

§ 2.24 The Senate may, by unanimous consent, exchange the committee seniority of two Senators pursuant to a request by one of them.

On Feb. 23, 1955,⁽⁶⁾ Senator Styles Bridges, of New Hampshire, asked and obtained unanimous consent that his position as ranking minority member of the Senate Armed Services Committee be exchanged for that of Senator Everett Saltonstall, of Massachusetts, the next ranking minority member of that committee, for the duration of the 84th Congress, with the understanding that that arrangement was temporary in nature, and that at the expiration of the 84th Congress he would resume his seniority rights.⁽⁷⁾

In the succeeding Congress, on Jan. 22, 1957,⁽⁸⁾ Senator Bridges

when Senator Edwin F. Ladd (N.D.) was not designated to the chairmanship of the Committee on Public Lands and Surveys, to which he had seniority under the traditional practice.

6. 101 CONG. REC. 1930, 1931, 84th Cong. 1st Sess.
7. Mr. Bridges stated he requested the alteration of seniority "because last year he [Senator Saltonstall] served as Chairman of the Armed Services Committee, and did a very able job in that capacity; and I desire to show him the courtesy of letting him be a rung higher on the ladder, so to speak, temporarily. . . ." *Id.* at p. 1931.
8. 103 CONG. REC. 835, 85th Cong. 1st Sess.

reiterated that request for the duration of the 85th Congress.

It was so ordered by the Senate.

§ 3. Status of Delegates and Resident Commissioner

Delegates and Resident Commissioners are those statutory officers who represent in the House the constituencies of territories and properties owned by the United States but not admitted to statehood.⁽⁹⁾ Although the persons holding those offices have many of

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9. For general discussion of the status of Delegates, see 1 Hinds' Precedents §§ 400, 421, 473; 6 Cannon's Precedents §§ 240, 243.

In early Congresses, Delegates were construed only as business agents of chattels belonging to the United States, without policymaking power (1 Hinds' Precedents § 473), and the statutes providing for Delegates called for them to be elected to "serve" (i.e., act of July 13, 1787, 1 Stat. 52, § 12), not to "represent", which is the language in later statutes (48 USC § 1711 [Guam and Virgin Islands]; Pub. L. No. 91-405, 84 Stat. 852, § 202(a), Sept. 22, 1970 [District of Columbia]). The provision relating to the Resident Commissioner from Puerto Rico, 48 USC § 891, does not define his function and does not explicitly provide for his participation in the House of Representatives.

the attributes of House membership, they are not actual Members of the House, since the Constitution provides only for Members or representatives of states duly admitted into the Union. The Constitution is silent on representation of territories and other properties belonging to the United States, although article IV, section 3, clause 2, grants exclusive sovereignty to the United States over such lands.⁽¹⁰⁾

The offices of Delegate and Resident Commissioner are created, defined, and limited by statute.⁽¹¹⁾ The first such statute was adopted on July 13, 1787, authorizing the election of a Delegate to Congress from the territory northwest of the Ohio River.⁽¹²⁾ The act allowed that Delegate to have a seat in Congress, with the right of debating, but not of voting, on the floor of the House.⁽¹³⁾ The statute

creating the office of Resident Commissioner did not provide for a seat in the House.⁽¹⁴⁾ In succeeding Congresses, the Resident Commissioner was given debating and floor rights,⁽¹⁵⁾ and now holds the same powers and privileges in committees as other Members.⁽¹⁶⁾

Although the issue has been discussed, Congress has never provided for a Delegate or Resident Commissioner to represent his constituency in the Senate.⁽¹⁷⁾

There is a long list of statutes dating from 1787 providing for Delegates to Congress from various regions and territories.⁽¹⁸⁾

mittees to which assigned (1 Hinds' Precedents §1300). They lost the right in the latter half of the 1800's (1 Hinds' Precedents §1301) but have regained the right under current House rules. (See §3.10, *infra*.)

10. As to jurisdiction over the District of Columbia, U.S. Const. art. I, §8, clause 17, grants exclusive legislation over the seat of government to the Congress.

