

Del. Madeleine Bordallo (GU)

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 (1) The Delegates and the Resident Commis-
2 sioner are elected by more than 4.5 million Ameri-
3 cans residing in United States territories and the
4 District of Columbia and take the same oath to up-
5 hold the Constitution as other Members of Congress.

6 (2) Under the Rules of the House of Represent-
7 atives, the Delegates and the Resident Commissioner
8 may sponsor and cosponsor legislation; offer amend-
9 ments; participate in debate (including managing
10 time); offer motions, raise points of order and ques-
11 tions of personal privilege; call a Member to order;
12 appeal rulings of the chair; file reports for commit-
13 tees; object to the consideration of a bill; and move
14 impeachment proceedings on the floor of the House.

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

17 (A) Delegates and the Resident Commis-
18 sioner are elected to serve on standing commit-
19 tees in the same manner as other Members of
20 the House and have the same parliamentary
21 powers and privileges as other Members of the
22 House elected to such standing committees; and

23 (B) the Speaker of the House is authorized
24 to appoint Delegates and the Resident Commis-
25 sioner to select, joint, and conference commit-

1 tees in the same manner as other Members of
2 the House.

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

11 (5) The Parliamentarian of the House has an
12 existing standard established by precedent to deter-
13 mine whether votes of the Delegates and the Resi-
14 dent Commissioner on a question were decisive.

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

18 (A) decisive on three occasions in the
19 103rd Congress (1993-1994), and thus subject
20 to automatic revote by the House;

21 (B) in no instances decisive during the
22 110th Congress (2007-2008); and

23 (C) decisive on one occasion during the
24 111th Congress (2009-2010), and thus subject
25 to an automatic revote by the House.

1 (7) In 1994, the United States Court of Ap-
2 peals for the District of Columbia Circuit ruled in
3 *Michel v. Anderson*, 14 F.3d 623 (D.C. Cir. 1994),
4 upholding the constitutionality of permitting the
5 Delegates and Resident Commissioner to cast non-
6 decisive votes in the Committee of the Whole House
7 on the state of the Union, under the Rules of the
8 House of Representatives.

9 (b) SENSE OF THE HOUSE.—It is the sense of the
10 House of Representatives that each Delegate and the Resi-
11 dent Commissioner shall continue to be permitted to pre-
12 side over the Committee of the Whole House on the state
13 of the Union, pursuant to the first sentence of clause 1
14 of rule XVIII of the Rules of the House of Representa-
15 tives, as amended by H.Res.5 (Adopting rules for the One
16 Hundred Fifteenth Congress) agreed to in the House on
17 January 3, 2017.

18 **SEC. 2. VOTING BY DELEGATES AND RESIDENT COMMIS-**
19 **SIONER IN COMMITTEE OF THE WHOLE.**

20 (a) PERMITTING VOTES TO BE CAST.—Clause 3(a)
21 of rule III of the Rules of the House of Representatives
22 is amended to read as follows:

23 “3. (a) In a Committee of the Whole House on the
24 state of the Union, each Delegate and the Resident Com-
25 missioner shall possess the same powers and privileges as

1 Members of the House. Each Delegate and the Resident
2 Commissioner shall be elected to serve on standing com-
3 mittees in the same manner as Members of the House and
4 shall possess in such committees the same powers and
5 privileges as the other members of the committee.”.

6 (b) REPEATING OF CERTAIN VOTES.—Clause 6 of
7 rule XVIII of the Rules of the House of Representatives
8 is amended by adding at the end the following new para-
9 graph:

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

18 (c) ESTABLISHING QUORUM IN COMMITTEE OF THE
19 WHOLE.—The first sentence of clause 6(a) of rule XVIII
20 of the Rules of the House of Representatives is amended
21 by inserting “, including Delegates and the Resident Com-
22 missioner” before the period at the end.

1 **SEC. 3. PERMITTING DELEGATES TO FILE, SIGN, AND CALL**
2 **UP DISCHARGE PETITIONS.**

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

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

8 (2) In paragraph (c), after “Member” insert “,
9 Delegate, or Resident Commissioner” and after
10 “Members” each place it appears insert “, Dele-
11 gates, or Resident Commissioner”.

12 (3) In the fifth sentence of paragraph (c), after
13 “a majority of the total membership of the House”,
14 insert “, plus all Delegates and the Resident Com-
15 missioner,”.

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

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

20 **SEC. 4. PERMITTING DELEGATES TO CAST VOTES IN ELEC-**
21 **TIONS FOR SPEAKER AND OTHER HOUSE OF-**
22 **FIGERS.**

23 Clause 1 of rule II of the Rules of the House of Rep-
24 resentatives is amended by adding at the end the following
25 new sentence: “Delegates and the Resident Commissioner

1 may cast votes for the election of the Speaker and the
2 officers referred to in this clause.”.

3 **SEC. 5. APPOINTMENT OF SPEAKER PRO TEMPORE.**

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

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

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

11 (b) COMMENCEMENT OF FIRST SESSION.—Clause
12 2(a) of rule II of the Rules of the House of Representa-
13 tives is amended by inserting “, Delegate, or Resident
14 Commissioner” after “Member” the first place that term
15 appears.