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Delegates and the Resident Commissioner: Parliamentary Rights and Practice, 113th-117th Congresses

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Delegates and the Resident Commissioner: Parliamentary Rights and Practice, 113th-117th Congresses

American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the District of Columbia are each represented in Congress by a delegate to the House of Representatives, while Puerto Rico is represented by a resident commissioner, whose position is treated the same as a delegate. Collectively, the individuals serving in these elected positions represent the interests of 4.3 million people.

The delegates and the resident commissioner cannot vote in or preside over the House. However, pursuant to the standing rules of the House, they are granted other parliamentary powers and privileges held by Members in committees and in the House chamber. These powers have varied over recent Congresses.

In the 10 years encompassing the 113th-117th Congresses (2013-2022), delegates and the resident commissioner could introduce bills and resolutions, offer amendments on the House floor, and make any proper parliamentary motion except the motion to reconsider. They could serve on standing, select, and conference committees in the same manner as Representatives. In the 116th and 117th Congresses (2019-2022), House rules also allowed delegates and the resident commissioner to vote in and preside over the Committee of the Whole on the House floor (but not the House proper) and to serve on joint committees.

The use of some parliamentary powers is dependent on recognition by the chair, serving in the majority or minority party, or being appointed to a position. During the time period under consideration, delegates and the resident commissioner introduced legislation and offered floor amendments; served as chair or ranking member of subcommittees and as bill managers on the House floor; made motions to suspend the rules, motions to refer (113th, 114th, 115th Congresses only), and one motion to recommit (114th Congress); were appointed as conferees to conference committees (114th and 115th Congresses only); and chaired the Committee of the Whole (116th Congress only). No delegate or resident commissioner served as chair or ranking minority member of a full committee, and no delegate or resident commissioner served on a select or joint committee.

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Introduction

Delegates to the House of Representatives from American Samoa, the District of Columbia, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands, as well as the resident commissioner from Puerto Rico, collectively represent the interests of 4.3 million people as the sole elected federal officials for these jurisdictions.¹ They cannot vote in or preside over the House. However, pursuant to the standing rules of the House, they are granted other parliamentary powers and privileges held by Members in committees and in the House chamber.²

The office of delegate to the House dates to the late 1700s when territories bound for statehood were granted congressional representation.³ Since the establishment of the position, the range of delegates' powers has increased in committees and on the House floor.⁴

This report analyzes the use of parliamentary powers by delegates and the resident commissioner during the 10 years encompassing the 113th-117th Congresses (2013-2022). It considers factors affecting the use of such powers, and it displays data from each of the Congresses examined.

During the 113th-115th Congresses, delegates could serve on standing, select, and conference committees with the same powers and privileges as Members, as in earlier Congresses. In the 116th and 117th Congresses, House rules allowed delegates to vote in and preside over the Committee of the Whole (but not the House proper) and to serve on joint committees. In all five Congresses, delegates were able to introduce bills and resolutions, offer amendments and manage bills on the House floor, and make any proper parliamentary motion except the motion to reconsider.⁵

Like Members of the House, delegates' powers were subject to certain procedural conditions. Some powers were subject to the delegates' recognition by the presiding officer. Others were dependent on the delegates' affiliation with either the majority or minority party or, in the case of committee assignments, required an appointment to the position.

Table 1 identifies the number of delegates caucusing with the majority party for each Congress over the period studied. **Table 2** displays data on the introduction of bills and resolutions and the offering of amendments. **Table 3** identifies the use of certain floor motions by delegates, including the motion to suspend the rules, which enables the delegate making the motion to also serve as a floor manager. **Table 4** identifies instances in which delegates presided over the Committee of the Whole, were appointed as chair or ranking members of subcommittees, and served on conference committees.

¹ This estimate is based on 2020 census data obtained from Census.gov.

² In this report, the term *parliamentary rights* encompasses prerogatives, privileges, and powers. The right to introduce legislation is not dependent on the actions of other individuals. The utilization of other "rights" require recognition by the chair or an appointment to a position.

³ For more information, see CRS Report R40555, *Delegates to the U.S. Congress: History and Current Status*, by Jane A. Hudiburg.

