It mandated that:

each state . . . have at Least one Representative,

and provides that:

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

Rarely do we have an issue in the Senate that has so much plain language from the Constitution involved. This one has a lot of plain language from the Constitution. I believe in strict construction of the Constitution. I think it would be hard for me to call myself a strict constructionist and say that we can, as a Congress, bypass the clear words in the U.S. Constitution and say we are just going to grant these rights to the District of Columbia to have an elected representative voting in the House of Representatives, even though I support that. That is something we should do, but we should do it the right way by amending the Constitution and not the wrong way by passing a law here that is clearly unconstitutional—and I will go through the court cases that have declared it unconstitutional—and then say: We will let the courts sort it out. I am a Federal officer, sworn to uphold the Constitution. I need to do so in this body and not just say I will hand it off to the courts.

Congressional Democrats in 1978 recognized this fact. That year, Congress passed an amendment giving District residents a voting seat in the House. When the House Judiciary Committee, under the leadership of Democratic chairman Peter Rodino, reported out the amendment, the accompanying report properly recognized that ''[i]f the citizens of the District are to have voting representation in the Congress, a constitutional amendment is essential; statutory action alone will not suffice.'' Sadly, the 1978 amendment failed to garner the support needed from the States to secure ratification.

We all recognize that amending the Constitution is difficult, but it still remains the right way to deal with something of this nature. I am certainly not alone in concluding that this bill, although well intentioned, violates the plain language of the Constitution. The very court that will hear challenges to this bill under its expedited judicial review provision has previously ruled that District residents do not have a constitutional right to congressional representation.

In Adams vs. Clinton in 2000, a three-judge panel of the Federal District Court for the District of Columbia concluded that the Constitution plainly limited congressional representation to the States. The court explained that ''the overlapping and interconnected use of the term 'state' in the relevant provisions of Article I, the historical evidence of contemporary understandings, and the opinions of our judicial forebears all reinforce how deeply congressional representation is tied to the structure of statehood. . . . There is simply no evidence that the Framers intended that not only citizens of states, but unspecified others as well, would share in the congressional franchise.''

The District residents who brought suit in Adams v. Clinton appealed their case all the way to the Supreme Court, and the Supreme Court affirmed the trial court's ruling. That is the same court which would hear this case.

When Congress granted the DC and territorial delegates a broader role in the House by allowing them to vote in committee, several House Members sued to challenge the delegates' expanded power. In Michael v. Anderson, the Federal court for the District of Columbia Circuit took care to note that their expanded roles passed constitutional muster only because they did not give the essential qualities of House Representatives to the delegates.

In light of the Constitution's clear limitation on House membership to representatives from the States, I cannot vote for cloture on the motion to proceed to this bill. I don't believe we in Congress should act to pass legislation that we know violates the Constitution, essentially passing the buck to the Federal courts to strike down what we never should have enacted in the first place and to strike down what they have already spoken on as recently as 2000. When we neglect our duty to the Constitution, we fail to uphold our oath as Senators to defend this great document.

My friends in the Senate who support this bill rely primarily on two arguments, neither of which outweighs the clear mandate of article II.

First, they claim that another provision in the Constitution, the so-called District clause, allows Congress to essentially grant any sort of legislation related to the District of Columbia, including legislation to give DC residents a voting House Member. This clause permits Congress to pass laws to provide for the general welfare of District residents. This bill, however, does not propose to provide for the welfare of DC residents; it seeks to alter the fundamental composition of the House.

Second, they correctly point out that there are certain instances in the Constitution where references to ''citizens of the states'' have been interpreted to include District residents. Many of these cases, though, involve individual rights, and it is obvious that DC residents do not lose their rights as citizens of the United States by choosing to live in the District. For example, they retain the right to trial by jury. They may bring civil suits in Federal courts against citizens of other States. This bill, however, is not a bill about individual rights such as the right to free speech, freedom of religion, or due process of law. This is a bill about the makeup of the House of Representatives itself. It is about the delicate balance our constitutional Framers struck in affording representation to the States in the House and the Senate. It is about the fundamental structure of our Government. We simply cannot override the clear language of the Constitution which limits congressional representation to the States simply by legislative fiat.

