115TH CONGRESS  2D SESSION  H. RES.  ______

Amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union; to file, sign, and call up discharge petitions; to cast votes in the election of the Speaker and other officers of the House; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. Bordallo submitted the following resolution; which was referred to the Committee on ____________________________

RESOLUTION

Amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union; to file, sign, and call up discharge petitions; to cast votes in the election of the Speaker and other officers of the House; and for other purposes.

1  Resolved,

2  SECTION 1. FINDINGS AND SENSE OF THE HOUSE.

3  (a) FINDINGS.—The House of Representatives finds

4  that—
(1) The Delegates and the Resident Commissioner are elected by more than 4.5 million Americans residing in United States territories and the District of Columbia and take the same oath to uphold the Constitution as other Members of Congress.

(2) Under the Rules of the House of Representatives, the Delegates and the Resident Commissioner may sponsor and cosponsor legislation; offer amendments; participate in debate (including managing time); offer motions, raise points of order and questions of personal privilege; call a Member to order; appeal rulings of the chair; file reports for committees; object to the consideration of a bill; and move impeachment proceedings on the floor of the House.

(3) Under clause 3 of rule III of the Rules of the House of Representatives:

(A) Delegates and the Resident Commissioner are elected to serve on standing committees in the same manner as other Members of the House and have the same parliamentary powers and privileges as other Members of the House elected to such standing committees; and

(B) the Speaker of the House is authorized to appoint Delegates and the Resident Commissioner to select, joint, and conference commit-
tees in the same manner as other Members of the House.

(4) During the 103rd (1993-1994), 110th (2007-2008) and 111th (2009-2010) Congresses, the Rules of the House of Representatives permitted Delegates and the Resident Commissioner to cast votes in the Committee of the Whole House on the state of the Union, subject to immediate reconsideration in the House when their recorded votes had been decisive in the Committee.

(5) The Parliamentarian of the House has an existing standard established by precedent to determine whether votes of the Delegates and the Resident Commissioner on a question were decisive.

(6) In the Committee of the Whole House on the state of the Union, votes of the Delegates and the Resident Commissioner were—

(A) decisive on three occasions in the 103rd Congress (1993-1994), and thus subject to automatic revote by the House;

(B) in no instances decisive during the 110th Congress (2007-2008); and

(C) decisive on one occasion during the 111th Congress (2009-2010), and thus subject to an automatic revote by the House.
(7) In 1994, the United States Court of Appeals for the District of Columbia Circuit ruled in *Michel v. Anderson*, 14 F.3d 623 (D.C. Cir. 1994), upholding the constitutionality of permitting the Delegates and Resident Commissioner to cast non-decisive votes in the Committee of the Whole House on the state of the Union, under the Rules of the House of Representatives.

(b) Sense of the House.—It is the sense of the House of Representatives that each Delegate and the Resident Commissioner shall continue to be permitted to preside over the Committee of the Whole House on the state of the Union, pursuant to the first sentence of clause 1 of rule XVIII of the Rules of the House of Representatives, as amended by H.Res.5 (Adopting rules for the One Hundred Fifteenth Congress) agreed to in the House on January 3, 2017.

SEC. 2. VOTING BY DELEGATES AND RESIDENT COMMISSIONER IN COMMITTEE OF THE WHOLE.

(a) Permitting Votes To Be Cast.—Clause 3(a) of rule III of the Rules of the House of Representatives is amended to read as follows:

"3. (a) In a Committee of the Whole House on the state of the Union, each Delegate and the Resident Commissioner shall possess the same powers and privileges as
Members of the House. Each Delegate and the Resident Commissioner shall be elected to serve on standing committees in the same manner as Members of the House and shall possess in such committees the same powers and privileges as the other members of the committee.”

(b) REPEATING OF CERTAIN VOTES.—Clause 6 of rule XVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

“(h) Whenever a recorded vote on any question has been decided by a margin within which the votes cast by the Delegates and the Resident Commissioner have been decisive, the Committee of the Whole shall rise and the Speaker shall put such question de novo without intervening motion. Upon the announcement of the vote on that question, the Committee of the Whole shall resume its sitting without intervening motion.”.

(c) ESTABLISHING QUORUM IN COMMITTEE OF THE WHOLE.—The first sentence of clause 6(a) of rule XVIII of the Rules of the House of Representatives is amended by inserting “, including Delegates and the Resident Commissioner” before the period at the end.
SEC. 3. PERMITTING DELEGATES TO FILE, SIGN, AND CALL UP DISCHARGE PETITIONS.

That clause 2 of rule XV of the Rules of the House of Representatives is amended as follows:

(1) In paragraph (b), after “Member” each place it appears insert “, Delegate, or Resident Commissioner”.

(2) In paragraph (c), after “Member” insert “, Delegate, or Resident Commissioner” and after “Members” each place it appears insert “, Delegates, or Resident Commissioner”.

(3) In the fifth sentence of paragraph (c), after “a majority of the total membership of the House”, insert “, plus all Delegates and the Resident Commissioner,”.

(4) In paragraph (d)(1), after “Member” insert “, Delegate, or Resident Commissioner”.

(5) In paragraph (e)(2), after “Member” insert “, Delegate, or Resident Commissioner”.

SEC. 4. PERMITTING DELEGATES TO CAST VOTES IN ELECTIONS FOR SPEAKER AND OTHER HOUSE OFFICERS.

Clause 1 of rule II of the Rules of the House of Representatives is amended by adding at the end the following new sentence: “Delegates and the Resident Commissioner
may cast votes for the election of the Speaker and the
officers referred to in this clause.”.

SEC. 5. APPOINTMENT OF SPEAKER PRO TEMPORE.

(a) APPOINTMENT OF CHAIR.—Clause 8 of rule I of
the Rules of the House of Representatives is amended:

(1) By inserting “, Delegate, or Resident Com-
missioner” after “Member” each place it appears;
and

(2) By inserting “, Delegates, or Resident Com-
missioner” after “Members” each place it appears.

(b) COMMENCEMENT OF FIRST SESSION.—Clause
2(a) of rule II of the Rules of the House of Representa-
tives is amended by inserting “, Delegate, or Resident
Commissioner” after “Member” the first place that term
appears.