

They have the right to pay taxes, but they don't have the right to vote in the United States Congress. They have the right to serve in the military, but they don't have the right to vote in the United States Congress.

While the Constitution of the United States does not directly address this question, it does speak of government of the people, by the people, for the people. It is time for the people of Washington, D.C. to participate in this form of government.

No other democracy in the free world has in its capital people who cannot vote. It is time to give the citizens of Washington, D.C. the right to vote in the United States Congress.

#### EMERGENCY SUPPLEMENTAL FUNDS PORK, LITERALLY

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, "such sums as may be necessary are hereby appropriated for livestock producers."

Mr. Speaker, the so-called U.S. Troops Readiness, Veterans' Health and Iraq Accountability Act contains this open-ended appropriation for pork, literally. The Troops Readiness bill contains another open-ended payment of taxpayer dollars for crop payments.

While the bill restricts funding for our troops, it would provide \$25 million in a bailout for spinach farmers, another \$74 in taxpayer dollars for peanut storage, and \$283 million for milk producers. All of this spending is designated under the bill as emergency wartime supplemental appropriations, language that means that the bill waives the budget so we can pay pork producers. It is ironic that this bill treats pork producers better than our troops.

It is no wonder that the majority will not be allowed amendments to this bill, because the American people would not approve the payment of pork spending under the name of our troops overseas.

#### NO MILITARY SOLUTION TO IRAQ WAR

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, this week the House will have a chance to move the Iraq war in a new direction: one that holds the Iraqi Government accountable for meeting benchmarks that they have already promised they could make.

In contrast, the President's only answer is an open-ended commitment to what even his own Pentagon now admits is a civil war. Military leaders across the board have already told the President that there is no military solution to the war, and yet he continues with the status quo.

Lieutenant General Peter Chiarelli said in December: "The proper political

pieces must be in place in order for any of the military, economic or social initiatives to take hold and flourish."

Lieutenant General Raymond Odierno said: "It is clear you cannot solve this problem militarily."

And just last month, Major General Paul Eaton said: "Time and again, they have shown a tendency to focus almost exclusively on military solutions to problems without leveraging the full economic, political and diplomatic solutions to problems."

These military leaders are correct. Iraqis must step forward and make critical political reforms if they really want to begin to stem the violence. But unlike the President, Democrats will finally demand some accountability from the Iraqi Government this week.

#### EMERGENCY WAR SPENDING

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, I rise this morning in strong opposition to the Democrat-sponsored emergency supplemental. I fully support funding our troops, but I will not be coerced into voting for a politically motivated deadline that helps our enemy.

As an appropriator, I am deeply disappointed that the important mission of funding our troops in harm's way has been overshadowed by over \$21 billion in nonemergency spending. There is an appropriate time and place to discuss the war and funding important projects, but it shouldn't be done on the backs of young Americans fighting overseas.

Setting deadlines and threatening to restrict funds emboldens our common enemy and will have disastrous effects on the morale of American and Iraqi troops fighting to bring security to our war-torn region. Bringing troops home before the situation has been stabilized won't end our global struggle against terrorism. It would do the opposite.

I urge Members to oppose the supplemental. Our troops deserve to be fully funded, and they clearly deserve the support required to succeed. General Petraeus deserves time to work his plan. He is the general on the ground, not the Congress.

#### MAN'S BEST FRIEND

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Presidents Washington and Lincoln understood, as does Michael Auberry, the true value of man's best friend.

America would have never known the greatness of General George Washington if his dog, Mopsey, had not saved the young lad when he wandered far from home.

Fido, Lincoln's dog, allegedly jumped in front of a knife-wielding drunk, sav-

ing President Lincoln from injury. Gandalf is the latest of these heroes.

Gandalf, a 2-year-old Shiloh shepherd heard the cries for help and answered like a true soldier. He led searchers to Michael Auberry, a 12-year-old Boy Scout who had been lost for 4 days in the woods. Thanks to Gandalf, Michael was safely returned to his family.

Gandalf, a search-and-rescue dog, is a trailing dog trained to pursue specific individuals by following their scent. When time is short and the situation is extreme, it is man's best friend who answers the call. Rescue dogs, bomb sniffing dogs, and drug dogs are always loyal to guide, reassure, rescue, and save us.

As Harry Truman once said: "Dogs are as necessary to the welfare of our country as Wall Street and the railroads." Dogs, man's best friend.

And that's just the way it is.

#### PROVIDING FOR CONSIDERATION OF H.R. 1433, DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 260 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 260

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1433) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour and twenty minutes of debate, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 1433 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. CAPUANO). The gentleman from New York (Mr. ARCURI) is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

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

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

Mr. ARCURI. Mr. Speaker, House Resolution 260 provides for consideration of H.R. 1433, the District of Columbia House Voting Rights Act of 2007, under a closed rule. The rule provides 1 hour and 20 minutes of general debate, with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, and 20 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on Oversight and Government Reform.

The rule waives all points of order against consideration of the bill except those arising under clauses 9 and 10 of rule XXI. The rule provides that the amendment printed in the report shall be considered as adopted, and the bill, as amended, shall be considered as read. The rule waives all points of order against the bill.

Mr. Speaker, this Nation was built upon the principle that it was patently unjust to require people to pay taxes to a government within which they had no direct involvement, what came to be familiarly called "taxation without representation." The fact that approximately 600,000 U.S. citizens live under taxation without representation within the United States today is repugnant to our very notion of democracy and to those who fought and died in creating this great Nation. How can the United States deny democracy in its capital while it promotes democracy abroad?

These citizens pay billions of dollars in Federal taxes and have sacrificed their lives in Iraq and every other war since the American Revolution. This is taxation without representation at its worst, and it is completely undemocratic. No other democracy in the world denies to its citizens in its capital city the right to vote. We here in America, the symbol of democracy to so much of the world, must not deny that right to our citizens.

This bipartisan legislation would correct this injustice by granting the citizens of our Nation's capital with a voting representative in the House of Representatives.

Some of my colleagues have suggested that this legislation is unconstitutional, that we in Congress will be acting outside our power in enacting this bill. To this, I must respectfully and strongly disagree. Article I, section 8 of the Constitution clearly enumerates the powers of Congress. Among the powers listed in Article I, section 8 states that Congress shall have the power "to exercise exclusive legislation in all cases whatsoever over" the District of Columbia. Article I, section 8 also gives Congress the power "to make all laws which shall be necessary and proper" to execute its enumerated powers.

Further, in 1790, Congress passed the Residence Act, giving residents of the new District of Columbia the right to vote. Since the capital was still being established, citizens were allowed to continue voting in their States, Mary-

land and Virginia. Congress then took this right away by statute in 1800 when the Federal Government assumed control of the District of Columbia. In the political battles that followed, District residents were denied a vote in Congress. Certainly, if Congress can remove the right by statute, so too can it reinstate that right by statute.

In the landmark Supreme Court case *McCulloch v. Maryland*, Chief Justice John Marshall said: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

Extending full representation in the House to residents of the District of Columbia is a legitimate end. It is within the scope of Congress' power to exercise exclusive legislation in matters concerning the District of Columbia and consistent with not only the letter of the Constitution but also the spirit in which the Constitution was written by our Founding Fathers, that is, "taxation without representation is tyranny."

I, for one, want to correct this grave injustice and provide the citizens of Washington, D.C. with the same rights afforded to every other citizen in this great Nation. Our actions today will do just that.

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

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

Mr. Speaker, I rise today in strong opposition to this closed rule and to the blatantly unconstitutional measure that the Democrat majority is bringing to the House floor today.

There is not much to celebrate in this deeply flawed legislation that constitutional scholar and law professor Jonathan Turley has called "the most premeditated, unconstitutional act by Congress in decades."

□ 1030

But I am an optimist, and I have found a very small silver lining in what I think is a cynical political exercise that is designated for President Bush's veto pen, that is, if it ever makes it that far.

Today, the American taxpayer can be grateful that at least this week that the Democrat majority has trained its sights on simply trampling on the Constitution rather than propping up the fledgling ranks of big union bosses for the fourth week in a row. While this may not seem like much, it seems to be the best that the Democrat majority is willing to do at this time.

My opposition to this measure stems from its incompatibility with a pretty basic foundation of American Government, the Constitution. Section 2 of Article I clearly states that "the House of Representatives shall be composed of Members chosen every second year by the People of the several States."

The way I see it, any fourth-grader in the country can tell you that D.C. is simply not a State.

Supporters of this legislation will claim that the "District Clause," which gives Congress the power to legislate over our Nation's government seat, also gives Congress the power to grant D.C. a Member of Congress. But this same clause makes it clear that by its very nature, D.C. is not a State, which brings us back to the original problem of this bill being completely unconstitutional.

But do not take my word for it. If the Democrat leadership will not listen to reason, one would hope that at least they would listen to one of our Founding Fathers, Alexander Hamilton, who offered an amendment to the Constitution that would have provided D.C. with a vote in the House. Unfortunately, that amendment was defeated on July 22, 1788.

But if neither my word nor the Constitution nor the actions of our Founding Fathers is good enough, I wonder if the Democrat majority would be willing to listen to an equal branch of our government for their opinion on this matter.

In 2000, the Federal district court in Washington, D.C., concluded that "the Constitution does not contemplate that the District may serve as a State for the purposes of apportionment of Congressional representatives." It seems pretty clear to me, but perhaps not every Member of this body.

So, for a moment, let us ignore my word, the Constitution, the actions of our Founding Fathers, and the decisions of the Federal judiciary.

