

That is what they would think.

All this bill says is: Let's count persons, like the Constitution says, but let's also find out how many are citizens because that is what should determine how congressional representation, how apportionment is done.

It is so darn simple.

By the way, to my good friend from Maryland on the other side, we ask all kinds of other questions on the Census anyway.

What is wrong with asking the fundamental question: Are you a citizen of this great country, the greatest country ever?

That is all this does, and that is an important number to get. It is important information to get when you are figuring out who is going to represent and how many congressional Members there will be from each of the respective States.

This couldn't be more simple. I don't know why they oppose it, but they always do.

Mr. Speaker, I urge a "yes" vote.

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

Mr. BIGGS. Mr. Speaker, I am prepared to close, and I reserve the balance of my time.

Mr. RASKIN. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I don't want to be in the position of lecturing my colleagues about something that they often like to say, but the Constitution is the Constitution, and nobody yet has laid a glove on the Constitution or explained how the Supreme Court erred in the unanimous *Evenwel* decision.

None of them has been able to explain away the very plain language of the 14th Amendment, that it is all the persons of the States who are counted, not the citizens, and that has been the basis for both the Census and the reapportionment since the country began.

So the rest of it just strikes me like election year political rhetoric. To the extent that we want to deal with immigration, we had a great bargain that came out of the Senate, which everybody in this body and that body seemed to be behind, until they heard from Donald Trump that no, he didn't want to see any legislative progress, he wanted to be able to demagogue the immigration issue out on the campaign trail, although he has been severely undermined by all of the exposure that went into that decision.

Again, I haven't heard anyone either explain why their legislation is constitutional, nor have I heard anybody explain what is wrong with the immigration package that we have for hundreds of new Border Patrol officers, hundreds of new Border Patrol and asylum judges and a crackdown of drugs at the border.

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

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

Mr. Speaker, it is an honor to debate here about this. Let me tell you some-

thing, Mr. Speaker, I believe that, by far, most Americans would agree with the proposition that those illegally in the United States and noncitizens should not be counted for purposes of creating or modifying congressional legislative districts. That is probably what they think, and that is exactly what section 3 of this bill leads to.

Foreign nationals here legally who have not naturalized and cannot vote in Federal elections, together with illegal aliens who cannot vote in Federal elections, comprise a substantial portion of our population, by some accounts in excess of 15 percent of our populations.

Noncitizens are not evenly distributed among the States, and some States end up with greater representation in Congress based on a higher concentration of noncitizens. Perhaps that is what one New York Congresswoman meant when, in response to a question regarding illegal aliens, she said: "I need more people in my district just for redistricting purposes."

The provision of this bill would ensure a fair apportionment based on equal representation of citizens.

Now, my colleague has relied on *Evenwel v. Abbott*, a case that they relied on wrongfully. Their reliance is totally misplaced.

First of all, they are dealing with State apportionment issues in *Evenwel*, not Federal, but State. Let's go ahead, and let's see what Justice Ginsburg did. She cited with approval the district court holding in *Evenwel* that the Supreme Court allows jurisdictions to use any neutral, non-discriminatory baseline, including total population, when drawing State and local legislative districts.

That has never been overturned, nor did Justice Ginsburg overturn it in *Evenwel*. In *Evenwel*, the plaintiffs that came before the Court wanted apportionment based on the citizen voting age population. That is what they were asking for.

□ 1630

Although *Evenwel* deals with State and local apportionment, we can fairly extrapolate that rationale to Federal apportionment, as well. Justice Ginsburg's holding in *Evenwel* turns on the idea that voter equality in a district is not required. It is not required. However, she also lays out that neither is it the total population metric that is implied by my colleagues on the other side of the aisle. That is not required either.

For instance, Justice Ginsburg referred to *Burns v. Richardson*. In that case, it held that districts may be apportioned on the basis of registered voters or voter-eligible populations, that that is permissible.

In the *Burns* case, they give the example of Hawaii, which could rationally justify its use of voter-eligible apportionment because of the large number of transients and military personnel it had. The *Burns* court noted

that apportioning using registered voters was permissible because of the conditions in which Hawaii found itself.

Now, what has happened since then? What has happened since then is this administration will admit that 9.2 million illegal aliens have come in under their control. They will also admit that there is another 1.8 million known got-aways. That is 11 million people that the administration will admit to have come in, in 3½ years. It has distorted the population. It skewed the one-person, one-vote standard, which is the canon upon which the commerce case was founded. It is the one-person, one-vote rule.

Our colleagues on the other side don't want to acknowledge that there is a constitutional basis, as I have just cited, to allow section 3 to go forward, but Democrats are perfectly content with California, which is a sanctuary State, hauling in people. The minority is perfectly content with New York bringing in people through sanctuary policies, or Illinois. That skews exactly what the Founders intended to make straight and clear.