11. See 1 Hinds' Precedents §§400, 421, 473.

A territory or district must be organized by law before the House will admit a representative Delegate (1 Hinds' Precedents §§405, 407, 411, 412).

12. 1 Stat. 52, §12.

13. In the early history of Congress, Delegates were allowed to vote on com-

14. Act of Apr. 12, 1900, 31 Stat. 86, Ch. 191 (Puerto Rico), now codified as 48 USC §891

15. 2 Cannon's Precedents §§244-246.

16. Rule XII clause 1, *House Rules and Manual* §740 and note thereto, §741 (1973).

17. See 1 Hinds' Precedents §400. For a recent attempt to provide for non-voting Delegates in the Senate, see amendment offered to H.R. 8787 (bill to create Delegate positions for Guam and the Virgin Islands) at 118 CONG. REC. 24, 92d Cong. 2d Sess., Jan. 18, 1972.

18. Delegates have been authorized by the following laws: Act of July 13, 1787, 1 Stat. 52 (Northwest terri-

tory); Act of May 26, 1790, 1 Stat. 123, Ch. 14 (territory south of Ohio); Act of Jan. 9, 1808, 2 Stat. 455, §3 (Mississippi territory); Act of Feb. 27, 1809, 2 Stat. 525, Ch. 19 (Indiana territory); Act of June 4, 1812, 2 Stat. 745, §9 (Missouri territory); Act of Mar. 3, 1817, 3 Stat. 363, Ch. 42 (Delegates in all the territories); Act of Mar. 3, 1817, 3 Stat. 373, §4 (Alabama territory); Act of Feb. 16, 1819, 3 Stat. 482, Ch. 22 (Michigan territory); Act of Mar. 2, 1819, 3 Stat. 495, §12 (Arkansas territory); Acts of Mar. 30, 1822, 3 Stat. 659, §14, and Mar. 3, 1823, 3 Stat. 754, §15 (Florida territory); Act of Apr. 20, 1836, 5 Stat. 15, §14 (Wisconsin territory); Act of June 12, 1838, 5 Stat. 240, §14 (Iowa territory); Act of Aug. 14, 1848, 9 Stat. 329, §16 (Oregon territory); Act of Mar. 3, 1849, 9 Stat. 408, §14 (Minnesota territory); Act of Sept. 9, 1850, 9 Stat. 451, §14 (New Mexico territory); Act of Sept. 9, 1850, 9 Stat. 457, §13 (Utah territory); Act of Mar. 2, 1853, 10 Stat. 178, §14 (Washington territory); Act of May 30, 1854, 10 Stat. 282, §14 and 10 Stat. 289, §32 (Nebraska and Kansas territories); Act of Feb. 28, 1861, 12 Stat. 176, §13 (Colorado territory); Act of Mar. 2, 1861, 12 Stat. 214, §13 (Nevada territory); Act of Mar. 2, 1861, 12 Stat. 243, §13 (Dakota territory); Act of Mar. 3, 1863, 12 Stat. 813, §13 (Idaho territory); Act of May 26, 1864, 13 Stat. 91, §13 (Montana territory); Act of July 25, 1868, 15 Stat. 182, §13 (Wyoming territory); Act of Feb. 21, 1871, 16 Stat. 426, §34 (District of Columbia—repealed in 1874); Act of May 2, 1890, 26 Stat.

The granting to a territory of Delegate representation has up to the present preceded the admission of such territory as a state into the Union. On the other hand, those properties of the United States which have been granted representation by a Resident Commissioner have not become states.⁽¹⁹⁾ The question has arisen whether a territory or other property is entitled to a Delegate or to a Resident Commissioner. It has been stated that an incorporated territory, prepared to meet the qualifications for statehood, was entitled to a Delegate in Congress, and that unincorporated property,⁽²⁰⁾ not generally con-

89, §16 (Oklahoma territory); Act of Apr. 30, 1900, 31 Stat. 158, §85 (Hawaii); Act of May 7, 1906, 34 Stat. 169–175 (Alaska); Act of Sept. 22, 1970, Pub. L. No. 91–405, 84 Stat. 852 (District of Columbia); Act of Apr. 10, 1972, Pub. L. No. 92–271, 86 Stat. 118 (Guam and Virgin Islands).