What would it mean if Congress simply gave D.C. a seat in the House? Rather than going through the necessary process of passing a constitutional amendment, which, by the way, was attempted in 1978 and failed, it would create a precedent that said Congress would give the District three votes next year, or they could give them 10. It would mean that if Congress did not like the way the new Member from D.C. was voting, it could simply take the seat away, because if Congress has the power to create a seat, it certainly has the power to take that seat away, which it cannot do under the Constitution, the same Constitution that gives States those rights.

It would mean that Congress could deny D.C. voters the protection from, let us say, racial discrimination, given by the 15th amendment to the Constitution, or deny them protection from discrimination based on sex given to them in the 19th amendment. Is this the kind of precedent that we should be setting?

But rather than discuss the facts or logic of this approach, I suspect that the supporters of this legislation will come to the floor and simply talk about fairness. But I fail to see how it is fair that this would give every voter in Utah an unprecedented two votes,

one for their Member of Congress and one for a new at-large Member, while keeping the one man, one vote principle in every other State.

Perhaps a Member on the Democrat side would be kind enough to come down to the floor and explain this logic to me, but I am sure I will not hold my breath.

Mr. Speaker, as Members of Congress, we take an oath to uphold and support the Constitution, not to trample on it. Personally, I think this is a fairly low bar that has been established. So last night in the Rules Committee, Congressman MCHENRY and I offered a commonsense amendment to have this new Member from D.C. act to preserve the individual right to keep and bear arms of the residents of the District of Columbia as also provided in the second amendment to the Constitution and upheld on March 9, 2007, by the U.S. Court of Appeals for the D.C. Circuit.

No matter what the supporters of this bill may claim to the contrary, the Constitution is not a cafeteria. You simply cannot pick and choose which part you are going to respect and which part you are going to ignore.

That is why our Framers, in their infinite wisdom, created an orderly, lawful process for amending the Constitution, if you so choose. So despite the fact that this underlying bill is designated for history's trash can, I am attempting to improve it slightly by forcing this entire body to recognize that the rights given in the whole Constitution, not just certain parts, should be recognized by anyone who claims to uphold and defend our government's founding document.

Unfortunately, this amendment was defeated on a party-line vote in the Rules Committee, which is fast becoming the graveyard of good ideas in the U.S. House of Representatives.

Mr. Speaker, I urge all of my colleagues to reject this rule and the underlying assault on the Constitution.

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

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

Mr. Speaker, I respectfully disagree with my friend and colleague from Texas. I think he is trying to characterize this bill as an attempt to create statehood for the District of Columbia, which is not what this bill does. This bill attempts to do what the Constitution says that Congress can do, and that is, exercise exclusive legislation in all cases whatsoever over the District. That is what we are doing here, and there is precedent to that.

In 1949 in the Tidewater case, the Supreme Court upheld a decision which allowed Congress to give diversity jurisdiction to the District of Columbia, and now, generally, diversity jurisdiction only can occur between States, and despite the fact that clearly the District of Columbia was not a State, they were able, through an enactment by Congress, to be given that status of diversity jurisdiction.

The District of Columbia is not a State. It is not being treated as a State, but rather as a district for the capital, for the Federal capital. So it does have a special and unique treatment, and I think the Founding Fathers realized that it would be different, that it would not be like a State, and, in fact, it was part of the history why they came and created a capital.

When they were in Philadelphia, they were not happy with the fact that they had to constantly appeal to the Pennsylvania Legislature for the right to do different things, so they intended to create a capital that they would be able to have jurisdiction over.

That was the historical reason why the District of Columbia was created. So the fact that Congress then gave itself, or the Constitution gave Congress the right to make laws and make rules for the District of Columbia is the reason why today we are introducing this bill.

So I believe that we are not attempting to give D.C. statehood, but, rather, to give it a right to vote in this body, which is exclusively within the jurisdiction of Congress and within the right of Congress to do.

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

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the ranking member of the Committee on the Judiciary.

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

Mr. SENSENBRENNER. Mr. Speaker, I am concerned that this bill was unconstitutional for the reasons stated by my friend from Texas (Mr. SESSIONS), but I am afraid that the way this bill treats the at-large seat in Utah makes it even more unconstitutional.

Not since the Supreme Court issued its string of one person, one vote decisions in the 1960s has Congress seen fit to amend the law to allow both at-large and district elections for Members of the House of Representatives. This bill does that and, in effect, gives the citizens of Utah the right to vote for two Representatives, one in the district and one at-large, which is something that is denied to every other citizen of the United States.

Even if this is not a violation of equal protection under the law, I think that it is extremely bad policy because it is in derogation from what those of us who have fought to enact and reenact the Voting Rights Act have attempted to do, and the Supreme Court has said on numerous occasions that at-large elections are in derogation of giving minorities effective representation not just in Congress, but for local legislative bodies like city councils and county commissions.

I fear that if this act is held constitutional with an at-large seat in Utah, that precedent will be used in jurisdic-

tions covered by the Voting Rights Act to once again go back to at-large elections and to diminish the votes that minorities have enjoyed ever since the 1982 reauthorization of the Voting Rights Act.

Finally, having an at-large seat in Utah is going to make it probably more difficult to uphold this law, and the reason I say that is that if this law is held unconstitutional with four Members from Utah being elected by district, effectively a quarter of the people of Utah will be disenfranchised since the bill has a nonseverability clause, and thus, if D.C. brings the bill down, one-quarter of the people of Utah will have no representative in Congress. That would be a powerful argument to uphold the constitutionality of this bill, and one that cannot be avoided.

Unfortunately, the majority on the Rules Committee decided to play partisan politics. They are jeopardizing the litigation of this legislation. I would hope that they would think twice, and they would vote this rule down.

I was prepared to support this legislation both in this Congress and the last Congress if Utah had four Representatives elected by districts. What you have done here, you have lost me. There is still time to correct this, and I would hope that the rule would be rejected.

#### GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material in the RECORD.

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

There was no objection.

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

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. BISHOP), a former member of the Rules Committee.

Mr. BISHOP of Utah. Mr. Speaker, I thank the gentleman from Texas for yielding.

I come here with a sense of disappointment, but, admittedly, not surprise. Last night in the Rules Committee, I had the opportunity of listening to a brilliant amendment that I thought was brilliantly presented. I did it, so it was brilliant. Unfortunately, that amendment, which was a new issue to this debate that has not been discussed in other venues or has not been discussed in another committee, is a technical amendment that was designed neither to inhibit nor to promote the passage of the underlying bill.

If Utah becomes part of this bill and it is passed, we would be required in some way, shape and form to have a special election, which would cost the State of Utah about \$7 million and require the legislature to come into special session to create new rules for a

special election, as well as to appropriate money that does not now exist for that.

We all know there will be lawsuits on this bill, and it will take time for those lawsuits to work the court. My amendment, a technical amendment, was simply to say let us start the process of the election in the 2008 election cycle, which would simply say there would be no extra cost to an entity for performance. There would be regular process, and that would give plenty of time for the lawsuits to have their way work through the courts. It seems ridiculous for the State of Utah to have to spend \$7 million on a special election that may then be invalidated by a court action later on.

I have to admit that in some respects I feel frustrated the way the State of Utah has been treated in this entire process, forced to have a special session to draw a map, a map in which the criteria was for incumbent protection, never before done, and now forced to spend money on a special election, when an alternate is completely there.

□ 1045

Not to allow that to even be discussed on the floor does not help the body politic that is here.

I also notice that my friend from Georgia has come down here. Mr. WESTMORELAND had an amendment that was discussed in the committee and passed in the committee. Yet this Rules Committee has stripped his amendment and offered a closed rule, so they deny him the opportunity to even discuss the amendment that has already been passed.

Time after time in the last few years I sat where the gentleman from Texas sat and was denigrated by people who said we denied amendments that had failed in committee and were therefore stopping the democratic process. Here we have an example of someone who passed an amendment in committee that has now been stripped out and is no longer being allowed to discuss it on a bill that is purported to be expanding the concept of democracy in the first place.

I realize that when we talk about process, that is extremely boring to the American people. It's boring to us. Actually, most of what we say on this floor is boring to almost all of us.

But the real inconvenient truth is that poor process equates to poor policy. We will see another rule that comes out here today as well that would clearly illustrate how poor process, in an unprecedented fashion, would clearly result in poor policy.

When I was a young legislator, I one time was somewhat of a rebel, I re-deemed myself and eventually became speaker, but in my second session I had a position that was at odds with my own leadership and was numerically outnumbered. But they allowed the process in Utah to work so I stayed at the table, and eventually we designed and came up with a product that was

actually before for all of us. That is what we should be doing here today.

Somehow I heard, over the past 10 years, how the Rules Committee, when a different party was in charge, is where democracy goes to die. Unfortunately, this day the Rules Committee is once again where democracy goes to die. Mr. WESTMORELAND, who will be speaking in a few minutes, is living proof of how that happens.

Mr. ARCURI. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, if I could inquire upon the time that remains on both sides.

The SPEAKER pro tempore. The gentleman has 16½ minutes remaining. The gentleman from New York has 23½ minutes remaining.

Mr. SESSIONS. If I could inquire from the gentleman from New York if he has any additional speakers, with the understanding that he has the right to close.

Mr. ARCURI. Yes, sir, we have two additional speakers.

Mr. SESSIONS. You do anticipate two additional speakers?

Mr. ARCURI. Yes, sir.

Mr. SESSIONS. Mr. Speaker, I yield to the gentleman to run down his time.

