

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. RES. 60

A resolution raising a question of the privileges of the House.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1993

Mr. SOLOMON submitted the following resolution; which was referred to the  
Committee on Rules

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## RESOLUTION

A resolution raising a question of the privileges of the House.

Whereas article I, section 1, of the Constitution provides that, “All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives;”

Whereas article I, section 2, of the Constitution provides that, “The House of Representatives shall be composed of Members chosen every second year by the people of the several States;”

Whereas the Committee of the Whole is a device used by the House under which all House Members act together to debate and amend bills raising revenues or directly or indirectly appropriating money;

Whereas the Committee of the Whole is an integral part of the legislative process and the means by which the House

of Representatives exercises its legislative powers and prerogatives under the Constitution;

Whereas on January 5, 1993, the House, in the resolution adopting the Rules of the House for the One Hundred Third Congress (H. Res. 5), included provisions authorizing the Resident Commissioner from Puerto Rico and the delegates from the District of Columbia, Guam, American Samoa, and the Virgin Islands to vote in and preside over the Committee of the Whole;

Whereas attempts to refer the proposal to a select committee to study its constitutionality and to separately vote on such proposal were prevented by procedural votes, and the House was thereby precluded from making a separate determination as to whether such provisions are in conformance with constitutional requirements and Members' sworn duty to uphold the Constitution;

Whereas such proposal affects the representational rights of duly elected Members of the House under the Constitution and could result in a derogation or denial of such rights;

Whereas such proposal affects the constitutional lawmaking prerogatives of the House and its Members and the integrity of the process by which bills are considered, and thus raises a question of the privileges of the House;

Whereas the House has just adopted a resolution making it in order for the Speaker to declare the House resolved into the Committee of the Whole House on the state of the Union for the consideration of legislation, and this represents the first instance in the One Hundred Third Congress in which the House is resolving into the Committee of the Whole under the provisions of the new rule

allowing non-Members of the House to vote in and Chair the Committee of the Whole; and

Whereas the inability and failure of the House to make a separate determination as to the constitutionality of proposal prior to this first use of the rule presents the House with an “extraordinary question” under the Constitution requiring a separate determination and thus raises a question of the privileges of the House: Now, therefore, be it

1       *Resolved*, That, as a matter of the constitutional  
2 privileges of the House to make all laws and to preserve  
3 the integrity of its proceedings and the representational  
4 rights of its Members, the implementation of those provisions of House Rules as adopted on January 5, 1993, authorizing the Resident Commissioner from Puerto Rico  
5 and the Delegates from the District of Columbia, American Samoa, the Virgin Islands, and Guam to vote in and  
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9 preside over the Committee of the Whole, shall be delayed  
10 until such time that the House has made a separate determination as to whether such provisions can and should  
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12 be implemented by a rule of the House, consistent with  
13 article I, sections 1 and 2, of the Constitution.

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