyburn, House Democratic Caucus Chair Emanuel, Vice Chair Larson, and of course the distinguished chairwoman of the Rules Committee in sponsoring House Resolution 78.

This measure will restore voting rights in the Committee of the Whole for the four House Delegates and Resident Commissioner of Puerto Rico.

In fact, this measure is identical in substance to the rule that operated successfully—and constitutionally—from 1993 to 1995.

The purpose of this resolution is simple:

To honor democracy in every corner of the United States of America;

To provide that all people who are subject to the laws and jurisdiction of the United States have a voice in their national legislature; and

To give to the elected representatives of the District of Columbia, the U.S. Virgin Islands, Guam, and American Samoa and Puerto Rico—constituent parts of this country—the ability to register their views and take a stance on issues that are considered in the most important and representative committee of the house: the Committee of the Whole House on the State of the Union.

During the 103rd Congress, House Delegates, as well as the Resident Commissioner, were granted the privilege to cast a vote in the Committee of the Whole, a body comprised of all House Members whose function is to expedite consideration of bills and amendments on the House floor while ensuring that debate is fair to both sides of the aisle.

This right is a logical extension of the Delegates' right to serve on and vote in the House committees—a right, I must stress, that was granted in the 1970s and to which no Member of this body whom I know has ever objected.

The measure that we will vote on today is identical to the rule that existed in the 103rd Congress, which the U.S. Court of Appeals for the District of Columbia held in 1994 was constitutional.

To ensure that the provision complies with article I of the United States Constitution, in the event that a matter before the Committee of the Whole is decided by the margin of the Delegates' votes, the measure provides for an automatic re-vote in the full House, where Delegates and the Resident Commissioner may not participate.

Now, I want to address some of the misinformation that has been directed at this measure by opponents whose desire to defeat this resolution is more intense than their fealty to the facts.

I have heard opponents contend that this measure confers "representation without taxation."

That is false.

The residents who will benefit from this measure do indeed pay taxes in the form of Medicare and Social Security.

At a time when the President's own economic advisors predict that these two programs will go bust if changes are not made in the next few years, I for one believe residents of the five territories should have a voice in shaping a bipartisan consensus that shores up the financial health of these vital programs.

I have heard opponents contend that the average congressional district is 630,000 and that American Samoa, with a population of roughly 70,000 is too small to deserve even a symbolic vote.

However, opponents making this argument omit the inconvenient case of Puerto Rico, whose population of almost 4 million would entitle it to as many as six seats if it had full representation.

They also omit Wyoming, whose population of only 515,000 puts it well below the average congressional district.

I have heard opponents contend that the five votes will slow down the legislative process and distort outcomes.

According to a 1994 article in the Congressional Quarterly Almanac, "Of the 404 times that delegates were eligible to vote during the 103rd Congress, only three times—all in 1994—did their vote prove decisive, triggering an automatic revote." Twice the outcome was reversed, proving that the rule worked.

My friends, I would submit to each and every one of you that something magical happens when 435 Representatives from the 50 States come to this floor to vote on behalf of their constituents.

Simply put, the genius of deliberative democracy achieves its fullest expression.

We hear each other out on issues of the day.

We get to know one another as something more than Members.

We come to understand the needs and aspirations of one another's districts, whatever our political leanings.

And through this process of personal interaction, we enact laws that, when we are at our best, make our country better.

By granting a limited but important vote to five of our colleagues, we will be honoring the deliberative democratic process.

In doing so, we will improve the legislative process and the degree to which the House of Representatives accurately reflects the views of the 300 million Americans who are subject to laws it passes.

In that sense, every American, as well as our democratic system of government as a whole, stands to benefit from House Resolution 78.

I urge my colleagues to support it.

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

The SPEAKER pro tempore. Pursuant to House Resolution 86, the previous question is ordered on the resolution.

The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 191, not voting 18, as follows:

[Roll No. 57]

YEAS—226

Abercrombie	Arcuri	Bean
Ackerman	Baca	Becerra
Allen	Baird	Berkley
Altmire	Baldwin	Berman
Andrews	Barrow	Berry