⁴ In this report, the term *delegate* includes the resident commissioner from Puerto Rico. Resident commissioners have the same parliamentary rights in the House as delegates. However, they are elected for four-year terms instead of two-year terms.

⁵ A Member may be recognized to offer a motion to reconsider if he or she has voted on the prevailing side of a question. Delegates cannot make this motion because they cannot vote in the House. For more information about rights afforded to delegates, see CRS Report R40170, *Parliamentary Rights of the Delegates and Resident Commissioner from Puerto Rico*, by Jane A. Hudiburg.

Delegates Parliamentary Rights, 113th-117th Congresses

Parliamentary Rights in the House

During the time period examined, delegates were granted many of the same powers and privileges on the House floor⁶ held by Members. Delegates could sponsor and cosponsor legislation, participate in debate and manage time (i.e., serve as majority or minority bill manager), offer any proper parliamentary motion except the motion to reconsider, raise points of order, raise questions of the privileges of the House and questions of personal privilege, call a Member to order, appeal a ruling of the chair, file reports for committees, and object to the consideration of a bill.⁷ Delegates could *not* vote in or preside over the House, move to reconsider a vote (the offering of which is itself dependent on the ability to vote), or sign a discharge petition.

Committee Membership, Privileges, and Powers

House records indicate that delegates, with varying parliamentary rights, have served on select committees since the 18th century⁸ and as members of certain standing committees since the 42nd Congress (1871-1873).⁹ In the 92nd Congress (1971-1972), House rules codified the right of delegates to be elected to standing committees with the same “powers and privileges” as Members, including the right to debate, offer amendments, vote, and serve as chair or ranking minority member of a full committee or its subcommittees.¹⁰ House rules have authorized the Speaker to appoint delegates “to any conference committee that is considering legislation reported from a committee on which they serve” since the 94th Congress (1975-1976),¹¹ “to any”

⁶ In this section, the term *House floor* encompasses procedures in the House chamber, including the Committee of the Whole, while *the House* refers to procedures in the House proper (i.e., not after the House resolves into the Committee of the Whole).

⁷ For more details, see CRS Report R40170, *Parliamentary Rights of the Delegates and Resident Commissioner from Puerto Rico*, by Jane A. Hudiburg.

⁸ Prior to the 96th Congress (1979-1980), the House appointed delegates to select committees. The first known appointment occurred in 1795 by motion of the House (*Journal of the House of Representatives*, 3rd Cong., 2nd sess., 292). As early as 1799, the House appointed a delegate to serve as chair of a select committee (*Journal of the House of Representatives*, 6th Cong., 1st sess., p. 543).

⁹ In 1871, the House agreed to a standing rule that enabled the Speaker to appoint delegates to certain standing committees without granting them the right to vote in such committees: “The Speaker shall appoint from among the Delegates from the Territories an additional member of the Committee on the Territories; and he shall also appoint the Delegate from the District of Columbia as additional member of the Committee for the District of Columbia. But the said Delegates in their respective committees shall have the same privileges only as in the House” (*Journal of the House of Representatives*, 42nd Cong., 2nd sess., p. 67). These committees are no longer established by the House.

¹⁰ Clause 3(a) of Rule III states, “Each Delegate and the Resident Commissioner shall be elected to serve on standing committees in the same manner as Members and shall possess in such committees the same powers and privileges as the other members of the committee” (U.S. Congress, House, *Constitution, Jefferson’s Manual and the Rules of the House* [hereinafter *House Manual*], 117th Cong., 2nd sess., 117-161 [Washington: GPO, 2023], §675).

¹¹ The delegates’ right to be appointed to a conference committee considering legislation reported from a committee on which they serve was initially established pursuant to H.Res. 988 (93rd Congress, 1973-1974) and made effective on January 3, 1975, at the start of the 94th Congress.

select committee since the 96th Congress (1979-1980),¹² and “to any” conference committee since the 103rd Congress (1993-1994).¹³

Voting in and Presiding over the Committee of the Whole (116th and 117th Congresses)

In the 113th, 114th, and 115th Congresses (2013-2018), House rules did not enable delegates to vote in or preside over the Committee of the Whole.¹⁴ However, as in earlier Congresses, delegates could offer amendments in this forum provided that they were recognized to do so.