Resident Commissioners have been created by the following laws: Act of Apr. 12, 1900, 31 Stat. 86, Ch. 191 (Puerto Rico); Act of Aug. 29, 1916, 39 Stat. 552, Ch. 416 (Philippine Islands).

19. Puerto Rico remains represented by a Resident Commissioner (48 USC §891). The office of Resident Commissioner from the Philippines was eliminated upon a grant of independence from the United States (see §3.3, *infra*).
20. The insular possessions of Puerto Rico, Guam, and the Virgin Islands,

templated for statehood, would be entitled to a Resident Commissioner.⁽¹⁾

There is no practical distinction between the rights, privileges, and

have been held to be unincorporated territories (*Smith v Government of the Virgin Islands*, 375 F2d 714 [3d Cir. 1967]) to which the basic “fundamental principles” of the Constitution are applicable. *Soto v U.S.*, 273 F 628 (3d Cir. 1921); *Government of the Virgin Islands v Rijos*, 285 F Supp 126 (D. Virgin Islands 1968).

1. See the remarks of Mr. John C. Spooner (Wisc.), Apr. 2, 1900, 33 CONG. REC. 3632, 56th Cong. 1st Sess., maintaining that Puerto Rico was granted only a Resident Commissioner because of resistance to its becoming a state.

See also the more recent remarks of John L. McMillan (S.C.), Chairman of the District of Columbia Committee, on Aug. 10, 1970, 116 CONG. REC. 28061, 91st Cong. 2d Sess., objecting to the granting of a Delegate to the District of Columbia on the grounds that the grant was without legal precedent, since: 1. Delegates were intended to be interim representatives from territories which were to become states; 2. Representation from lands under the exclusive jurisdiction of the United States and not intended for statehood were granted Resident Commissioners; 3. The District is under the sole jurisdiction of the United States, was never intended to be a state, and should have been granted only a Resident Commissioner.

entitlements of the Delegate and the Resident Commissioner.⁽²⁾ In 1972, Congress granted to Guam and the Virgin Islands, considered unincorporated property of the United States,⁽³⁾ the right to Delegates. Congress provided in the 91st Congress for a nonvoting Delegate to Congress from the District of Columbia,⁽⁴⁾ which was characterized not as a territory or property belonging to the United States, but as the seat of government. The special status of the seat of government is indicated by article I, section 8, clause 17, of the Constitution, granting “exclusive legislation” in the Congress over the seat of government, and by the fact that the ratification of the 23d amendment to the Constitution was necessary in order to grant representation in the electoral college to the District of Columbia.

Since 1936, several offices of Delegate have been created and some eliminated. The Delegates from Alaska and from Hawaii

2. See Rule XII, *House Rules and Manual* §740 and note thereto, §741 (1973).

3. See *Smith v Government of the Virgin Islands*, 375 F2d 714 (3d Cir. 1967); *Government of the Virgin Islands v Rijos*, 285 F Supp 126 (D. Virgin Islands 1968).

4. For creation of the D.C. Delegate position, see §3.1 infra.

were both eliminated upon the admission of those territories as states into the Union.⁽⁵⁾ The office of Resident Commissioner from the Philippines was discontinued upon the granting of independence to the Philippines by the United States.⁽⁶⁾ The most recent change in the number of Delegates was occasioned by the adoption of an act creating new offices of the Delegate from Guam and the Delegate from the Virgin Islands.⁽⁷⁾

In early Congresses, there occurred lengthy debate on the qualifications, disqualifications, and privileges of the Delegates and Resident Commissioners.⁽⁸⁾ The principle was established that the Delegates and Resident Commissioners should meet the qualifications laid down in the Constitution for Members.⁽⁹⁾

5. See §§ 3.4, 3.5, *infra*.

6. See § 3.3, *infra*.

7. See § 3.2, *infra*.

8. See 1 Hinds' Precedents §§ 400, 421, 423, 469, 470, 473.

It has been held that the Judiciary has no authority to pass on the qualifications of a territorial Delegate. *Sevilla v Elizalde*, 112 F2d 29 (D.C. Cir. 1940).

