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109TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
109–10

PROVIDING FOR CONSIDERATION OF H.R. 841, CONTINUITY IN REPRESENTATION ACT OF 2005

MARCH 1, 2005.—Referred to the House Calendar and ordered to be printed

Mr. COLE of Oklahoma, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 125]

The Committee on Rules, having had under consideration House Resolution 125, by a non-record vote, reports the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 841, the Continuity in Representation Act of 2005, under a structured rule. The rule provides 60 minutes of general debate with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the bill shall be considered as an original bill for the purpose of amendment, which shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in this report, and provides that those amendments may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in this report. Finally, the rule provides one motion to recommit with or without instructions.

39–008

The waiver of all points of order against the committee amendment in the nature of a substitute is necessary because it violates clause 7 of rule XVI.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 5

Date: March 1, 2005.
Measure: H.R. 841, Continuity in Representation Act of 2005.
Motion by: Mrs. Slaughter.
Summary of motion: To grant an open rule.
Results: Defeated 3 to 7.
Vote by Members: Hastings (WA)—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Millender-McDonald: Replaces the bill's 45-day overall time limit for conducting expedited special elections with a 60-day overall time limit. (30 minutes)
2. Jackson-Lee: Affects the time in which a person may file a lawsuit arising out of the Speaker's announcement of vacancies in excess of 100 by expanding the ability of an aggrieved party to file suit for either declaratory or injunctive relief from two days to five days. Also extends the right to appeal initial decisions on the 45 day special election and expands who can intervene in the lawsuits from the executive authority of the state to any citizen or group of citizens. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLENDER-MCDONALD OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 30 MINUTES

In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike "45 days" and insert "60 days".

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON-LEE OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 26(b)(4)(B)(i) of the Revised Statutes of the United States, as proposed to be added by the bill, strike "2 days" and insert "5 days".

In section 26(b)(4)(B)(iii) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after "the action" the following: "(taking into account an opportunity for an expedited appeal of the initial decision)".

In section 26(b)(4)(B)(iv) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after "vacant" the

following: "and any citizen of the district or any group of citizens of the State".

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