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

Mr. ARCURI. Mr. Speaker, I would just like to point out, in listening to the debate, that when one looks at some of the decisions from the Supreme Court with respect to the steps that Congress, the powers of Congress, you can't help but think of *Marbury v. Madison*, which is one of the first great cases considered by Justice Marshall in the early Supreme Court.

In that case, the Supreme Court basically outlined what was the framework for the separation of power between the different branches of government. Basically, it set forth to Congress that it could not dictate to the Supreme Court or to the justice branch of government what the jurisdictions of or what their jurisdiction was.

Basically, what that decision came to recognize is the fact that within the particular branches of government, each branch has exclusive power and that only the Constitution can set jurisdiction.

Clearly, that is what we are doing here today. The Constitution makes it very clear that Congress has exclusive legislative right over the District. That is exactly what we are attempting to do today. We are attempting to give the District of Columbia the right to vote, as we are entitled to do, as the Constitution clearly enumerates that Congress has the right to do.

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

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank my friend from Texas for yielding.

Mr. Speaker, the gentleman from New York was making a great argument for the bill itself, but we are talking about the rule. We are talking about the ability of every Member of this body to be able to amend the bill. We go through a committee process here, well, I shouldn't say all the time, because in the 110th Congress, it has been very rare that we have gone through a regular order. But in this particular case we did go through a regular order as far as the bill going to Government Reform.

I had an amendment. The amendment was pretty simple. It said, notwithstanding the fact that the District of Columbia would get a vote on the floor of this body, but that the intention, and the end result, was for them not to have representation in the United States Senate.

Now, that was fairly simple. In fact, I believe it passed Government Reform unanimously. My 700,000 people that I represent in Georgia had an opportunity to amend this bill.

But because of the closed rule that we have today, an amendment that was passed, agreed to by both sides, put in the bill in Government Reform, has come to the floor without it.

You know, this was hyped up to be the most ethical Congress. I haven't seen any proof of that. It has been hyped up to be the most open Congress where all Members would have an opportunity to participate. We certainly haven't seen that.

This is government almost by gradualism. We are gradually getting to where the leadership of the majority party wants to go. I believe that is to give D.C. the ability to have Members of Congress.

Now, this little book right here, the gentleman from New York was quoting parts of the Constitution, but he didn't quote all of it. Because in here I think it lays out very plainly who is to vote on the floor of this House and who is to have representation in this House, and who is to have representation in the United States Senate.

I think this is the first step. I think my amendment made it clear that the intention of this bill was not to gradually give them the ability to have seats in the Senate. But because it made it so clear and described so clearly the legislative intent of this body, they won't allow it to be in the bill, because their intention is to go further.

I would hope that one day we would. I hear people's lips, I hear things coming out of people's mouths. I see lips moving, talking about bipartisanship: we are going to be bipartisan; we are going to let everybody participate.

I haven't seen that in action. Let me say this, I don't think anybody has ever written a perfect bill, a bill that couldn't be adapted or expanded or explained a little bit better, a bill that couldn't be made better, a bill that couldn't be perfected.

In fact, if you read the rules of this House, it talks about amendments and

perfection and perfecting the amendment, perfecting the bill. That is all we want an opportunity to do. I think everybody in this body, all 435 of us, I think the people that we represent, all they want us to have is an opportunity to try to help perfect the bill or make it better.

So far, we have been shut out of that process. I think it is a shame. As my friend, Mr. BISHOP, said, a lot of people don't pay any attention to the process up here. But when the process is broken, the product is flawed.

I think the closed rule on this important bill is an example that this is a very broken process.

Mr. ARCURI. I thank the gentleman from Georgia for his remarks. He talks about bipartisanship. Frankly, I can't think of an issue that is more bipartisan than giving each and every American the right to vote. That is exactly what we are attempting to do here today.

You know, I can't help but think as a new Member of Congress that when we came down back in January to be sworn in, and my daughter and my family were here, one of the first things that my daughter said to me was noticing on a license plate "taxation without representation." She asked me what that meant and why they were talking about that because she remembered studying about it in school.

It is critical. It is so important to us as a Nation to practice what we preach. We are in other places in the world. We are fighting wars for freedom, and we talk about how important it is to give people the right to vote and to be free, and that is exactly what we are doing here today.

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

Mr. SESSIONS. Mr. Speaker, if I could please inquire upon the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Texas has 12½ minutes, and the gentleman from New York has 21 minutes remaining.

Mr. SESSIONS. Mr. Speaker, if I could, I would like to try to get us back to a balance if we could. I would encourage the gentleman to run his time down.

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

Mr. ARCURI. We anticipate having our Speaker, and we continue to reserve the balance of our time.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman, the ranking member of the Rules Committee from San Dimas, California (Mr. DREIER).

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

Mr. DREIER. I want to express appreciation to my very good friend from Dallas and my new friend from New York for their management of this rule.

Mr. Speaker, I want to say that to me it is very clear. Mr. SESSIONS' very

able assistant just gave me a copy of the Constitution. Article 1, section 2 says: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States."

Until we change the Constitution and make the District of Columbia a State or include it as a State or as a part of Maryland, it seems to me that this is unconstitutional.

I mean, I am not a constitutional expert, but I know that Mr. SENSENBRENNER stood here. We had a wide range of other people who have been arguing. I listened this morning to that great constitutional scholar Jonathan Turley from George Washington University on National Public Radio. He was talking about this exact line that I just read, arguing that it is unconstitutional.

I don't exactly understand why it is we are here. But there is something that hasn't been discussed at all in this debate, and that is how are we going to pay for this thing. We do know that we have got this structure that is put into place, PAYGO, as it's called.

Well, there was mandatory spending in this to establish a new Member of Congress; and under PAYGO, the rules that are adopted, the costs clearly have to be offset. The offset that is self-executed into this bill, by the rule, raises the requirement for income tax withholding by three one-thousandths of a percent. It's a pretty tiny one. But it has the potential for some real problems. Think about the self-employed computer programmer who earns \$80,000 a year.

This computer programmer would have to calculate their estimated tax themselves and make quarterly payments to the government. If that computer operator misses that new three one-thousandths of 1 percent increase in withholding and underwithholds by as little as 6 cents per month, that person is subject to the Internal Revenue Service prosecuting them and seeking interest and penalties as if they were trying to evade paying their income taxes.

Basically, I concluded that if the government is going to require that they are going to take money that they say you could potentially get back from this, it is a tax increase, because if the government holds money that is mine, no matter how small it is, and I am not getting interest on that money, that, to me, is a tax increase. That is exactly what we are going to be doing when any Member votes to pass this rule that allows us to proceed in this matter.

I don't understand why it is that we are here. It is, to me, a very, very unfortunate thing. We now see how the Democrats intend to close the so-called tax gap, and it's on the backs of the average taxpayer in this country, and it is just plain wrong.

I urge a "no" vote on this rule. If, by chance, we pass this rule, which, from my perspective, self-executes a tax in-

crease on the average hard-working taxpayer in this country, I urge a "no" vote on the bill itself.

One of the most ridiculous aspects of this rule is the mechanism used to pay for the mandatory spending in this bill.

The bill provides for a new Member of Congress, and as a constitutional officer, that Member's salary is a mandatory expense.

Under the PAYGO rules adopted by the House, those costs must be offset.

The offset self-executed into the bill by the rule raises the requirement for income tax withholding by three one-thousandths of a percent.

What does that mean to the average taxpayer? Well, for a married couple who both happen to be firefighters earning \$80,000 a year, their interest-free loan to the government just went up by about \$1.60. That's right, \$1.60. But they do have to send approximately 13 cents per month more to the government to pay for a new congressional seat.

That's not the worst part, though. Take the self-employed computer programmer who earns \$80,000 per year. She has to calculate her estimated tax herself and make quarterly payments to the government.

If she misses that new .003 percent increase in withholding, and underwithholds by as little as 6 cents per month she is subject to the IRS prosecuting her and seeking interest and penalties as if she were trying to evade paying her taxes.

Mr. Speaker, we now see how the Democrats intend to close the so-called "tax gap"—on the backs of average taxpayers, all to pay another Member of Congress.

□ 1100

Mr. ARCURI. I thank the gentleman from California, my colleague from the Rules Committee. And he points out that, yes, I think a legitimate question, how are we going to pay for this? I can't help but think that when it comes to giving people freedom and the right to vote, we must find a way to pay for it. In fact, we have spent \$400 billion attempting to give the people in Iraq freedom and the right to vote. And if we can spend \$400 billion in Iraq, then we can spend some money here to give the 600,000 people here in the District of Columbia the right to vote.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. ARCURI. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. I would simply argue, based on the point that has been made by that great expert Mr. Turley, we need to look at amending the U.S. Constitution before we go down that road. And we also have to look at how it is we are going to pay for this. Are we going to pay for it by basically imposing a tax on the average taxpaying citizen of this country by withholding dollars of theirs? I just think it is plain wrong.

Mr. TOM DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ARCURI. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Let me just ask my friend from California, what about the constitutional expert

Ken Starr who has testified under oath that this is constitutional; or Viet Dinh, who was a chief counsel in the Justice Department under President Bush; and John Ashcroft, who wrote the PATRIOT Act and has written an opinion that this is constitutional? Aren't their views worth consideration as well?

Mr. DREIER. Would the gentleman yield so I can respond to my friend?

Mr. ARCURI. I yield to the gentleman from California.