9. 1 Hinds' Precedents §§ 421, 423 (qualifications similar to those of Members, on public policy grounds). *Contra*, 1 Hinds' Precedents § 473 (Delegate excluded on basis of crime of polygamy, on grounds his office

The most recent acts creating offices of Delegates contain within their provisions explicit qualifications similar to those constitutionally defined for Members.⁽¹⁰⁾

was not a constitutional one, and Congress could provide for qualifications other than those for Members in the Constitution).

No House precedents appear on the extension to Delegates of the immunities from arrest and from being questioned in another place to Delegates. See, however, *Doty v Strong*, 1 Pinn. 84 (Wise. 1840), where the territorial Supreme Court held the privilege from arrest applicable to Delegates.

15 Op. Att'y Gen. 281 (1877) declared that a Delegate, like a Member, was affected by the prohibition against holding incompatible offices, but that he could hold such an office until sworn in as a Delegate.

10. See 48 USC § 1711 (Guam and Virgin Islands Delegates), requiring age of at least 25 years at election, minimum of seven years' citizenship at election, and inhabitancy in the territory, and prohibiting simultaneous candidacy for another office. Pub. L. No. 91-405, 84 Stat. 852, § 202(b) (District of Columbia Delegate) requires a candidate to be a qualified elector, at least 25 years of age, and at least a three-year resident, and prohibits the holding of another paid public office.

The qualifications for the Resident Commissioner are United States citizenship, age of at least 25 years, and fluency in the English language 48 USC § 892.

The Delegate from the District of Columbia is entitled to all the privileges granted a Member under article I, section 6, of the Constitution.⁽¹¹⁾ The Delegates from Guam and the Virgin Islands are entitled to those privileges and immunities which are granted, or may be granted, to the Resident Commissioner from Puerto Rico under House rules.⁽¹²⁾

In early Congresses, Delegates and Resident Commissioners were entitled to vote in the committees to which they were assigned.⁽¹³⁾ The practice was then discontinued for a substantial period of time.⁽¹⁴⁾ In the 92d and 93d Congresses, however, Rule XII of the standing rules, relating to Delegates and Resident Commissioners,⁽¹⁵⁾ was amended to extend to Delegates and Resident Commissioners all the powers in committee held by constitutional Members of the House.⁽¹⁶⁾ The changes in the rule provided for

11. Act of Sept. 22, 1970, Pub. L. No. 91-405, 84 Stat. 852, §202(a).
12. 48 USC §1715.
13. See 2 Hinds' Precedents §1301.
14. 2 Hinds' Precedents §1300; 6 Cannon's Precedents §243 (committee report denying committee vote to Delegate since he held no legislative power).
15. *House Rules and Manual* §740 (1973).
16. See §§3.9, 3.10, *infra*.

the Delegates and Resident Commissioners to be elected to committees rather than assigned (although the D.C. Delegate is permanently assigned to serve on the District of Columbia Committee).⁽¹⁷⁾ The current powers of Delegates and Resident Commissioners include the right to vote in committee and the accrual of committee seniority.⁽¹⁸⁾

On the floor of the House, Delegates and Resident Commissioners may debate, make motions, and raise points of order.⁽¹⁹⁾ They are entitled to the same salary and some of the allowances of Members.⁽²⁰⁾ They are subject to

17. See §3.10, *infra*.
18. See §3.11, *infra* (announcement of majority party policy extending full voting and seniority rights in committee to the Delegates and Resident Commissioner).
19. For the parliamentary rights of the Delegate and Resident Commissioner, see *House Rules and Manual* §741 (note to Rule XII) (1973). See also §3.6 (introducing bills) and §3.7 (objection to consideration of bill), *infra*.
20. 48 USC §1715 (Guam and Virgin Islands); Pub. L. No. 91-405, 84 Stat. 852, §204(a) (District of Columbia Delegate); 2 USC §31 (comprehensive provision for Delegates, Resident Commissioner, Senators, and Representatives).