Let's go to the 14th Amendment for just one second to actually read the second part of the 14th Amendment, or get to that. I am not going to read it. The first clause, that is what my colleague across the aisle, Mr. Speaker, has relied on exclusively, but he didn't bother to tell you about the second clause.

In the second clause itself, it deals with every Federal election and every State election for State Governor, judicial body, and State legislatures. What they do there in the second clause of the 14th Amendment is provide a way to reduce apportionment when those individuals may be disqualified.

Mr. Speaker, that is what we are saying here. That is why this bill needs to pass, and I urge a passage.

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

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

Pursuant to House Resolution 1194, the previous question is ordered on the bill, as amended.

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 7109 is postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

The motion to suspend the rules and pass H.R. 8289;

Passage of H.J. Res. 109;

The motion to recommit H.R. 2925;

Passage of H.R. 2925, if ordered;

The motion to recommit H.R. 7109, if ordered;

Passage of H.R. 7109, if ordered; and

Motions to suspend the rules with respect to:

S. 870; and
H.R. 4143.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

AIRPORT AND AIRWAY EXTENSION ACT OF 2024, PART II

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 8289) to extend authorizations for the airport improvement program, to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. GRAVES) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 385, nays 24, answered “present” 1, not voting 20, as follows:

[Roll No. 187]

YEAS—385

Adams	Chu	Fletcher
Aderholt	Clark (MA)	Flood
Aguilar	Clarke (NY)	Foster
Alford	Cline	Fox
Allen	Cloud	Frankel, Lois
Allred	Clyburn	Franklin, Scott
Amo	Cohen	Frost
Amodei	Cole	Fry
Armstrong	Collins	Fulcher
Arrington	Comer	Galleo
Auchincloss	Correa	Garamendi
Babin	Costa	Garbarino
Bacon	Courtney	Garcia (IL)
Baird	Craig	Garcia (TX)
Balderson	Crawford	Garcia, Mike
Balint	Crenshaw	Garcia, Robert
Barr	Crockett	Jimenez
Barragan	Crow	Golden (ME)
Bean (FL)	Cuellar	Goldman (NY)
Beatty	Curtis	Gomez
Bentz	D'Esposito	Gonzales, Tony
Bera	Davidson	Gonzalez,
Bice	Davis (IL)	Vicente
Bilirakis	Davis (NC)	Gooden (TX)
Bishop (GA)	De La Cruz	Gosar
Bishop (NC)	Dean (PA)	Gottheimer
Blumenauer	DeGette	Graves (LA)
Blunt Rochester	DeLauro	Graves (MO)
Bonamici	DelBene	Green (TN)
Bost	Deluzio	Green, Al (TX)
Bowman	DeSaulnier	Griffith
Boyle (PA)	DesJarlais	Grothman
Brown	Diaz-Balart	Guest
Brownley	Dingell	Guthrie
Buchanan	Doggett	Harder (CA)
Bucshon	Duarte	Harris
Budzinski	Duncan	Harshbarger
Burlison	Dunn (FL)	Hayes
Bush	Edwards	Hern
Calvert	Ellzey	Higgins (LA)
Caraveo	Emmer	Hill
Carbajal	Escobar	Himes
Cardenas	Eshoo	Hinson
Carey	Espallat	Horsford
Carl	Estes	Houchin
Carter (GA)	Evans	Houlahan
Carter (LA)	Ezell	Hoyer
Cartwright	Fallon	Hoyle (OR)
Casar	Feenstra	Hudson
Case	Ferguson	Huffman
Casten	Finstad	Huizenga
Castor (FL)	Fischbach	Hunt
Castro (TX)	Fitzgerald	Issa
Chavez-DeRemer	Fitzpatrick	Ivey
Cherfilus-	Fleischmann	Jackson (IL)
McCormick		Jackson (NC)