Mr. DREIER. Absolutely. And I will tell you that when the distinguished chairman of the Judiciary Committee last night began his testimony before the Rules Committee, he quoted both Kenneth Starr, and frankly I will say that it was with a great deal of pain and it was precedent-setting that our distinguished Judiciary Committee chairman Mr. CONYERS and he said this, quoted for the first time, and I suspect maybe the last, Kenneth Starr, and he went on to refer to the fact that Viet Dinh had clearly concluded this.

There are conflicting views as to the constitutionality of this. I recognize that. And, in fact, Mr. SENSENBRENNER, when he was addressing the Rules Committee last night, said that he believed that this was a 50/50 call.

I think that there are a lot of different opinions on it. Jonathan Turley is one that has spent a great deal of time looking at this, and I just happen to think that he is right. And the way I read the Constitution, that is the way I see it.

Mr. ARCURI. I would just like to point out that the gentleman from California says that he is not clearly not an expert on the Constitution, but I think he has a much better understanding of the Constitution than he admits.

You sound like you are strictly attempting to interpret the Constitution, a strict constructionist. And that being the case, I think it is clear, a close reading of the Constitution gives Congress under Article I, section 8 exclusive legislation over all aspects of the District. So I think that it is clear in a strict reading of the Constitution that Congress has this ability.

Mr. DREIER. If the gentleman would yield to me for a moment. I thank my friend for yielding, and I really do appreciate him, and he is my new friend on the Rules Committee.

Mr. Speaker, I would simply say that it is Article I, section 2, to which I point where it refers to the fact that this body, according to the Constitution, is to become comprised of Members elected from the several States. And that is why I argue that if, in fact, we are going to do this, we should look at a way in which the District of Columbia becomes a State so that it can, in fact, comply with the Constitution.

Mr. ARCURI. I just would point out what I stated earlier. In the Tidewater case, the Supreme Court upheld the ability of Congress to designate the District of Columbia, for purposes of

diversity jurisdiction, as a special creature, as not a State, but standing in certain respects in the same way that a State does. I think it is clearly within the power of Congress to do this, and I yield.

Mr. DREIER. Again, this description of the District of Columbia as a special entity is absolutely right. That is what the Framers of our Constitution wanted to do in establishing the District of Columbia to ensure that it is not a State. That is the uniqueness of the District of Columbia. And I am arguing that if, in fact, we need to make this change so that it complies with Article I, section 2, it seems to me there needs to be a modification to the Constitution.

Mr. ARCURI. Reclaiming my time. And I think I just have to answer that by saying if you look at historically why Congress actually created the District, it was so that it would have jurisdiction over the area which it sat, not for the reason that you indicate.

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

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 3 minutes to the distinguished gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I rise today to oppose the rule, and as well as I am in opposition of the underlying bill that we are considering today, and I do so because I am a strict constructionist. I am a believer and I am a defender of the Constitution. In fact, when I came to Congress, like all of us did, I took an oath to uphold the Constitution, and I intend to do so. And I believe that what the House is considering passing today in this legislation is simply unconstitutional.

Let me just say, I am not against the citizens of the District of Columbia having the right to vote for a Member of the House of Representatives. In fact, before I came to Congress, I had the privilege and pleasure to serve as the Michigan secretary of state for 8 years, and that is the chief elections officer in my State, and a principal advocacy of mine then as it is now was registering as many citizens who were eligible to vote, and then trying to get as many who were registered to actually participate in the elections process.

However, under the Constitution of the United States, it explicitly declares that representation in Congress can only be granted to States. Article I, section 2 states clearly that: Representatives shall be apportioned among several States.

Interestingly enough, even the District of Columbia recently argued that it was not a State and shouldn't be treated like one. And I am referring to the recent District Court of Appeals case about the long-time D.C. gun ban when the District argued that the second amendment did not apply to them because they are not a State. And I am not sure if the District actually be-

lieves that other parts of the Constitution don't apply to them for the same reasons. For instance, they might think that the first amendment doesn't apply to them. I am not sure.

But, Mr. Speaker, the Constitution applies to every American wherever you live, the first amendment, the second amendment, and the section that precludes the District from having a vote in this Chamber.

And if we are going to sacrifice the Constitution on the altar of politics, why are we stopping with just giving D.C. a vote in the House? Why not give them two Senators like every other State has? How about a Governor? A statehouse? A State senate as well as all the other constitutional officers that other States have, like the attorney general or secretary of state or whatever?

Also, by trying to buy a few votes by saying that we will expand the membership of this Chamber by giving D.C. one Member and Utah one Member so that we will hopefully have one Democratic vote or one Republican vote; since we are being completely political and arbitrary, how about just one vote for the District, and then give whatever Member has the most Republican district in the Nation, give them two votes?

Mr. Speaker, I cannot vote for a bill that clearly violates the Constitution. It will never be upheld by the courts. The District should either go back to being a part of the State of Maryland, as they were at our Nation's founding, or we should amend the Constitution. Asking Members to vote to violate our Nation's Constitution, I believe, is absolutely the wrong approach. I would urge a "no" vote on this rule and a "no" vote on the underlying bill.

Mr. ARCURI. Mr. Speaker, may I inquire as to how much time we have remaining.

The SPEAKER pro tempore. The gentleman from New York has 16 minutes, and the gentleman from Texas has 6 minutes.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, Mr. DAVIS.

Mr. TOM DAVIS of Virginia. Let me just say, a strict reading of the Constitution, if you look just at its face, if you read that, D.C. residents wouldn't have a right to a jury trial because that is only to residents of States. D.C. residents would have no right to sue non-D.C. residents in Federal courts under diversity jurisdiction, which is reserved to residents of States. The full faith and credit clause wouldn't apply to D.C. under the Constitution, because that only applies to States. But Congress, under the District clause, has allowed the District to be treated as a State for those purposes.

The previous speaker says, well, if they can do this, why can't they be treated as a State for other purposes? The city argued under the gun ban that they weren't a State because Congress hadn't specifically said they were a

State, but the District clause is all-inclusive and gives Congress the power to determine what the rights are. We have that right. It is not an inherent right to vote in the House of Representatives, but we have that right under the District clause.

The difference between the House and the Senate in the constitutional reading is the Senate represents States. Individuals represent States, and each State gets two Senators. And the District of Columbia is clearly not a State. But the House of Representatives is of the people among the several States, a different wording. In fact, at the time the Constitution was created, the people in the District were among the several States, and, in fact, the residents of what are now the District voted for Congress the first 12 years of the Republic.

But this is not a right that goes to the District of Columbia. This is a right that goes to the people of the District of Columbia, and Congress has the right to determine whether they have it or not. This was taken up in 1800 when the anti-Federalists won the Presidency by one electoral vote, if you remember, and in a lame duck session this was debated, and, as usually happens, they punted it to the succeeding Congresses.

I think the constitutionality of this thing is very, very clear that, under the District clause, we have the ability in Congress to determine if they get a vote in the House or not. And I just want to set the record straight on that. All of these other rights, jury trial, right to sue, full faith and credit, even the Federal Government would not be allowed to impose Federal taxes in the District under a strict reading of the Constitution. But under law and under the District clause, we have expanded it to the District. I just think the record should reflect that.

Mr. SESSIONS. Mr. Speaker, at this time I would like to inquire of the gentleman from New York if, due to the imbalance of time, if he would like to perhaps have some more of his speakers. If so, I would reserve the balance of my time if he chose to go that direction.

Mr. ARCURI. Yes, Mr. Speaker. I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding, Mr. Speaker. And I really had not intended to come forward since I will be managing in a few minutes but I must say that I have been virtually driven to the floor by the abstractions of the discussion. I want to thank the gentleman from Virginia.

Would the gentleman from Virginia engage in a colloquy with me?

I will have more to say about the specific legal and constitutional issues, but I do want to say something to those who are such literalists that they would deny us of the right to vote citing the Framers and the Constitution. Is it not true that the State of Virginia

and perhaps as many as half the Colonies were not States, but Commonwealths? And is "Commonwealth" mentioned anywhere in the Constitution?

Mr. TOM DAVIS of Virginia. That is correct in the case of Virginia, if the gentlelady would allow me.

Ms. NORTON. I yield to the gentleman.

Mr. TOM DAVIS of Virginia. The District of Columbia portion that came from Virginia went back to Virginia in 1846. And I think it is important for Members to understand the reason for the Virginia section of the District petitioned to go back to Virginia was because they were afraid that Congress was going to enact a ban on slaveholding in the District.

Ms. NORTON. I thank the gentleman. And the gentleman has clarified something further concerning the right to vote in the people's House.

The reason I come is not, frankly, to engage early in the discussion we will be having on the bill itself; but because the discussion has been such an abstraction. I have come because that discussion has been as if the Framers set up a place, not a city with real people. It is as if you can discuss these rights without referring to whom these rights would belong.

Members have come to the floor with the hubris to believe that the Framers intended their constituents to have full rights under the Constitution, but not my constituents because we happen to live in the Capital of the United States created by the Framers.

I do want to let you know who you are talking about so that this discussion will not be all about constitutional and legal abstractions that can only be settled by the courts of the United States. You are talking about Kathryn Ray, who lives here and is a mom and a librarian and a PTA president. You are talking about Larry Chapman, who is a D.C. firefighter, putting his life on the line for emergency response here and throughout the city. You are talking about Liz Allen, an attorney who has had her first child and has decided to raise this son here in the District of Columbia even though her family is denied a vote.