See §4, *infra*, for the salaries of Members and Delegates, §6, *infra*, for travel allowances, and §8, *infra*,

the same code of conduct and may be disciplined by the House.⁽¹⁾ The rights of Delegates-elect are similar to those of Members-elect, and their credentials must be transmitted to the House in the same manner. The main distinction at organization is that although Delegates and Resident Commissioners must submit credentials and must be administered the oath, their names are not included on the (Clerk's roll to establish a quorum or to vote for a Speaker.⁽²⁾ A further distinction is that the Resident Commissioner is elected for a term of four years by statute,⁽³⁾ as opposed to the constitutional term of two years applicable to Members and the statutory term of two years applicable to Delegates.⁽⁴⁾

Establishment of Office of Delegate

§ 3.1 Congress created by law in 1970 the office of Delegate from the District of Colum-

for personnel, office, and supply allowances.

1. See § 3.8, *infra*.
2. See Ch. 2, *supra*.
3. 48 USC § 891.
4. 48 USC § 1712 (Guam and Virgin Islands); Act of Sept. 22, 1970, Pub. L. No. 91-405, 84 Stat. 852, § 202(a) (D.C. Delegate).

bia to the House of Representatives.

On Aug. 10, 1970,⁽⁵⁾ the House considered a bill reported from the Committee on the District of Columbia establishing a Study Commission on the District of Columbia Government and providing for a nonvoting Delegate from the District to the House of Representatives. The section relating to the Delegate reads as follows:

Sec. 202(a) The people of the District of Columbia shall be represented in the House of Representatives by a Delegate, to be known as the "Delegate to the House of Representatives from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act. The Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting, shall have all the privileges granted a Representative by section 6 of Article I of the Constitution, and shall be subject to the same restrictions and regulations as are imposed by law or rules on Representatives. The Delegate shall be elected to serve during each Congress.

(b) No individual may hold the office of Delegate to the House of Representatives from the District of Columbia unless on the date of his election—

(1) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

5. 116 CONG. REC. 28054, 91st Cong. 2d Sess.

(2) he is at least twenty-five years of age;

(3) he holds no other paid public office; and

(4) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date. He shall forfeit his office upon failure to maintain the qualifications required by this subsection.

The House passed the bill on the same day.⁽⁶⁾ The Senate passed the bill on Sept. 9, 1970.⁽⁷⁾

§ 3.2 In 1972 the Congress provided for nonvoting Delegates to the House from the unincorporated territories of Guam and the Virgin Islands.

On Apr. 10, 1972, there was signed into law a bill granting nonvoting Delegate representation in the House from both Guam and the Virgin Islands.⁽⁸⁾ The bill pro-

6. 116 CONG. REC. 28062, 91st Cong. 2d Sess. See at p. 28061 the remarks on the same day of John L. McMillan (S.C.), Chairman of the Committee on the District of Columbia, maintaining that the District should receive a Resident Commissioner rather than a Delegate.

7. 116 CONG. REC. 31040, 91st Cong. 2d Sess.

The bill became Pub. L. No. 91-405, 84 Stat. 852, when the President approved it on Sept. 22, 1970. See the Presidential message to Congress on Sept. 28, 1970, 116 CONG. REC. 33865, 91st Cong. 2d Sess.

8. Pub. L. No. 92-271, 86 Stat. 118, codified as 48 USC §§ 1711-1715.

vided for a term of two years for those Delegates, laid down qualifications, and accorded them all the privileges that were or might be afforded them under the rules of the House.⁽⁹⁾

The Chairman of the committee handling the bill, the Committee on Interior and Insular Affairs, Wayne N. Aspinall, of Colorado, indicated that there was no legislative intent that the bill be considered as a prelude to statehood for either Guam or the Virgin Islands.⁽¹⁰⁾

Elimination of Office of Delegate or Resident Commissioner

§ 3.3 The office of Resident Commissioner from the Philippine Islands to the House

The bill (H.R. 8787) passed the House on Jan. 18, 1972, and was reported from the Committee on Interior and Insular Affairs. 118 CONG. REC. 12-29, 92d Cong. 2d Sess.