Bishop (GA)	Holden	Ortiz	Hall (TX)	McHenry	Ryan (WI)
Bishop (NY)	Holt	Pallone	Hastert	McHugh	Sali
Blumenauer	Honda	Pascarell	Hastings (WA)	McKeon	Saxton
Boren	Hooley	Pastor	Hayes	McMorris	Schmidt
Boswell	Hoyer	Payne	Heller	Rodgers	Sensenbrenner
Boyd (FL)	Inlee	Pelosi	Hensarling	Mica	Sessions
Boyd (KS)	Israel	Perlmutter	Hobson	Miller (FL)	Shadegg
Brady (PA)	Jackson (IL)	Peterson (MN)	Hoekstra	Miller (MI)	Shays
Braley (IA)	Jackson-Lee	Pomeroy	Hulshof	Miller, Gary	Shimkus
Brown, Corrine	(TX)	Price (NC)	Hunter	Moran (KS)	Shuster
Burton (IN)	Jefferson	Rahall	Inglis (SC)	Murphy, Tim	Simpson
Butterfield	Johnson (GA)	Rangel	Issa	Musgrave	Smith (NE)
Capps	Johnson, E. B.	Reyes	Johnson, Sam	Myrick	Smith (NJ)
Capuano	Jones (OH)	Rodriguez	Jones (NC)	Neugebauer	Smith (TX)
Cardozo	Kagen	Ross	Jordan	Nunes	Souder
Carnahan	Kanjorski	Rothman	Keller	Paul	Stearns
Carney	Kaptur	Roybal-Allard	King (IA)	Pearce	Sullivan
Chandler	Kennedy	Ruppersberger	King (NY)	Pence	Tancredo
Clarke	Kildee	Rush	Kingston	Peterson (PA)	Taylor
Clay	Kilpatrick	Ryan (OH)	Kirk	Petri	Terry
Cleaver	Kind	Sánchez, Linda	Kline (MN)	Pitts	Thornberry
Clyburn	Klein (FL)	T.	Knollenberg	Platts	Tiahrt
Cohen	Kucinich	Sanchez, Loretta	Kuhl (NY)	Poe	Tiberi
Conyers	Lampson	Sarbanes	LaHood	Porter	Turner
Cooper	Langevin	Schakowsky	Lamborn	Price (GA)	Upton
Costello	Lantos	Schiff	Latham	Pryce (OH)	Walberg
Courtney	Larsen (WA)	Schwartz	LaTourette	Putnam	Walden (OR)
Cramer	Larson (CT)	Scott (GA)	Lewis (CA)	Ramstad	Walsh (NY)
Crowley	Lee	Scott (VA)	Lewis (KY)	Regula	Wamp
Cuellar	Levin	Serrano	Linder	Rehberg	Weldon (FL)
Cummings	Lewis (GA)	Sestak	LoBiondo	Reichert	Weller
Davis (AL)	Lipinski	Shea-Porter	Lungren, Daniel	Renzi	Westmoreland
Davis (CA)	Loeback	Sherman	E.	Reynolds	Whitfield
Davis (IL)	Lofgren, Zoe	Shuler	Mack	Rogers (AL)	Wicker
Davis, Lincoln	Lowe	Sires	Manzullo	Rogers (KY)	Wilson (NM)
DeFazio	Lynch	Skelton	Marchant	Rogers (MI)	Wilson (SC)
DeGette	Mahoney (FL)	Slaughter	McCarthy (CA)	Rohrabacher	Wolf
Delahunt	Maloney (NY)	Smith (WA)	McCaul (TX)	Ros-Lehtinen	Young (AK)
DeLauro	Markey	Snyder	McCotter	Roskam	Young (FL)
Dicks	Marshall	Solis	McCrery	Royce	
Dingell	Matheson	Space			
Doggett	Matsui	Spratt			
Donnelly	McCarthy (NY)	Stark	Boucher	Cubin	Johnson (IL)
Doyle	McCollum (MN)	Stupak	Brady (TX)	Everett	Lucas
Edwards	McDermott	Sutton	Buyer	Fattah	Norwood
Ellison	McGovern	Tanner	Carson	Frank (MA)	Pickering
Ellsworth	McIntyre	Tauscher	Castor	Herger	Radanovich
Emanuel	McNerney	Thompson (CA)	Costa	Jindal	Salazar
Engel	McNulty	Thompson (MS)			
Eshoo	Meehan	Tierney			
Etheridge	Meek (FL)	Towns			
Farr	Meeks (NY)	Udall (CO)			
Filner	Melancon	Udall (NM)			
Giffords	Michaud	Van Hollen			
Gillibrand	Millender	Velázquez			
Gonzalez	McDonald	Visclosky			
Gordon	Miller (NC)	Walz (MN)			
Green, Al	Miller, George	Wasserman			
Green, Gene	Mitchell	Schultz			
Grijalva	Mollohan	Waters			
Gutierrez	Moore (KS)	Watson			
Hall (NY)	Moore (WI)	Watt			
Hare	Moran (VA)	Waxman			
Harman	Murphy (CT)	Weiner			
Hastings (FL)	Murphy, Patrick	Welch (VT)			
Hersteth	Murtha	Wexler			
Higgins	Nadler	Wilson (OH)			
Hill	Napolitano	Woolsey			
Hinchey	Neal (MA)	Wu			
Hinojosa	Oberstar	Wynn			
Hirono	Obey	Yarmuth			
Hodes	Oliver				