□ 1115

You are talking about Wade Henderson, like me a native Washingtonian, president of the Leadership Conference on Civil Rights, who has fought every day for civil rights around the world but has never had a vote in Congress. Like me, he is an African American who grew up in this city when it was a segregated city. Like me, he understood that the composition of this city then and for centuries has had much to do with the denial of voting rights in this city. And so, like me, he has argued in these Halls that all citizens of the District of Columbia, of every background, finally have the rights that all other Americans now take for granted.

This bill is about Evelyn Curtis, a nurse at one of our hospitals, who would love to have a say on health care issues. She can talk to me, but I can't talk to you about what she believes by voting.

This bill is ultimately about 650,000 American citizens. When you are asked to vote on this bill in the middle of a war, when our citizens are among the troops on the ground in Iraq and Afghanistan, remember that you will be voting not for my vote but for the votes of the people who live in the District of Columbia and especially for the votes of those Washingtonians who as I speak are serving in Iraq, Afghanistan and throughout the world in service to the United States of America.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Texas for yielding and to have an opportunity to address this issue.

Mr. Speaker, I rise in opposition to the rule and the underlying bill. The first premise is that we all stand here on the floor of this Congress and take an oath to uphold the Constitution. Even the strongest advocates for this bill before the hearing in the Judiciary Committee testified that if we believe that a bill is unconstitutional before us, we are obligated to uphold our oath and vote "no" regardless of how much we might support the underlying policy. That is the stand that I take on this issue, Mr. Speaker.

I would declare this to be the first round, one step along the way in the D.C. statehood bill. But the discussion that has been here on the floor and the exchange and the colloquy with Mr. DREIER on Article I, section 2, article I, section 3 and then the reference was brought up also of article I, section 8, to address those, it works just like this: Article I, section 2 reads: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States."

Now, if D.C. is not a State, we can't have Members that come from places that are not States. It's a pretty simple analysis here. Read the Constitution. It also says in the bill that this doesn't include Senators. That was an amendment that was offered by the gentleman from Georgia (Mr. WESTMORELAND). Statutory provisions aren't constitutional restraints. By the same rationale, and I mean exactly the same rationale that you can come to a conclusion that there could be a Member in this Congress that votes in full representation for D.C., you have to also conclude that there is a constitutional provision for two Senators as well, because I will argue that Article I, section 3, after the 17th amendment is applied to it reads this way: "The Senate of the United States shall be composed of two Senators from each State elected by the people thereof." So the only

distinction between a District Representative, a Member in the House, and two Senators is the phrase “by the people of the several States” as applied to the Member and “elected by the people thereof” as applied to the Senators.

This is imperative and compelling. So if you accept a Member here constitutionally, you also accept two Senators here by the same constitutional rationale.

Mr. ARCURI. Mr. Speaker, I would agree with the gentleman that if something is unconstitutional, certainly I would not support it, but I believe that this bill is constitutional, and I believe again Article I, section 8 makes it constitutional for Congress to pass this legislation.

Mr. Speaker, I now yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Let me first of all add my appreciation to Congressman TOM DAVIS; maybe the constitutional teachers at the University of Virginia law school are owed a debt of gratitude as well; and, of course, the gentlelady who has persisted throughout her, I think, legal and legislative career, the Honorable Congresswoman ELEANOR HOLMES NORTON.

This is a historic moment and an historic day. I think the crucial-ness of this debate should not be lost on the American people. I rise to support this rule, this structured rule, that allows an amendment by Mr. WAXMAN and Mr. CONYERS, and I would like to give comfort to those on the other side of the aisle to read their Constitution and explore even some of the Supreme Court cases that document that the District of Columbia under Supreme Court law has been held as a State in certain purposes.

Now, what is lost in this debate is that this is not a singular legislative act that excludes a balance. Out of this provision comes a seat for the State of Utah, which has requested a seat for many, many years. Just recently, we added a seat for North Carolina so that citizens of the United States could vote. So it is being defined by my opponents on the other side, this rule that it is unconstitutional because they are not giving you the whole story. This, because of population concerns, adds a seat to Utah. But, more importantly, this is a constitutional approach. They are right. Article I, section 2 indicates that the House of Representatives shall be composed of Members from every State. But then there is an enunciation of the powers of Congress that goes under section 8, clause 17, that “the Congress has the power to exercise exclusive legislation in all cases whatsoever over such district that has been established as the capital of the United States.” The Congress has all power.

Now, let me say this. We are not all powerful. We represent the people of the United States. But would you ask

the question as we are debating soon the crisis in Iraq, where the policies of this Nation have been to export democracy, create an opportunity for those citizens of Iraq to vest in their country, to vote for their leadership, does it make any sense for individuals paying taxes, who are on the front lines of Iraq, Afghanistan, World War I, World War II, the Vietnam War, the Korean conflict, and any conflict around the world, to be denied the right to vote if the Constitution gives us the authority to do so?

I commend the Constitution to my colleagues. I might say that we welcome the distinguished gentleman from Iowa’s amendment to work with Congresswoman ELEANOR HOLMES NORTON to get Senate provisions, if he desires to do so. It seems like he was concerned that the other body was not represented. But when we debate this question as we will soon, let us have the facts. You cannot quote one part, as one would say in the church, of the Bible and exclude the other part. You can’t quote one part of the Constitution and ignore the powers of this Congress that has a right to exercise authority over the District of Columbia.

I think the other question that should be asked and answered, who will it harm? Who will be hurt by recognizing the voting rights of people that are here in the United States paying taxes and shedding their blood? Who would argue against the place that thousands and millions of Americans come as their capital that they love, and they leave behind those who care for and take care of this capital, the residents of the District of Columbia, and they leave them with no right to vote.

So I believe that this rule is the right rule. I have disagreed with rules, both Republican and, frankly, Democratic rules. Later today I will disagree with the rule that will be put forward. But frankly I think this rule that is structured makes a great deal of difference and it is important that we make sure that we abide by this book and we read it consistently with its language and that is to say that Congress has the power to move forward.

I would ask my colleagues to be reminded that there are citizens in this country that cannot vote, and I hope that you will view the work of the Congress as it is constitutional and right to give those citizens the right to vote, for they too are Americans.

I ask my colleagues to support the rule.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentleman from Virginia, Mr. DAVIS.

Mr. TOM DAVIS of Virginia. I thank my friend for yielding.

We have Republicans quoting liberal professors and Democrats quoting conservative professors in support of where they are. At the end of the day I believe that if the District were a Republican enclave, our side would be

getting up screaming for voting rights and the other side would be saying, no, the Constitution is strict. We are trying to take the politics out of this.

In the last Congress, both committees with jurisdiction under Republican chairmen cleared this bill for the floor and the Republican leadership denied it an opportunity to come to the floor. We could have had a full and open debate at that point. I think it would have been helpful to the process. Now the Democrats are in control and they are bringing this up, not for a full and open debate, unfortunately, but under a closed rule. We should have an open rule on this. At the time when we are spending billions of dollars and sacrificing thousands of lives to bring democracy to Baghdad, to Afghanistan and around the world, shouldn’t we look right next door to our friends and neighbors here in the Nation’s capital and give them the essence of democracy, the right to vote here on the floor of the House of Representatives? I think we should.

There are different views as to how we should do this. The former chairman of the Judiciary Committee says it’s constitutional, but doesn’t like the at-large aspect of the Utah seat but we are not able to debate that on the floor today. My friend from California (Mr. ROHRBACHER) who has long been a champion of voting rights here has a different mechanism under which this could be established.

I wish we could have a full and open debate on this. I think it would be helpful to the process. And I am really torn. Because on the one hand our side doesn’t want the bill to come up at all, and the other side wants this to come up under very closed rules where we can’t have full and open debate. I look forward to a spirited colloquy as we move through this. I am going to support the bill in its final form, of course, as it moves through because I think this is something that is long overdue for citizens of the Nation’s capital and with a long line of legal precedents which treats the District of Columbia like a State when Congress says it can be treated like a State. Things like the right to trial by jury, paying Federal taxes, other issues that apply only to States under the Constitution but which under the District clause to the Constitution when we apply it to the District, it is treated like a State.

And once again, looking at such conservative jurists as Ken Starr, Viet Dinh who wrote the PATRIOT Act for the Bush administration testified under oath as to its constitutionality. This shouldn’t ultimately be locked up in this. This should be about basic voting rights for the capital of the Free World.

Mr. ARCURI. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from New York has 3 minutes. The gentleman from Texas has 2 minutes.

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

Mr. SESSIONS. I thank the gentleman for inquiring. I would like to save my 2 minutes for my close and would like to ask if the gentleman would allow me 1 additional minute for a speaker that I have.

Mr. ARCURI. Mr. Speaker, I yield 1½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I just want to say, I will not object. I will not object, out of the sense of fairness that I hope that every Member will bring with them to the floor when the time comes to vote on this bill. I will not object, because Mr. ROHRABACHER, who may disagree with my bill, has at least understood that the Republic will not go on as long as the residents of the Nation's capital are denied a vote in the Congress and has himself introduced his own version of a voting rights bill.

Mr. ARCURI. Mr. Speaker, this is all about fairness. And in the spirit of fairness that the gentlewoman from the District of Columbia (Ms. NORTON) talks about, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS) for debate only.

□ 1130

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for yielding me the time, and I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, my friend was very correct when she said we should all be concerned about the rights of the people who live here in the District of Columbia, the fact that they have taxation without representation and then lack the voting rights other people do. However, what is being offered today is clearly unconstitutional. If we just go through this whole procedure and it gets thrown out by the Court, what have we accomplished?