9. Pub. L. No. 92-271, 86 Stat. 118, §§ 2-5.

A proposal had been made and rejected, for lack of precedent, for Guam and the Virgin Islands to pay the costs of maintaining Delegates in Congress. 118 CONG. REC. 25-28, 92d Cong. 2d Sess., Jan. 18, 1972.

10. 118 CONG. REC. 13-15, 92d Cong. 2d Sess., Jan. 18, 1972. See also the remarks of Mr. Don H. Clausen (Calif.), *id.* at p. 21.

of Representatives was eliminated in 1946 upon the recognition by the United States of the independence of the Philippines.

Between 1916 and 1946, provision was made for the appointment and qualifications of a Resident Commissioner to the House of Representatives from the Philippine Islands.⁽¹¹⁾ However, on Mar. 24, 1934, Congress provided by law for the recognition of Philippine independence and withdrawal of American sovereignty.⁽¹²⁾ That law provided for a Presidential proclamation to effectuate the surrender of all rights of sovereignty of the United States over the Philippines on a date following the expiration of a period of 10 years from the date of the inauguration of the new government under the Philippine (Constitution provided for in the law. The Presidential proclamation declaring Philippine independence was signed on July 4, 1946.⁽¹³⁾

On July 2, 1946,⁽¹⁴⁾ the House granted unanimous consent that

11. 48 USC §1091, Aug. 29, 1916, Ch. 416, §20, 39 Stat. 552; June 5, 1934, Ch. 390, §4, 48 Stat. 879.
12. 22 USC §1394, 48 Stat. 463, Ch. 84, §10.
13. Proclamation No. 2695, set out as notes following 22 USCA §1394.
14. 92 CONG. REC. 8167, 79th Cong. 2d Sess.

Speaker Sam Rayburn, of Texas, send an appropriate message to the President and the people of the Republic of the Philippines extending the congratulations of the House of Representatives on their independence.

§ 3.4 The office of Delegate from Alaska to the House of Representatives was eliminated in 1959 when Alaska was admitted to statehood.

From 1906 to 1959, the United States Code provided for a Delegate from the Territory of Alaska to represent that territory in the House of Representatives.⁽¹⁵⁾ On July 7, 1958, Alaska was declared by law to be a State of the United States of America. The law provided for the President to issue a proclamation to effectuate the admission of Alaska into the Union.⁽¹⁶⁾ His proclamation was issued on Jan. 3, 1959,⁽¹⁷⁾ and the names of Members-elect from the

15. 48 USC §131 (May 7, 1906, Ch. 2083, §1, 34 Stat. 169). The Delegate's term of office was provided for in 48 USC §132 and his salary and allowances provided for in 48 USC §134.
16. Pub. L. No. 85-508, July 7, 1958, 72 Stat. 339, §8(c).
17. For the text of Pub. L. No. 85-508 and of the President's Proclamation No. 3269 and other materials relating to Alaska statehood, see the notes preceding 48 USCA §21.

State of Alaska were called for the first time on the Clerk's roll at the convening of the 86th Congress on Jan. 7, 1959.⁽¹⁸⁾

§ 3.5 The office of Delegate from the Territory of Hawaii to the House of Representatives was eliminated in 1959 when Hawaii was admitted as a State.

From 1900 until 1959, the law provided for a Delegate to the House of Representatives from the Territory of Hawaii.⁽¹⁹⁾ On Mar. 18, 1959, a law was enacted granting statehood to Hawaii and providing for the issuance of a Presidential proclamation to effectuate the admission of Hawaii into the Union.⁽²⁰⁾ On Aug. 21, 1959, Hawaii was officially admitted into the Union pursuant to the issuance of a Presidential proclamation.⁽¹⁾

The first Representative from the State of Hawaii appeared to take the oath of office in the 86th Congress on Aug. 24, 1959.⁽²⁾

18. 105 CONG. REC. 11, 86th Cong. 1st Sess.

19. 48 USC §651, Apr. 30, 1900, 31 Stat. 158, Ch. 339, 85.