NAYS—191

Aderholt	Calvert	Duncan
Akin	Camp (MI)	Ehlers
Alexander	Campbell (CA)	Emerson
Bachmann	Cannon	English (PA)
Bachus	Cantor	Fallin
Baker	Capito	Feeney
Barrett (SC)	Carter	Ferguson
Bartlett (MD)	Castle	Flake
Barton (TX)	Chabot	Forbes
Biggett	Coble	Fortenberry
Billbray	Cole (OK)	Fossella
Bilirakis	Conaway	Fox
Bishop (UT)	Crenshaw	Franks (AZ)
Blackburn	Culberson	Frelinghuysen
Blunt	Davis (KY)	Gallely
Boehner	Davis, David	Garrett (NJ)
Bonner	Davis, Jo Ann	Gerlach
Bono	Davis, Tom	Gilchrest
Boozman	Deal (GA)	Gillmor
Boustany	Dent	Gingrey
Brown (SC)	Diaz-Balart, L.	Gohmert
Brown-Waite,	Diaz-Balart, M.	Goode
Ginny	Doolittle	Goodlatte
Buchanan	Drake	Granger
Burgess	Dreier	Graves

NOT VOTING—18

Cubin	Johnson (IL)
Everett	Lucas
Fattah	Norwood
Frank (MA)	Pickering
Herger	Radanovich
Jindal	Salazar

□ 1507

Mr. CLEAVER changed his vote from “nay” to “yea.”

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. FATTAH. Madam Speaker, had I been present for the vote on H. Res. 78, I would have voted “yea.”

Stated against:

Mr. BRADY of Texas. Madam Speaker, on rollcall No. 57 on H. Res. 78, I am not recorded because I was absent due to illness. Had I been present, I would have voted “nay.”

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately I was unable to cast my votes on the following rollcall votes on January 24, 2007. Had I been present to vote, I would have voted as follows:

On rollcall 51—The Previous Question for the Rule to consider H. Res. 78—I would have voted “no.”

On rollcall 52—To Table the Motion to Reconsider—I would have voted “no.”

On rollcall 53—Final Passage of the Rule for H. Res. 78—I would have voted “no.”

On rollcall 54—The Motion to Table the Privileged Resolution—I would have voted “no.”

On rollcall 55—The Motion to Adjourn—I would have voted “yes.”

On rollcall 56—The Question of Consideration of H. Res. 78—I would have voted “no.”

On rollcall 57—To allow Delegates and the Resident Commissioner to vote in the Committee of the Whole—I would have voted “no.” Our Constitution clearly sets forth who is allowed to vote in Congress and I believe that this bill is in direct violation to that provision.

PERSONAL EXPLANATION

Mr. NORWOOD. Madam Speaker, had I been present on rollcall Vote No. 43, I would have voted “no.” Had I been present on rollcall Vote No. 44, I would have voted “yes.” Had I been present on rollcall Vote No. 45, I would have voted “yes.” Had I been present on rollcall Vote No. 46, I would have voted “yes.” Had I been present on rollcall Vote No. 47, I would have voted “yes.” Had I been present on rollcall Vote No. 48, I would have voted “yes.” Had I been present on rollcall Vote No. 49, I would have voted “yes.” Had I been present on rollcall Vote No. 50, I would have voted “yes.” Had I been present on rollcall Vote No. 51, I would have voted “no.” Had I been present on rollcall Vote No. 52, I would have voted “no.” Had I been present on rollcall Vote No. 53, I would have voted “no.” Had I been present on rollcall Vote No. 54, I would have voted “no.” Had I been present on rollcall Vote No. 55, I would have voted “yes.” Had I been present on rollcall Vote No. 56, I would have voted “no.” Had I been present on rollcall Vote No. 57, I would have voted “no.”

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Madam Speaker, I rise to address the House for the purpose of inquiring about next week's schedule, and I yield to my good friend, the majority leader, Mr. HOYER.

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding, and I am glad that I am still his good friend. We are going to remain so.

On Monday, the House will meet at 2 p.m. for legislative business. We will consider several bills under suspension of the rules. There will be no votes before 6:30.

On Tuesday, the House will meet at 10:30 a.m. for morning hour debate and noon for legislative business. We will consider additional bills under suspension of the rules. A complete list of the suspension bills for the week will be announced later this week.

On Wednesday, the House will meet at 10 o'clock. We will consider a long-term continuing resolution. I want Members to hear that because on Wednesday we will consider the long-term continuing resolution. We have a continuing resolution which expires on February 15. The long-term will cover approximately nine appropriation bills that failed to pass in the last Congress and will fund most of government, other than the Defense Department and the Homeland Security Department.

The House will not meet on Thursday and Friday next week in order to accommodate the Democratic Members issues conference. I thank my friend for yielding.