

PROVIDING FOR CONSIDERATION OF 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

MARCH 21, 2007.—Referred to the House Calendar and ordered to be printed

Mr. ARCURI, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 260]

The Committee on Rules, having had under consideration House Resolution 260, by a record vote of 7 to 4, report 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 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. The resolution provides for one hour and twenty minutes of general debate, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution considers as adopted the amendment printed in this report and considers the bill, as amended, as read. The resolution waives all points of order against the bill, as amended. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except for those arising under clauses 9 or 10 of rule XXI), the Committee is not aware of any points of order against consideration of the bill. The waiver of all points of order against consideration of the bill is prophylactic in nature. The waiver of all points of order against the provisions in the bill, as amended, in-

cludes a waiver of clause 5(a) of rule XXI (prohibiting tax or tariff provisions in a bill not reported by a committee with jurisdiction over revenue measures).

COMMITTEE VOTES

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. 86

Date: March 21, 2007.

Measure: H.R. 1433.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Lamar Smith (#8) to guarantee an expedited judicial review of the constitutionality of the legislation by the Supreme Court.

Results: Defeated 4–7.

Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 87

Date: March 21, 2007.

Measure: H.R. 1433.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Sensenbrenner (#7) that would strike its requirement that the new Utah seat be filled at large, and results in Utah using the new boundaries that its State legislature adopted late last year.

Results: Defeated 4–7.

Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 88

Date: March 21, 2007.

Measure: H.R. 1433.

Motion by: Mr. Diaz-Balart.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Bishop (#3) that would ensure that the at-large representative for Utah will be elected via the regular election process in 2008, rather than through an immediate special election.

Results: Defeated 4–7.

Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 89

Date: March 21, 2007.

Measure: H.R. 1433.

Motion by: Mr. Diaz-Balart.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Westmoreland (#5) that would explicitly state that the District of Columbia may not be considered a State for the purposes of Senate representation.

Results: Defeated 4–7.

Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 90

Date: March 21, 2007.

Measure: H.R. 1433.

Motion by: Mr. Hastings of Washington.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Cannon (#2) to remove the language of the bill mandating the “at large” seat in Section 4(c)(3) and leaves it to the state to decide how to proceed in filling the new seat.

Results: Defeated 4–7.

Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 91

Date: March 21, 2007.

Measure: H.R. 1433.

Motion by: Mr. Hastings of Washington.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Issa (#6) to state that it is because the District of Columbia is drawn from the State of Maryland that it may be considered a congressional district for purposes of representation in the House of Representatives through legislation.

Results: Defeated 4–7.

Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 92

Date: March 21, 2007.

Measure: H.R. 1433.

Motion by: Mr. Sessions.

Summary of motion: To report an open rule.

Results: Defeated 4–7.

Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 93

Date: March 21, 2007.

Measure: H.R. 1433.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. McHenry (#13) to state that it is a Sense of Congress that because the new DC Representative will take the same oath of office as other Representatives to uphold

and defend the Constitution, including the 2nd Amendment, the DC Representative should act to preserve for DC residents the individual right to keep and bear arms, as provided in the 2nd amendment to the Constitution and upheld by the US Court of Appeals.

Results: Defeated 4–7.

Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 94

Date: March 21, 2007.

Measure: H.R. 1433.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Flake (#9) that would make the two seat increase in the House temporary instead of permanent. Following the next regular decennial census in 2010, reapportionment of the number of seats in the House would be based on 435 Members, as opposed to 437 Members.

Results: Defeated 4–7.

Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 95

Date: March 21, 2007.

Measure: H.R. 1433.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment in the nature of a substitute by Rep. Rohrabacher (#1) to amend the law to treat DC residents as Maryland citizens for the purposes of federal elections.

Results: Defeated 4–7.

Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 96

Date: March 21, 2007.

Measure: H.R. 1433.

Motion by: Mr. Hastings of Florida.

Summary of motion: To report the rule.

Results: Adopted 7–4.

Vote by Members: Hastings (FL)—Yea; Matsui—Yea; Cardoza—Yea; Welch—Yea; Castor—Yea; Arcuri—Yea; Dreier—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Slaughter—Yea.

SUMMARY OF AMENDMENT CONSIDERED AS ADOPTED

The amendment would (1) strike section 2, which would have included various findings pertaining to the District of Columbia and its lack of congressional representation; (2) strike section 4(d) which would have required the District and Utah Representatives to be sworn in and seated on the same day; (3) offset spending for Utah's new seat by adjusting estimated tax payments for certain

individuals by 0.003%; and (4) strike section 6, which would have repealed the Office of Statehood Representative.

TEXT OF AMENDMENT CONSIDERED AS ADOPTED

Strike section 2.

Strike section 4(d) and insert the following:

(d) ADJUSTMENT OF PERCENTAGE LIMITATION ON THE USE OF THE PRECEDING YEAR'S TAX.—

(1) IN GENERAL.—The table in clause (i) of section 6654(d)(1)(C) of the Internal Revenue Code of 1986 (relating to limitation on use of preceding year's tax) is amended by striking "110" and inserting "110.003".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

Strike section 6.