There is an alternative. Unfortunately, that substitute was not made in order. There is an alternative which would give the people in this State not only the right to vote for a Representative in the House, but for a Senator and 11 congressional electors as well. The substitute, which would be constitutional, simply grants the citizens of the District of Columbia their State citizenship rights in Maryland, which is what happened in Virginia, of course, in the past, 100 years ago. My substitute would give the people of this city the right to vote for two Senators as well as a Representative as well as electors, and yet this was not permitted to come to the House here today. It is a substitute, and we were not allowed to vote on it here or to even consider it.

I would say there are some political considerations that have limited this debate at the expense of the people of this city. I would like to place in the RECORD a further description of the substitute legislation that I have in mind. And I would suggest that what we do is get politics out of this. Let us

give these people a right not only to vote for a Representative, here but for two Senators. We have it within our ability to do that.

The Rohrabacher substitute, essentially the text of H.R. 492, restores the full House, Senate, and Electoral College voting rights enjoyed by residents of the District of Columbia as citizens of Maryland from creation of the District in 1790 to the enactment of the Organic Act of 1801. By restoring the state citizenship rights of D.C. residents to vote for, run for, and serve as U.S. Representatives and Senators, the Rohrabacher substitute complies with the literal reading of Sections 2 and 3 of Article I of the Constitution requiring that Representatives and Senators come from states.

Like the base bill, the Rohrabacher substitute adds an additional Representative for the next state in line in the 2000 census (i.e., Utah), and permanently increases the membership of the House of Representatives to 437. The bill provides an additional Representative for Maryland, which for census purposes will include the population of the District of Columbia. Until redistricting is accomplished, D.C. would constitute the additional Maryland district by itself. When Maryland redistricts its congressional districts, its districts would have to be equal in population, but the District of Columbia could not be divided into more than one congressional district. Federal elections in D.C. would be conducted pursuant to Maryland election law, with the D.C. government treated as a local jurisdiction in Maryland for this purpose.

To avoid double counting in the Electoral College, the substitute exercises Congress's powers in both sections of the 23rd Amendment to provide that the D.C.'s own presidential electors not be appointed or cast votes. The bill would take effect with the 2008 election, with the new Representatives from Maryland and Utah taking office at the beginning of the 111th Congress, at which point the offices of D.C. delegate and D.C.'s shadow Representative and Senators would be abolished. Utah would be required to hold its 2008 and 2010 congressional elections in accordance with the four-district plan the state adopted in 2006.

Mr. SESSIONS. Mr. Speaker, I would like to, before I really begin, extend my thanks to the Members of Congress, including Mr. ARCURI, who has taken time and been very gracious in his professional nature today on the floor, as well as the other Members who have been here, and I want to thank them for working together with us.

Mr. Speaker, I will be urging Members to oppose the previous question so that I may offer an amendment to the rule which would make in order the constitutional amendment offered by Representative DANA ROHRABACHER, as described today, which was presented to the Rules Committee last night. At a minimum the House should be allowed to vote and debate on a practical, legal alternative.

Mr. Speaker, I urge all Members to reject the previous question. If the previous question is agreed to, I urge Members to reject the closed rule and the unconstitutional underlying measure.

Mr. Speaker, I ask unanimous consent to insert into the RECORD the amendment and extraneous material just prior to the vote on the previous question.

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

There was no objection.

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

Mr. ARCURI. Mr. Speaker, the nearly 600,000 citizens of Washington D.C. have waited far too long for equal representation in this Chamber. They have sacrificed their lives defending this great Nation, paid their fair share in taxes, and helped to build and run this great Nation.

We have an opportunity to correct this grave injustice and provide the citizens of our Nation's capital with the most important right of all, and that is, of course, the right to vote.

I want to commend the Delegate from Washington, D.C., for her tireless efforts that have brought us together on this historic day. It is that type of passion and commitment that further strengthens our democracy.

I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 260 OFFERED BY REP. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution, after conclusion of the time for debate on the bill it shall be in order without intervention of any point of order to consider the amendment in section 3, if offered by Mr. Rohrabacher of California or his designee. The amendment shall be considered as read, shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or demand for division of the question.

SEC. 4. The amendment referred to in section 3 is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "District of Columbia Voting Rights Restoration Act of 2007".

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) There is no reason, either historically or by virtue of law, why the people of the District of Columbia, the capital of the United States of America, should not have full voting representation in the Congress of the United States.

(2) Article I, section 8, clause 17 of the Constitution of the United States, which authorized the creation of the District of Columbia, provides only that the Congress shall have "exclusive legislation in all cases whatsoever" over that District.

(3) The same clause of the Constitution provides that Congress "shall exercise like authority over" other Federal territories that have been purchased from the States for Federal purposes. Residents of other Federal enclaves, though also denied voting rights after becoming subject to exclusive Federal jurisdiction, have had restored their right to vote for and serve as elected Federal officials from their respective States which ceded the Federal enclaves to the United States.

(4) Congress has exercised its authority to regulate Federal elections under article I, section 4 of the Constitution to set the legal requirements that States must follow in establishing Congressional districts. Congress

has also exercised this authority to require States to allow United States citizens who are former residents, and their children who are United States citizens, who are living overseas to vote in Federal elections in the previous State of residence, notwithstanding the fact that such former residents and their children may have no intention of returning or establishing residence in that State, and notwithstanding the fact that such citizens are not subject to the laws of that State, including tax laws.

(5) The entire territory of the current District of Columbia was ceded to the United States by the State of Maryland, one of the original 13 States of the United States. The portion of the original District of Columbia ceded to the United States by the Commonwealth of Virginia was returned to the authority of that state in 1846, and the people who now reside in that area vote as citizens of the Commonwealth of Virginia.

(6) The Supreme Court of the United States has found that the cession of legislative authority over the territory that became the District of Columbia by the States of Maryland and Virginia did not remove that territory from the United States, and that the people who live in that territory are entitled to all the rights, guarantees, and immunities of the Constitution that they formerly enjoyed as citizens of those States. *O'Donoghue v. United States*, 289 U.S. 516 (1933); *Downes v. Bidwell*, 182 U.S. 244 (1901). Among those guarantees are the right to equal protection of the laws and the right to participate, equally with other Americans, in a Republican form of government.

(7) Since the people who lived in the territory that now makes up the District of Columbia once voted in Maryland as citizens of Maryland, and Congress by adoption of the Organic Act of 1801 severed the political connection between Maryland and the District of Columbia by statute, Congress has the power by statute to restore Maryland state citizenship rights, including Federal electoral rights, that it took away by enacting the Organic Act of 1801.

**SEC. 3. RESTORATION OF RIGHT OF DISTRICT OF COLUMBIA RESIDENTS TO PARTICIPATE AS MARYLAND RESIDENTS IN CONGRESSIONAL ELECTIONS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of representation in the House of Representatives and Senate, the right of the people of the District of Columbia to be eligible to participate in elections for the House of Representatives and Senate as Maryland residents in accordance with the laws of the State of Maryland, is hereby restored.

(b) ELIGIBILITY TO HOLD CONGRESSIONAL OFFICE.—Notwithstanding any other provision of law, for purposes of determining eligibility to serve as a Member of the House of Representatives or Senate, the right of the residents of the District of Columbia to be considered inhabitants of the State of Maryland is hereby restored.

(c) EFFECTIVE DATE.—This section shall apply with respect to elections for Federal office occurring during 2008 and any succeeding year.

**SEC. 4. RESTORATION OF RIGHT OF DISTRICT OF COLUMBIA RESIDENTS TO PARTICIPATE AS MARYLAND RESIDENTS IN PRESIDENTIAL ELECTIONS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the right of the people of the District of Columbia to be eligible to participate in elections for electors of President and Vice President, and to serve as such electors as Maryland residents in accordance with the laws of the State of Maryland, is hereby restored.

(b) ELIGIBILITY TO SERVE AS ELECTORS.—Notwithstanding any other provision of law,

for purposes of determining eligibility to serve as electors of President and Vice President, the right of the residents of the District of Columbia to be considered inhabitants of the State of Maryland is hereby restored.

(c) TERMINATION OF APPOINTMENT OF SEPARATE ELECTORS BY DISTRICT OF COLUMBIA.—In accordance with the authority under sections 1 and 2 of the 23rd amendment to the Constitution and the authority under article I, Section 8, to legislate for the District of Columbia, and notwithstanding any other provision of law, Congress directs that no electors of President and Vice President shall be appointed by the District of Columbia and that no votes from such electors shall be cast or counted in the electoral vote for President and Vice President.

(d) CONFORMING AMENDMENT.—  
(1) IN GENERAL.—Chapter 1 of title 3, United States Code, is amended by striking section 21.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 3, United States Code, is amended by striking the item relating to section 21.

**SEC. 5. COMPOSITION OF HOUSE OF REPRESENTATIVES.**

(a) NUMBER AND APPORTIONMENT OF MARYLAND MEMBERS.—For purposes of determining the number and apportionment of the members of the House of Representatives from the State of Maryland for the One Hundred Eleventh Congress and each succeeding Congress, the population of the District of Columbia shall be added to the population of Maryland under the decennial census.

(b) INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.—

(1) PERMANENT INCREASE IN NUMBER OF MEMBERS.—Effective with respect to the One Hundred Eleventh Congress and each succeeding Congress, the House of Representatives shall be composed of 437 Members.

(2) REAPPORTIONMENT OF MEMBERS RESULTING FROM INCREASE.—

(A) IN GENERAL.—Section 22(a) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking “the then existing number of Representatives” and inserting “the number of Representatives established with respect to the One Hundred Eleventh Congress”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply with respect to the regular decennial census conducted for 2010 and each subsequent regular decennial census.