In the 116th (2019-2020) and 117th Congresses (2021-2022), the House agreed to rules packages (H.Res. 6 and H.Res. 8, respectively) that authorized delegates, pursuant to clause 3(a) of Rule III, to vote in and preside over the Committee of the Whole.¹⁵ Previously, these powers and privileges had been available to delegates in the 103rd (1993-1994), 110th (2007-2008), and 111th (2009-2010) Congresses.¹⁶

Appointment to Joint Committees (116th and 117th Congresses)

Beginning in the 116th Congress, and continuing in the 117th Congress, House rules were amended to explicitly permit delegates to serve on joint committees. As amended, clause 3(b) of Rule III enabled delegates to be appointed to joint committees, adding to their existing ability to be appointed to select committees and conference committees.¹⁷

Parliamentary Rights in Practice

Delegates exercise their powers and privileges under certain procedural conditions. The use of some powers is dependent on recognition by the chair.¹⁸ Factors such as serving in the majority or minority party also influence delegates’ use of their parliamentary rights.

During the period examined, no delegate was appointed to a select or a joint committee or served as the chair or ranking member of a full standing committee.

¹² The House appointed delegates to select committees prior to delegating this authority to the Speaker at the start of the 96th Congress (1979-1980).

¹³ *House Manual*, §676.

¹⁴ The House considers most amendments offered on the floor in a forum known as the Committee of the Whole rather than in the House proper. For more information about the Committee of the Whole, see CRS Report 98-995, *The Amending Process in the House of Representatives*, by Christopher M. Davis.

¹⁵ Pursuant to clause 6 of Rule XVIII, delegates count when ascertaining the presence of a quorum in the Committee of the Whole. Recorded votes in the Committee of the Whole that are decided within the margin of votes cast by delegates are automatically reconsidered in the House. See CRS Report R40555, *Delegates to the U.S. Congress: History and Current Status*, by Jane A. Hudiburg.

¹⁶ Between the 103rd Congress (1993-1994) and the 117th Congress (2021-2022), delegates had the right to vote in and preside over the Committee of the Whole during Congresses in which the Democratic Party controlled the House (103rd, 110th, 111th, 116th, and 117th). In the 118th Congress, the Republican Party resumed control of the House. However, the House agreed to a rules package (H.Res. 5) that retained the delegates’ right to vote in and preside over the Committee of the Whole pursuant to clause 3(a) of Rule III. See CRS Report R45731, *House Rules Changes Affecting Committee Procedure in the 116th Congress (2019-2020)*, by Jane A. Hudiburg.

¹⁷ See CRS Report R45731, *House Rules Changes Affecting Committee Procedure in the 116th Congress (2019-2020)*, by Jane A. Hudiburg.

¹⁸ For example, a delegate has the right to offer an amendment in the House and in the Committee of the Whole but, as with Members, will generally not be recognized to do so if that amendment has not previously been made in order by a special rule reported by the Rules Committee and agreed to by the House.

Party Control of House

Certain parliamentary powers are available to delegates in the majority party. These powers include chairing a full committee or a subcommittee or presiding over the Committee of the Whole. Other powers are used by minority-party delegates. Ranking members of committees and subcommittees, for instance, are the highest-ranking committee members from the minority party.

For certain procedures, the chair may limit recognition to Members and delegates affiliated with either the majority or minority party. By practice, the chair does not recognize minority-party Members and delegates to suspend the rules and pass a measure.¹⁹ In contrast, regarding the motion to recommit, House rules state that the “Speaker shall give preference in recognition to a Member, Delegate, or Resident Commissioner who is opposed to the measure,” and by custom, the motion is made by the minority leader or designee from the minority party.²⁰

Table 1 provides the party affiliation of delegates in each Congress over the period studied, as well as the party in control of the House during each Congress. In the 113th Congress (2013-2014), no delegates caucused with the majority party; in the 114th Congress, one delegate caucused with the majority party; in the 115th Congress, two delegates caucused with the majority party; and in the 116th and 117th Congresses, four delegates caucused with the majority party.²¹

¹⁹ The suspension of the rules procedure is delineated in clause 1 of House Rule XV, which does not specify any limitations concerning the recognition of Members and delegates.