While I sympathize with the supporters of this bill, I also take seriously my duty to the law, to upholding the Constitution. I will support and do support a constitutional amendment allowing DC the right to gain the vote. I do not support this bill as I do not believe it to be constitutional under the clear reading of the Constitution and under recent interpretations by the court.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Louisiana is recognized for 6 minutes.

Mr. VITTER. Thank you very much, Mr. President.

WATER RESOURCES DEVELOPMENT ACT

Mr. VITTER. Mr. President, I rise today to again urge the entire Senate, and particularly the majority leader, to get the WRDA bill, the Water Resources Development Act, onto the floor of the Senate absolutely as soon as possible for passage.

Of course, I represent the State of Louisiana. A little while ago, on August 29, we commemorated—certainly did not celebrate but properly commemorated—the 2-year anniversary of Hurricane Katrina. A little while from now, on September 24, we will similarly commemorate the 2-year anniversary of Hurricane Rita, which devastated southwest Louisiana, South Acadiana, as well as southeast Texas.

Of course, the Nation and this Congress, this Senate, has done an enormous amount with regard to hurricane recovery. But we all know that challenge and that work continues. There is nothing more important with regard to that work, with regard to ensuring good, strong hurricane flood protection in the future—unlike we have had in the past, clearly, in light of Hurricane Katrina—than passing this water resources bill.

As you know, it has gone through every stage of the process except passage on the floor of the Senate. We had a Senate bill. We had a House bill. We had a conference committee. We had deliberations of the conference committee. I was honored to serve on that conference committee and helped finalize the final conference committee report.

Even before the August recess, the House of Representatives passed that conference committee report. So now all eyes are on the floor of the Senate. That is where we must finish the job. That is why I urge Senator REID and others to put the WRDA bill on the floor of the Senate as soon as possible.

Recently, on September 6, I sent Senator REID a letter, following up on numerous discussions we have had with other Members, urging him to put the bill on the floor as soon as possible, certainly during September. Again, I come to the floor of the Senate to urge the Senate leadership to do that in light of the crucial nature of this bill for continued recovery, hurricane flood protection in Louisiana.

I am particularly disappointed this week that is not happening while we go to other business, including the DC voting rights bill. Now, there are folks very interested and focused and committed to that DC voting rights bill. That is their right. I have no particular quarrel with that. I am going to vote against it because I sincerely believe it is clearly contrary to the U.S. Constitution. But that is a legitimate disagreement, and we can debate about that and have that legitimate disagreement. I do not quarrel with their focus and their passion. I do, quite frankly, quarrel with putting that on the floor of the Senate before the WRDA bill, when that WRDA bill and significant provisions in it are life and death to south Louisiana, to our recovery in the wake of Hurricanes Katrina and Rita.

Those events, 2 years ago last month and this month, make passage of the WRDA bill a true emergency priority for this body. The same cannot be said of the DC voting rights bill or other things that are being considered for Senate floor action. Again, those other measures—the DC voting rights bill, in particular—have their proponents, and that is their right. I do not quarrel with their passion for that. But that is not the sort of real emergency as we face in Louisiana with regard to the protection we need.

We are in the midst of a hurricane season. We are at the peak of a hurricane season. Yet we continue to be years and years overdue for this WRDA bill and all the very significant provisions it contains for our people, for our State, for our vanishing coastline.

So, in closing, I again urge the majority leader to put the WRDA bill on the floor of the Senate as soon as possible, and absolutely this month, and to establish the right priorities for this body and for this country, including that very important effort which I believe should be on the floor of the Senate, should gain action, should gain focus before other measures, including the DC voting rights bill.