(c) REVISION OF APPORTIONMENT PRIOR TO NEXT CENSUS.—

(1) TRANSMITTAL OF REVISED APPORTIONMENT INFORMATION BY PRESIDENT AND CLERK.—

(A) STATEMENT OF APPORTIONMENT BY PRESIDENT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress a revised version of the most recent statement of apportionment submitted under section 22(a) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a(a)), to take into account this section and the amendments made by this section.

(B) REPORT BY CLERK.—Not later than 15 calendar days after receiving the revised version of the statement of apportionment under subparagraph (A), the Clerk of the House of Representatives, in accordance with section 22(b) of such Act (2 U.S.C. 2a(b)), shall send to the executive of the State (other than the State of Maryland) entitled

to one additional Representative pursuant to this section a certificate of the number of Representatives to which such State is entitled under section 22 of such Act, and shall submit a report identifying that State to the Speaker of the House of Representatives.

(2) COMPOSITION OF CONGRESSIONAL DISTRICTS FOR AFFECTED STATE.—Until the taking effect of the first reapportionment occurring after the regular decennial census conducted for 2010, the Congressional districts of the State identified by the Clerk of the House of Representatives in the report submitted under paragraph (1) shall be those districts established under a law enacted by the State during 2006 (without regard to any amendments made to such law after 2006) which established Congressional districts for the State but which did not take effect because the number of districts provided under the law was greater than the number of districts to which the State was finally entitled after the regular decennial census for 2000.

(d) PROHIBITING DIVISION OF DISTRICT OF COLUMBIA INTO SEPARATE CONGRESSIONAL DISTRICTS.—

(1) IN GENERAL.—Notwithstanding subsection (a), in establishing Congressional districts after the effective date of this section, the State of Maryland shall ensure that the entire area of the District of Columbia is included in the same Congressional district (except as provided in paragraph (2)).

(2) SPECIAL RULE IF POPULATION OF DISTRICT EQUALS OR EXCEEDS AVERAGE POPULATION OF MARYLAND CONGRESSIONAL DISTRICTS.—If the population of the District of Columbia equals or exceeds the average population of a Congressional district in the State of Maryland under the decennial census used for the apportionment of the Members of the House of Representatives from the State of Maryland, the State of Maryland shall ensure that at least one Congressional district in the State consists exclusively of territory within the District of Columbia.

(3) SPECIAL RULE FOR INITIAL DISTRICT.—Until the State of Maryland establishes Congressional districts to take into account the enactment of this section, the Congressional district of the additional Representative to which the State is entitled under this section shall consist exclusively of the area of the District of Columbia.

**SEC. 6. COORDINATION OF ELECTION ADMINISTRATION.**

(a) APPLICATION OF MARYLAND ELECTION LAWS.—

(1) IN GENERAL.—Federal elections in the District of Columbia shall be administered and carried out by the State of Maryland, in accordance with the applicable laws of the State of Maryland.

(2) TREATMENT OF DISTRICT AS UNIT OF LOCAL GOVERNMENT.—For purposes of the laws of the State of Maryland which apply to Federal elections in the District of Columbia pursuant to paragraph (1), the District of Columbia shall be considered to be a unit of local government within the State of Maryland with responsibility for the administration of Federal elections.

(b) TREATMENT OF DISTRICT OF COLUMBIA AS PART OF MARYLAND UNDER HELP AMERICA VOTE ACT OF 2002.—Section 901 of the Help America Vote Act of 2002 (42 U.S.C. 15541) is amended—

(1) by striking “the District of Columbia”;

(2) by striking “In this Act” and inserting “(a) IN GENERAL. In this Act”; and

(3) by adding at the end the following new subsection:

“(b) SPECIAL RULE FOR STATE OF MARYLAND AND DISTRICT OF COLUMBIA.—For purposes of this Act, the following shall apply: “(1) The voting age population of the State of Maryland shall be considered to include the voting age population of the District of

Columbia for purposes of sections 101(d)(4) and 252(b).

“(2) The District of Columbia shall be considered a unit of local government or jurisdiction located within the State of Maryland.

“(3) An election for Federal office taking place in the District of Columbia shall be considered to take place in the State of Maryland.”.

(c) CONFORMING AMENDMENTS TO OTHER FEDERAL ELECTION LAWS.—

(1) UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—

(A) IN GENERAL.—Title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by adding at the end the following new section:

**“SEC. 108. SPECIAL RULE FOR STATE OF MARYLAND AND DISTRICT OF COLUMBIA.**

“For purposes of this title, the following shall apply:

“(1) An absent uniformed services voter or overseas voter who is a resident of the District of Columbia shall be considered to be a resident of the State of Maryland.

“(2) An election for Federal office taking place in the District of Columbia shall be considered to take place in the State of Maryland.

“(3) The State of Maryland, and the election officials of the State of Maryland, shall be responsible for carrying out the provisions of this title with respect to voters who are residents of the District of Columbia.”.

(B) CONFORMING AMENDMENT.—Section 107(6) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—6) is amended by striking “the District of Columbia.”.

(2) NATIONAL VOTER REGISTRATION ACT OF 1973.—

(A) IN GENERAL.—The National Voter Registration Act of 1973 (42 U.S.C. 1973gg et seq.) is amended—

(i) by redesignating section 13 as section 14; and

(ii) by adding at the end the following new section:

**“SEC. 12. SPECIAL RULE FOR STATE OF MARYLAND AND DISTRICT OF COLUMBIA.**

“For purposes of this Act, the following shall apply:

“(1) The District of Columbia shall be considered a registrar’s jurisdiction within the State of Maryland.

“(2) An election for Federal office taking place in the District of Columbia shall be considered to take place in the State of Maryland.

“(3) The State of Maryland, and the election officials of the State of Maryland, shall be responsible for carrying out this Act with respect to the District of Columbia, except that—

“(A) section 5 shall apply to motor vehicle driver’s license applications and the motor vehicle authority of the District of Columbia in the same manner as that section applies to a State, and the State of Maryland shall provide the District of Columbia with such forms and other materials as the District of Columbia may require to carry out that section; and

“(B) the District of Columbia shall designate voter registration agencies under section 7 in the same manner as a State, and the State of Maryland shall provide the District of Columbia with such forms and other materials as the District of Columbia may require to carry out that section.”.

(B) CONFORMING AMENDMENT.—Section 3(4) of such Act (42 U.S.C. gg—1(4)) is amended by striking “and the District of Columbia”.

(3) VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT.—

(A) IN GENERAL.—The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) is amended—

(i) by redesignating section 8 as section 9; and

(ii) by inserting after section 7 the following new section:

**“SPECIAL RULE FOR STATE OF MARYLAND AND DISTRICT OF COLUMBIA**

“Sec. 8. For purposes of this Act, the following shall apply:

“(1) The District of Columbia shall be considered a political subdivision of the State of Maryland.

“(2) An election for Federal office taking place in the District of Columbia shall be considered to take place in the State of Maryland.

“(3) The State of Maryland shall be responsible for carrying out this Act with respect to the District of Columbia.”.

(B) CONFORMING AMENDMENT.—Section 8(5) of such Act (42 U.S.C. 1973ee—6(5)) is amended by striking “the District of Columbia.”.

(d) CONFORMING AMENDMENT TO HOME RULE ACT.—Section 752 of the District of Columbia Home Rule Act (sec. 1—207.52, D.C. Official Code) is amended by striking the period at the end and inserting the following: “, except to the extent required under section 5 of the District of Columbia Voting Rights Restoration Act of 2007.”.

(e) OTHER CONFORMING AMENDMENT TO DISTRICT OF COLUMBIA ELECTION LAW.—The District of Columbia Elections Code of 1955 is amended by adding at the end the following new section:

**“SEC. 18. APPLICABILITY OF MARYLAND ELECTION LAW FOR ADMINISTRATION OF FEDERAL ELECTIONS.**

“Notwithstanding any other provision of this Code or other law or regulation of the District of Columbia—

“(1) any election for Federal office in the District of Columbia shall be administered and carried out by the State of Maryland, in accordance with the applicable law of the State of Maryland; and

“(2) no provision of this Code shall apply with respect to any election for Federal office to the extent that the provision is inconsistent with the applicable law of the State of Maryland.”.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to elections for Federal office occurring during 2008 and any succeeding year.

**SEC. 7. REPEAL OF OFFICE OF DISTRICT OF COLUMBIA DELEGATE.**

(a) REPEAL OF OFFICE.—

(1) IN GENERAL.—Sections 202 and 204 of the District of Columbia Delegate Act (Public Law 91—405; sections 1—401 and 1—402, D.C. Official Code) are repealed, and the provisions of law amended or repealed by such sections are restored or revived as if such sections had not been enacted.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date on which a Representative from Maryland who is elected from a Congressional district which includes the District of Columbia takes office for the One Hundred Eleventh Congress.

