

Chapter 18

Delegates and Resident Commissioner

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Research References

- 1 Hinds §§ 400-410
- 6 Cannon §§ 240-246
- Deschler Ch 7 § 3
- Manual* §§ 675, 676

§ 1. In General

Generally

The Delegates and Resident Commissioner are those statutory officials who represent in the House the territories and properties owned or administered by the United States but not admitted to statehood. Deschler Ch 7 § 3. The Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the District of Columbia are each represented in the House by a Delegate. Puerto Rico is represented by a Resident Commissioner. *Manual* § 675.

§ 2. In the House

The floor privileges of a Delegate or a Resident Commissioner in the House include the right to debate (2 Hinds § 1290), offer motions (2 Hinds § 1291), and raise points of order (6 Cannon § 240). However, such individual cannot vote in the House (*Manual* § 675) or serve as its presiding officer (*Manual* § 970). A Delegate or a Resident Commissioner may offer any motion a Member may offer, including the motion to adjourn, but not the motion to reconsider, which is itself dependent on the right to vote. 2 Hinds § 1292; Deschler-Brown Ch 29 § 23.65. Such individual may file reports for committees (*Manual* § 675) and may object to the consideration of a bill (6 Cannon § 241; Deschler Ch 7 § 3.7). Impeachment proceedings have been moved by a Delegate. 2 Hinds § 1303.

§ 3. In Committees

Under clause 3 of rule III, Delegates and the Resident Commissioner are elected to serve on standing committees in the same manner as Members, and possess in such committees the same powers and privileges as the other members. *Manual* § 675. They have the right to vote in committees on which they serve. Seniority accrual rights on committees have also been extended to the Delegates and Resident Commissioner. Deschler Ch 7 § 3.11. They may be appointed by the Speaker to any conference committee. The Speaker also has the authority to appoint them to any select committee, an appointment that previously required the permission of the House. *Manual* § 676.

§ 4. In Committee of the Whole

Under a rule first adopted in 1993 (but since stricken), when the House was sitting in Committee of the Whole, the Delegates and Resident Commissioner had the same right to vote as Members, subject to immediate reconsideration in the House where their votes were collectively decisive in the Committee. The Speaker also had authority to appoint a Delegate or Resident Commissioner to serve as chair of the Committee of the Whole. The constitutionality of that rule was upheld based on the feature of the rule providing for immediate reconsideration. *Michel v. Anderson*, 14 F.3d 6723 (D.C.Cir. 1994). These provisions were stricken in 1995, reinstated in 2007, and stricken again in 2011. *Manual* § 985.