PERSONAL EXPLANATION

Mr. COOPER. Mr. Speaker, I was unavoidably absent on Thursday afternoon and Friday morning. Had I been present for rollcall 40, I would have voted "yea" on H.R. 6, a bill I proudly cosponsored that will improve America's energy independence and financial situation.

Had I been present for rollcall 42, I would have voted "yea" on H.R. 475.

GENERAL LEAVE

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the measure just considered.

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

There was no objection.

LEGISLATIVE PROGRAM

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

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

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

We are going to meet at 12:30 p.m. for morning hour on Monday and at 2 p.m. for legislative business. We will consider several bills under suspension of the rules, including, and every Member ought to pay attention closely to this announcement, to the important bill, I think frankly it is going to pass with every Member's vote; we will consider several bills under suspension, but including legislation regarding Members' pension accountability.

I think everybody in this House believes that we ought to have legislation, we have had it; when the minority was the majority they pushed for this legislation, we agreed with them, we are pushing it as well. We think there will be agreement on making sure that if you commit a crime while a Member of Congress that is contrary to your duties that you are going to lose your pension. We think the American public believes that is fair.

On Tuesday, the House will meet at 10:30 for morning hour and noon for legislative business. We will consider additional bills under suspension of the rules. A complete list of those suspension bills, as is the practice, will be available by the end of today.

On Tuesday, obviously we will receive the President for the delivery of the State of the Union message. So we will vacate the Chamber about 5 o'clock to give the opportunity for the security forces to make sure the Chamber is secure.

On Wednesday, we will meet at 10. We will consider a resolution to restore to the Delegates and Resident Commissioner their ability to cast votes in the Committee of the Whole. This rule was in place prior to January 1995, and we believe it is a good rule and will try to adopt that amendment to the rules. We will finish business in time—I have discussed with Mr. BOEHNER and Mr. BLUNT—we are trying to accommodate our schedule so that the minority is able to leave in a timely fashion to go to their meeting in Cambridge.

Mr. BLUNT. I thank my friend. I have several questions. On the last issue that you just raised, that is the first notice that I have had, maybe our staff has had notice, right before coming to the floor on changing the rules for the Committee of the Whole to where Delegates could vote. I would ask my friend, is that only in the Committee of the Whole? Is that what that rule change would be?

Mr. HOYER. This is exactly the same rule that was put in place by the Democrats when we were in the majority to give to our five Delegates the opportunity to come to the floor to express their opinion in the Committee of the Whole. That rule, however, provides that in the event that the votes of the Delegates make a difference in the outcome, that immediately the Committee would rise, go into the House, and it would be revoted in the full House without the ability of the Delegates to vote.

The reason I articulate that, Mr. Whip, is to point out that, as you know, that was taken to court to see whether or not that was appropriate under the Constitution. The Court ruled that it was appropriate under the Constitution, with that caveat that I have just referenced. I have discussed this with all five Delegates. They are all supportive of this rule.

We believed, as you know, when you adopted your rules in January of 1995 and dropped the Delegates, we believed that that was unfortunate, because we have five people here sent by their constituents to the House but do not have an opportunity to express their view in a public way, their position in a public way on behalf of their constituents. This will do that, although under the Constitution we are constrained to write it as we did, which has been confirmed by the court. And I thank the gentleman for that question.

Mr. BLUNT. Now, I believe there are seven Delegates, and we might get our numbers straight on that. Also, I think I am right in that this has only happened in one Congress.

Mr. HOYER. Would the gentleman yield?

Mr. BLUNT. Yes, I would.

Mr. HOYER. There are five, believe me. There are obviously the representative of the District of Columbia, the Virgin Islands, American Samoa, Guam, and Puerto Rico.

Mr. BLUNT. Okay.

This only happened in one Congress, which was the Congress in 1993 and 1994. I wasn't in Congress at the time, but I recall it was very controversial, I believe the gentleman suggested so controversial that there was a court case that determined that these votes, if they had impact on the outcome, immediately would have to be decided by the full House. And I am wondering, is that to give a deceptively large margin in the Committee of the Whole? The majority is in the majority. Four of these five Delegates are on the majority side. Every time it doesn't matter in terms of passage, I guess that means it appears that there are four more votes or maybe five more votes than there would otherwise be.

What is the purpose of this? If it made a difference, it would immediately have to go to a vote that they could not participate in.

I yield for an answer.

Mr. HOYER. I thank the gentleman for yielding.

The purpose is to honor democracy. We are fighting in Iraq to honor democracy and allowing people to vote. I thought it was unfortunate, personally, that we did not continue the rule in place that we adopted in 1993 in the rules package. And this rule will of course extend to the Republican delegate, Resident Commissioner from Puerto Rico, as well as the gentlewoman from the District of Columbia. I personally believe very strongly she ought to have a full vote in this House. She represents 680,000, thereabouts, Americans who, if they moved across the river to Virginia or across the line to Maryland, would have a full vote. I think it is inappropriate, wrong, and frankly inconsistent with our commitment to democracy that she does not have a full vote on the floor of the House.

But I say to the gentleman the purpose is to give to these elected representatives of constituent parts of this country, not States, but constituent parts of this country the ability to express their views on this floor. Under the Constitution, obviously, if they make a difference, there would be a constitutional question; make a difference in the sense that the margin is so close that they would make the difference between winning and losing a proposition. So we provided then and are providing now what the Court has sanctioned as the way to give to the Resident Commissioner from Puerto Rico, a Republican, as well as the four Democrats who represent those four areas of our country that I indicated, the District of Columbia, clearly a part of our country, and the Virgin Islands, American Samoa, and Guam, the ability to come to this floor and express their opinion. We believe that is consistent with the democratic principles of this country, and that is why we are doing it.

Mr. BLUNT. Reclaiming my time, it seems to me that the courts must not think it is consistent, or they wouldn't have ruled and determined that if these votes made a difference you have to vote again with a body that doesn't include the votes from those five individuals.