With that, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVATE SECURITY CONTRACTORS IN IRAQ

Mr. DURBIN. Mr. President, there was an event that occurred yesterday in Iraq which is significant. A decision was made by the Iraqi Government to order a private security firm known as Blackwater USA to leave the country. It involved the fatal shooting of eight Iraqi civilians following a car bomb attack against the State Department convoy. I don't know the circumstances of that attack, nor do I know the circumstances that led to the killing of these innocent civilians. Only a thorough and fair investigation will bring us to any kind of closure on this particular matter.

What happened yesterday is going to dramatize to the American people something significant that has occurred in this war in Iraq. For the first time, we are seeing massive numbers of private security contractors who are at work for the U.S. Government in Iraq. They are in a security or quasi-military capacity. I have been to Iraq three times. They are often dispatched to provide security for visiting members of the Cabinet and Members of Congress. I will say at the outset that although I have serious misgivings about Blackwater as an organization, the individual men who have dedicated their lives to this service are risking their lives in the process, and their courage and bravery to step up is something that should be acknowledged and never diminished.

But what this matter will bring to light is the fact that this security contractor, Blackwater, has enjoyed a charmed existence with the Bush administration from the start. This is another example of a firm which has been given millions of taxpayers' dollars to do a job in Iraq without accountability, without the kind of disclosure—basic disclosure—which American taxpayers deserve and demand. The circumstances of these contracts, the particulars involved in them, and the standards that are applied to them are in a shadowy world that has been kept away from the public eye by the Bush administration from the start. That is not only unfortunate, it is unfair, and we need to do something about it as a government.

This operation, Blackwater USA, started by Mr. Erik Prince of Michigan, has been politically affiliated with this administration for a long time. Now that there have been questions raised about the conduct of their operations, they have brought in some of the biggest political heavy-hitters in Washington to keep their operations cloaked in secrecy and veiled so that the American people don't know what they are all about. They do it in the name of security and classified information at a time when we need more transparency and more openness and more accountability.

These security contractors are often paid three times what ordinary soldiers receive. The rules they operate under are much different than those our military faces every single day in Iraq. They are given mundane tasks in many instances and paid enormous sums of money to perform them—to transport kitchen equipment, for example—in Iraq at great expense to our Government.

Several years ago in Fallujah, there was a terrible incident involving several Blackwater contractors. These contractors were guarding kitchen equipment that was being transported across Fallujah when they were ambushed and killed. It is hard for anyone to forget the images that followed. Their bodies were dragged out of their vehicles, and they were beaten and burned and hanged on a local bridge. There were newscasts and videotape around the world of this heinous and barbaric act. As a result of it, our Government made an invasion of Fallujah and put at risk thousands of American troops to bring some order to that scene.

What is not well known is that the families of those Blackwater security forces—contractors—who were killed in Fallujah believe their loved ones were put in harm's way by this company, by Blackwater. Blackwater had promised to these contractors that if they would come to Iraq, they would be given armored vehicles, adequate protection, and adequate equipment. In fact, that was not the case. Many of the same contractors who were at risk were complaining about this. In fact, one who died that day had made a formal request of the leadership of Blackwater to make good on their promise to protect their employees who worked for Blackwater. They lost their lives.

Their families then went to court trying to make sure Blackwater was held accountable. As the mother of one of these contractors and former Navy SEAL said, it wasn't about the money, it was about accountability and to make sure Blackwater, a company that was very profitable through this administration and this war, actually protected its employees. Well, I need not tell you that they faced an uphill struggle with their lawsuit, which is still pending. Blackwater refused discovery, refused to disclose information, made every effort they could to keep material witnesses away from this trial and this proceeding, and unfortunately, the facts have never come forward as they should for all of us to understand.

Where the Blackwater security contractors were promised armored vehicles, in fact, they were given SUVs with little protection. Where they were promised to have groups to protect them, they were sent into harm's way with inadequate numbers of forces.