(b) CONFORMING AMENDMENTS TO DISTRICT OF COLUMBIA ELECTIONS CODE OF 1955.—

(1) IN GENERAL.—The District of Columbia Elections Code of 1955 is amended—

(A) in section 1 (sec. 1—1001.01, D.C. Official Code), by striking “the Delegate to the House of Representatives”; and

(B) in section 2 (sec. 1—1001.02, D.C. Official Code)—

(i) by striking paragraph (6), and

(ii) in paragraph (13), by striking “the Delegate to Congress for the District of Columbia”;

(C) in section 8 (sec. 1—1001.08, D.C. Official Code)—

(i) by striking “Delegate” in the heading, and

(ii) by striking “Delegate,” each place it appears in subsections (h)(1)(A), (i)(1), and (j)(1);

(D) in section 10 (sec. 1—1001.10, D.C. Official Code)—

(i) by striking subparagraph (A) of subsection (a)(3), and

(ii) in subsection (d)—

(I) by striking “Delegate,” each place it appears in paragraph (1), and

(II) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(E) in section 15(b) (sec. 1—1001.15(b), D.C. Official Code), by striking “Delegate.”; and

(F) in section 17(a) (sec. 1—1001.17(a), D.C. Official Code), by striking “except the Delegate to the Congress from the District of Columbia”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to elections occurring during 2008 and any succeeding year.

**SEC. 8. REPEAL OF OFFICES OF STATEHOOD REPRESENTATIVE AND SENATOR.**

(a) REPEAL OF OFFICES.—

(1) IN GENERAL.—Section 4 of the District of Columbia Statehood Constitutional Convention Initiative of 1979 (sec. 1—123, D.C. Official Code) is amended by striking subsections (d) through (h).

(2) CONFORMING AMENDMENTS.—

(A) STATEHOOD COMMISSION.—Section 6 of such Initiative (sec. 1—125, D.C. Official Code) is amended—

(i) in subsection (a)—

(I) by striking “27 voting members” and inserting “24 voting members”;

(II) by adding “and” at the end of paragraph (4); and

(III) by striking paragraphs (5) and (6) and redesignating paragraph (7) as paragraph (5); and

(ii) in subsection (a—1)(1), by striking subparagraphs (F), (G), and (H).

(B) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of such Initiative (sec. 1—127, D.C. Official Code) is hereby repealed.

(C) APPLICATION OF HONORARIA LIMITATIONS.—Section 4 of D.C. Law 8—135 (sec. 1—131, D.C. Official Code) is hereby repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date on which a Representative from Maryland who is elected from a Congressional district which includes the District of Columbia takes office for the One Hundred Eleventh Congress.

(b) CONFORMING AMENDMENTS RELATING TO ELECTIONS.—

(1) APPLICATION OF CAMPAIGN FINANCE LAWS.—Section 3 of the Statehood Convention Procedural Amendments Act of 1982 (sec. 1—135, D.C. Official Code) is hereby repealed.

(2) LIST OF ELECTED OFFICIALS.—Section 2(13) of the District of Columbia Elections Code of 1955 (sec. 1—1001.02(13), D.C. Official Code) is amended by striking “United States Senator and Representative.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to elections occurring during 2008 and any succeeding year.

**SEC. 9. NONSEVERABILITY OF CERTAIN PROVISIONS.**

If any provision of sections 3, 5(a), or 5(b) of this Act, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this Act or any amendment made by this Act shall be treated as invalid.

**SEC. 10. RULES OF CONSTRUCTION.**

Nothing in this Act may be construed—

(1) to permit residents of the District of Columbia to vote in elections for State or local office in the State of Maryland or to permit nonresidents of the District of Columbia to vote in elections for local office in the District of Columbia;

(2) to affect the power of Congress under article I, section 8, clause 17 of the Constitution to exercise exclusive legislative authority over the District of Columbia; or

(3) to affect the powers of the Government of the District of Columbia under the District of Columbia Home Rule Act (except as specifically provided in this Act).

Amend the title so as to read: "A bill to restore the Federal electoral rights of the residents of the District of Columbia, and for other purposes."

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection

of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. SESSIONS. Mr. 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.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 260 will be followed by 5-minute votes, if ordered, on adopting House Resolution 260; and suspending the rules and agreeing to House Concurrent Resolution 66.

The vote was taken by electronic device, and there were—yeas 228, nays 198, not voting 7, as follows:

[Roll No. 179]  
YEAS—228

Abercrombie  
Ackerman  
Allen  
Altmire  
Andrews  
Arcuri  
Arcuelli  
Baca  
Baird  
Baldwin  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Boucher  
Boyd (FL)  
Boyd (KS)  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson  
Castor  
Chandler  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cramer  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis, Lincoln  
DeFazio  
DeGette  
DeLauro  
Dicks  
Dingell  
Doggett  
Donnelly  
Doyle  
Edwards  
Ellison  
Ellsworth  
Emanuel  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Frank (MA)  
Giffords  
Gillibrand  
Gonzalez  
Gordon  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Herseth  
Higgins  
Hill  
Hinchev  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslie  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Jones (OH)  
Kagen  
Kaptur  
Kennedy  
Kildee  
Kilpatrick  
Kind  
Klein (FL)  
Kucinich  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larsen (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey

Lynch  
Mahoney (FL)  
Maloney (NY)  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McNerney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Melancon  
Michael  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascarell  
Pastor  
Payne  
Perlmutter  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Space  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
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Aderholt  
Akin  
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Bachmann  
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Baker  
Barrett (SC)  
Barrow  
Bartlett (MD)  
Barton (TX)  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono  
Boozman  
Boustany  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Carter  
Castle  
Chabot  
Coble  
Cole (OK)  
Conaway  
Crenshaw  
Cubin  
Culberson  
Davis (KY)  
Davis, David  
Kind  
Davis, Tom  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Drake  
Dreier  
Duncan  
Ehlers  
Emerson  
English (PA)  
Everett  
Fallin  
Feeney  
Ferguson  
Flake  
Forbes  
Fortenberry  
Fossella  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gilchrest  
Gillmor  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Granger  
Graves  
Hall (TX)  
Hastert  
Hastings (WA)  
Hayes  
Heller  
Hensarling  
Herger  
Hobson  
Hoekstra  
Hulshof  
Hunter  
Inglis (SC)  
Issa  
Jindal  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Jordan  
Keller  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Knollenberg  
Kuhl (NY)  
LaHood  
Lamborn  
Latham  
LaTourette  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul (TX)  
McCotter  
McCreery  
McHenry  
McHugh  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy, Tim  
Musgrave  
Myrick  
Neugebauer  
Nunes  
Paul  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Porter  
Price (GA)  
Pryce (OH)  
Putnam  
Ramstad  
Regula  
Rehberg  
Reichert  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Sali  
Saxton  
Schmidt  
Sensenbrenner  
Sessions  
Shadegg  
Shays  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns

Sullivan Upton Westmoreland  
 Tancred Walberg Whitfield  
 Terry Walden (OR) Wicker  
 Thornberry Walsh (NY) Wilson (NM)  
 Tiahrt Wamp Wilson (SC)  
 Tiberi Weldon (FL) Wolf  
 Turner Weller Young (AK)

NOT VOTING—7

Davis, Jo Ann Johnson, E. B. Young (FL)  
 Deal (GA) Kanjorski  
 Delahunt Radanovich

□ 1156

Mr. CARDOZA and Mr. PASTOR changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:  
 Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 180, had I been present, I would have voted “yea.”

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 195, not voting 12, as follows:

[Roll No. 180]

AYES—226

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

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

NOES—195

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

NOT VOTING—12

Davis, Jo Ann Green, Gene Johnson, E. B.  
 Deal (GA) Gutierrez Kanjorski

Lewis (GA) Rush Whitfield  
 Radanovich Taylor Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1205

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.

PERMITTING USE OF ROTUNDA FOR A CEREMONY COMMEMORATING THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

The SPEAKER pro tempore (Mrs. TAUSCHER). The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 66, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 66.

This will be a 5-minute vote. The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 9, as follows:

[Roll No. 181]

YEAS—424

Abercrombie Brown, Corrine Davis (KY)  
 Ackerman Brown-Waite, Davis, David  
 Aderholt Ginny Davis, Lincoln  
 Akin Buchanan Davis, Tom  
 Alexander Burgess DeFazio  
 Allen Burton (IN) DeGette  
 Altmire Butterfield Delahunt  
 Andrews Buyer DeLauro  
 Arcuri Calvert Dent  
 Baca Camp (MI) Diaz-Balart, L.  
 Bachmann Campbell (CA) Diaz-Balart, M.  
 Bachus Cannon Dicks  
 Baird Cantor Dingell  
 Baker Capito Doggett  
 Baldwin Capps Donnelly  
 Barret (SC) Capuano Doolittle  
 Barrow Cardoza Doyle  
 Bartlett (MD) Carnahan Drake  
 Barton (TX) Carney Dreier  
 Bean Carson Duncan  
 Becerra Carter Edwards  
 Berkley Castle Ehlers  
 Berman Castor Ellison  
 Berry Chabot Ellsworth  
 Biggert Chandler Emanuel  
 Bilbray Clarke Emerson  
 Bilirakis Clay Engel  
 Bishop (GA) Cleaver English (PA)  
 Bishop (NY) Clyburn Eshoo  
 Bishop (UT) Coble Etheridge  
 Blackburn Cohen Everett  
 Blumenauer Cole (OK) Fallon  
 Blunt Conaway Farr  
 Boehner Conyers Fattah  
 Bonner Cooper Feeney  
 Bono Costa Ferguson  
 Boozman Costello Filner  
 Boren Courtney Flake  
 Boswell Crenshaw Forbes  
 Boucher Crowley Fortenberry  
 Boustany Cubin Fossella  
 Boyd (FL) Cuellar Foxx  
 Boyda (KS) Culberson Frank (MA)  
 Brady (PA) Cummings Franks (AZ)  
 Brady (TX) Davis (AL) Frelinghuysen  
 Braley (IA) Davis (CA) Gallegly  
 Brown (SC) Davis (IL) Garrett (NJ)