Jackson (TX)	Miller (OH)	Scott, David
James	Miller (WV)	Self
Jayapal	Miller-Meeks	Sewell
Jeffries	Molinaro	Sherman
Johnson (GA)	Mooleenaar	Sherill
Johnson (LA)	Mooney	Simpson
Johnson (SD)	Moore (UT)	Slotkin
Jordan	Moore (WI)	Smith (MO)
Joyce (OH)	Moran	Smith (NE)
Joyce (PA)	Morelle	Smith (NJ)
Kamlager-Dove	Moskowitz	Smith (WA)
Kaptur	Moulton	Smucker
Kean (NJ)	Mrvan	Sorensen
Keating	Mullin	Soto
Kelly (IL)	Murphy	Spanberger
Kelly (MS)	Nadler	Stansbury
Kelly (PA)	Napolitano	Stanton
Kennedy	Neal	Stauber
Khanna	Neguse	Steel
Kiggans (VA)	Nehls	Stefanik
Kildee	Newhouse	Steil
Kiley	Nickel	Stevens
Kilmer	Norcross	Strickland
Kim (CA)	Nunn (IA)	Strong
Kim (NJ)	Oberholte	Suozzi
Krishnamoorthi	Ocasio-Cortez	Swalwell
Kuster	Omar	Sykes
Kustoff	Owens	Takano
LaHood	Pallone	Tenney
LaLota	Palmer	Thandekar
Lamborn	Panetta	Thompson (CA)
Langworthy	Pappas	Thompson (PA)
Larsen (WA)	Pascarell	Tiffany
Larson (CT)	Pelosi	Timmons
Latta	Peltola	Titus
LaTurner	Pence	Tlaib
Lawler	Perez	Tonko
Lee (CA)	Perry	Torres (CA)
Lee (FL)	Peters	Torres (NY)
Lee (NV)	Pettersen	Trahan
Lee (PA)	Pfingler	Trone
Leger Fernandez	Phillips	Turner
Lesko	Pingree	Underwood
Letlow	Pocan	Valadao
Levin	Porter	Van Drew
Lieu	Posey	Van Dwyne
Lofgren	Pressley	Van Orden
Loudermilk	Quigley	Vargas
Lucas	Ramirez	Vasquez
Luetkemeyer	Raskin	Veasey
Luttrell	Reschenthaler	Velazquez
Lynch	Rodgers (WA)	Wagner
Mace	Rogers (AL)	Walberg
Malliotakis	Rogers (KY)	Walt
Maloy	Rose	Wasserman
Mann	Ross	Schultz
Manning	Rouzer	Waters
Massie	Ruiz	Watson Coleman
Mast	Ruppersberger	Weber (TX)
Matsui	Rutherford	Webster (FL)
McBath	Ryan	Wenstrup
McClain	Salazar	Westerman
McClintock	Salinas	Wild
McCollum	Sanchez	Williams (GA)
McCormick	Sarbanes	Williams (NY)
McGarvey	Scalise	Williams (TX)
McGovern	Scanlon	Wilson (FL)
McHenry	Schakowsky	Wilson (SC)
Meeks	Schiff	Wittman
Menendez	Schneider	Womack
Meng	Scholten	Yakym
Meuser	Schrier	Zinke
Mfume	Schweikert	
Miller (IL)	Scott, Austin	

NAYS—24

Beyer	Crane	Norman
Biggs	Donalds	Ogles
Boebert	Gaetz	Rosendale
Brecheen	Good (VA)	Roy
Burchett	Greene (GA)	Scott (VA)
Cammack	McClellan	Spartz
Clyde	Mills	Steube
Connolly	Moore (AL)	Wexton

ANSWERED “PRESENT”—1

Bergman

NOT VOTING—20

Banks	Granger	Luna
Burgess	Grijalva	Magaziner
Carson	Hageman	McCauley
Carter (TX)	Jackson Lee	Sessions
Ciscomani	Jacobs	Thompson (MS)
Cleaver	LaMalfa	Tokuda
Foushee	Landsman	

□ 1708

Mrs. CAMMACK changed her vote from “yea” to “nay.”

Ms. ADAMS changed her vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1715

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Ms. GREENE of Georgia. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I seek recognition to give notice of my intent to raise a question of the privileges of the House.

The form of the resolution is as follows:

House Resolution 1209. Declaring the office of Speaker of the House of Representatives to be vacant.

This is the uniparty, for the American people watching.

Whereas, the House Republican Conference elected MIKE JOHNSON on October 25, 2023, after 3½ weeks of trying to decide on a new Speaker of the House.

Whereas, MIKE JOHNSON sent the Republican Conference a letter making promises as to what type of Speaker he would be and outlining his plans going forward. MIKE JOHNSON put forth seven tenets that would guide the Conference under his Speakership:

1. Restore trust by ensuring total transparency, open processes, and regular order.

2. Advance a comprehensive policy agenda supported by Conference consensus.

3. Promote individual Members and thus the whole team by working to understand and emphasize each Member's unique strengths, district dynamics and challenges, and individual goals and objectives.

4. Engage Members in productive working groups to formulate solutions in key policy areas and enhance our internal communications and team building.

5. Effectively message to persuasively inform the Republican base and the American people of our policy agenda, why we are pursuing it, and how it will ensure liberty, opportunity, and security for all Americans.

6. Build and utilize external coalitions in the Conservative ecosphere, including think tanks, policy groups, and other allied organizations that can contribute to our efforts.

7. Develop and grow our majority by building upon our resources and expanding the base to successfully advance our Conservative agenda.

Whereas, Speaker JOHNSON has not lived up to a single one of his self-imposed tenets.

Whereas, Speaker JOHNSON allowed the Conference only 1 day rather than