20. Pub. L. No. 86-3, 73 Stat. 4, §7(c).

1. Proclamation No. 3309. The proclamation, Pub. L. No. 86-3, and other materials relating to Hawaii's statehood are set out as notes preceding 48 USCA §491.

2. 105 CONG. REC. 16799, 86th Cong. 1st Sess. A scroll praising former

Floor Privileges; Introducing or Objecting to Bills

§ 3.6 The House granted unanimous consent that a Delegate be permitted to introduce bills notwithstanding his absence from the House.

On Jan. 3, 1953,⁽³⁾ the House granted unanimous consent to a request that the Delegate from Hawaii, Joseph R. Farrington, unavoidably absent due to a family death, be permitted to introduce bills despite his absence.

§ 3.7 The Resident Commissioner objected to the consideration of a private bill, thereby causing its recommittal.

On Oct. 7, 1969,⁽⁴⁾ Speaker John W. McCormack, of Massachusetts, ordered a private bill recommitted

Delegate John A. Byrns (Hawaii) for his role in achieving Hawaii statehood was placed in the Speaker's lobby for the signature of Members. 105 CONG. REC. 11588, 86th Cong. 1st Sess., June 23, 1959. A private bill introduced by Delegate Byrns before the admission of Hawaii as a state was considered and passed by the House after the admission of Hawaii on May 3, 1960. 106 CONG. REC. 9246, 86th Cong. 2d Sess.

3. 99 CONG. REC. 29, 83d Cong. 1st Sess.

4. 115 CONG. REC. 28801, 91st Cong. 1st Sess.

to the Committee on the Judiciary after recognizing Mr. Harold R. Gross, of Iowa, and Jorge L. Cordova, Resident Commissioner, Puerto Rico, for objections to the bill's consideration.

§ 3.8 In the 92d Congress, all Delegates were admitted to the floor, extended the services of the Clerk and Sergeant at Arms, and brought under the Code of Conduct by amendments to the House rules.

On Jan. 21, 1971, the opening day of the 92d Congress,⁽⁵⁾ there was offered by William M. Colmer, of Mississippi, Chairman of the Committee on Rules, House Resolution 5, to amend the House rules to reflect the creation of the office of Delegate from the District of Columbia. One amendment extended the privileges of the House floor to the Delegate under Rule XXXII.⁽⁶⁾ Other amendments included the Delegate within the class of persons entitled to the services of the Clerk under Rule III clause 3,⁽⁷⁾ and to the services of the Sergeant at Arms under

5. 117 CONG. REC. 15, 92d Cong. 1st Sess.
6. *House Rules and Manual* §919 (1973).
7. *House Rules and Manual* §641-646 (1973).

Rule IV clause 1.⁽⁸⁾ The last amendment brought the Delegate within the definition of "Members" affected by the Code of Conduct of Rule XLIII.⁽⁹⁾

The House adopted House Resolution 5 on Jan. 22, 1971.⁽¹⁰⁾

Later in the 92d Congress, on Oct. 13, 1972,⁽¹¹⁾ the House amended the House rules to reflect the grant to Guam and the Virgin Islands of Delegate positions by the passage of House Resolution 1153. The resolution extended to all Delegates the right of admission to the floor, the services of the Clerk and Sergeant at Arms, and brought them within the scope of the Code of Conduct.

Committee Membership

§ 3.9 In the 92d and 93d Congresses, the House amended its rules to provide for the election, rather than the assignment, of the Resident Commissioner and Delegates to standing committees.

On Jan. 21, 1971, the opening day of the 92d Congress,⁽¹²⁾ Wil-

8. *House Rules and Manual* §648 (1973).
9. *House Rules and Manual* §939 (1973).
10. 117 CONG. REC. 144, 92d Cong. 1st Sess.
11. 118 CONG. REC. 36013-23, 92d Cong. 2d Sess.
12. 117 CONG. REC. 144, 92d Cong. 1st Sess.

liam M. Colmer, of Mississippi, Chairman of the Committee on Rules, offered House Resolution 5, amending the standing rules of the House. Among the proposed changes was a complete revision of Rule XII, which had formerly provided for the Resident Commissioner from Puerto Rico to be assigned to the standing Committees on Agriculture, Armed Services, and Interior and Insular Affairs, and for the Delegates from Alaska and Hawaii to be similarly assigned to certain standing committees.⁽¹³⁾ The new Rule XII proposed by House Resolution 5 provided:

Strike out Rule XII, and insert in lieu thereof the following:

RULE XII

RESIDENT COMMISSIONER FROM PUERTO RICO AND DELEGATE FROM THE DISTRICT OF COLUMBIA

1. The Resident Commissioner to the United States from Puerto Rico 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

13. *House Rules and Manual* §740 (1969). The references to the Hawaiian and Alaskan Delegates were obsolete, as those territories had become states (see §§3.4, 3.5, supra). For an amendment to the House rules in 1949 permitting the Alaskan Delegate to serve on an additional committee, see 95 CONG. REC. 10618, 81st Cong. 1st Sess., Aug. 2, 1949.

powers and privileges as the other Members.

2. The Delegate from the District of Columbia shall be elected to serve as a member of the Committee on the District of Columbia and shall be elected to serve on other standing committees of the House in the same manner as Members of the House and shall possess in all committees on which he serves the same powers and privileges as the other Members.

The House adopted House Resolution 5 on Jan. 22, 1971.⁽¹⁴⁾ At the opening of the 93d Congress, the House further amended Rule XII to provide for all Delegates to be elected to committees:⁽¹⁵⁾

In Rule XII, clause 2 is amended to read as follows:

The Delegate from the District of Columbia shall be elected to serve as a member of the Committee on the District of Columbia and each Delegate to the House shall be elected to serve on standing committees of the House in the same manner as Members of the House and shall possess in all committees on which he serves the same powers and privileges as the other Members.

Committee Powers and Privileges

§ 3.10 In the 92d and 93d Congresses, Delegates and the Resident Commissioner were extended all the powers and privileges of Members in

14. 117 CONG. REC. 144, 92d Cong. 1st Sess.

15. H. Res. 6, 119 CONG. REC. 26, 27, 93d Cong. 1st Sess., Jan. 3, 1973.

committees, including the right in committee to vote and to obtain seniority.

On Jan. 21, 1971, the opening day of the 92d Congress,⁽¹⁶⁾ William M. Colmer, of Mississippi, Chairman of the Committee on Rules, offered House Resolution 5, amending the standing rules of the House. One portion of the resolution completely revised Rule XII, relating to committee service by the Resident Commissioner and Delegates.⁽¹⁷⁾

The proposed amendment not only provided for the Resident Commissioner from Puerto Rico and the Delegate from the District of Columbia to be elected to committees, but also extended to them all the powers and privileges in committee as those possessed by Members of the House (including the right to vote and to obtain seniority rights).⁽¹⁸⁾

The House adopted House Resolution 5 on Jan. 22, 1971.⁽¹⁹⁾

At the opening of the 93d Congress, the House further amended

16. 117 CONG. REC. 14, 92d Cong. 1st Sess.

17. See §3.9, supra, for the text of the amendment.

18. Rule XII clauses 1 and 2, *House Rules and Manual* §740 (1973).

19. 117 CONG. REC. 144, 92d Cong. 1st Sess.

Rule XII to provide for all Delegates, including those from Guam and the Virgin Islands, to possess all the powers and privileges of Members in committees to which elected.⁽²⁰⁾

§ 3.11 In the 93d Congress, the majority party caucus announced a policy extending full committee voting and seniority rights to the Delegates and the Resident Commissioner

On Mar. 15, 1973,⁽¹⁾ Philip Burton, of California, Chairman of the Democratic Study Group, announced the policy changes adopted by the Democratic Caucus at the beginning of the 93d Congress.

Among them was a policy providing that the Delegates from the District of Columbia, Guam, and the Virgin Islands, and the Resident Commissioner of Puerto Rico have full voting rights and seniority in committee.

20. H. Res. 6, 119 CONG. REC. 26, 27, 93d Cong. 1st Sess., Jan. 3, 1973 (see §3.9, supra, for the text of the amendment).

1. 119 CONG. REC. 8018, 93d Cong. 1st Sess.