²⁰ One proper motion to recommit is considered in order prior to the final passage vote during initial consideration of a bill or joint resolution considered pursuant to a special rule reported by the Rules Committee. See clause 2(a) of Rule XIX, *House Manual*, §1001; and CRS Report RL32207, *Commonly Used Motions and Requests in the House of Representatives*, by Christopher M. Davis.

²¹ Party affiliations are listed in the *Biographical Directory of the United States Congress*. During the time period under consideration, two resident commissioners from Puerto Rico were affiliated with the New Progressive Party (Puerto Rico). One resident commissioner caucused with the Democratic Party in the 113th and 114th Congresses. The other caucused with the Republican Party in the 115th, 116th, and 117th Congresses.

Table 1. Party Representation

Delegate Representation in Majority Party		113 th Congress (2013-2014)	114 th Congress (2015-2016)	115 th Congress (2017-2018)	116 th Congress (2019-2020)	117 th Congress (2021-2022)
Majority Party Control of House	Republican Party	√	√	√	X	X
	Democratic Party	X	X	X	√	√
Delegates	Caucused with Republican Party	0	1	2 ^c	2 ^c	2 ^c
	Caucused with Democratic Party	6 ^a	5 ^b	4	4	4

Sources: House.gov and the *Biographical Directory of the United States Congress*.

Notes:

- a. Five delegates and one resident commissioner caucused with the Democratic Party. The five delegates were elected as Democrats, and the resident commissioner was elected as a New Progressive.
- b. Four delegates and one resident commissioner caucused with the Democratic Party. The four delegates were elected as Democrats, and the resident commissioner was elected as a New Progressive.
- c. One delegate and one resident commissioner caucused with the Republican Party. The delegate was elected as a Republican, and the resident commissioner was elected as a New Progressive.

Practice, 113th-117th Congresses

Legislative Measures

Delegates have a long-standing history of exercising the right to introduce bills and resolutions in the House. The power to sponsor legislation is not dependent on majority-party status. Like Members, delegates may submit any type of legislative measure.

Delegates have also offered floor amendments, which are routinely considered in the Committee of the Whole, even in Congresses in which they did not have the right to vote in or preside over the Committee of the Whole. Under current parliamentary practice, offering a floor amendment is usually dependent on having that amendment made in order under the terms of a special rule reported by the House Rules Committee and agreed to by the House.²²

Table 2 displays the number of bills, joint resolutions, concurrent resolutions, and House resolutions sponsored by delegates, as well as the number of amendments offered on the floor, in each of the five Congresses examined. The table also identifies the number of bills and joint resolutions enacted into law, concurrent resolutions agreed to by the House and Senate, and House resolutions and floor amendments agreed to by the House.

²² See CRS Report R47314, *Offering an Amendment on the House Floor Under a Structured Rule: Current Practice*, by Michael Greene and Elizabeth Rybicki.

Table 2. Legislative Measures Sponsored or Offered

Measures		113 th Congress (2013-2014)	114 th Congress (2015-2016)	115 th Congress (2017-2018)	116 th Congress (2019-2020)	117 th Congress (2021-2022)	10-Year Total
Bills	Introduced	111	100	151	190	202	754
	Enacted into law	4	6	3	4	1	18
Joint Resolutions	Introduced	1	0	2	1	1	5
	Enacted into law	0	0	0	0	0	0
Concurrent Resolutions	Introduced	4	2	2	0	1	9
	Agreed to by the House and Senate	2	2	1	0	0	5
House Resolutions	Introduced	19	20	28	26	29	122
	Agreed to by the House	1	0	1	0	1	3
Floor Amendments	Offered	3	14	10	14	3	44
	Agreed to by the House	2	3	6	14	2	27

Source: Congress.gov.

Floor Motions and Bill Management

As previously stated, delegates may make any parliamentary motion on the floor except the motion to reconsider, but the making of such motions is dependent on recognition by the chair. For instance, delegates may move to suspend the rules if they are recognized by the Speaker to do so.

Table 3 displays motions that were made in the House by delegates related to the consideration of legislation.²³ A delegate from either party may make a motion to refer a measure or matter that has not previously been referred to a committee. Motions to recommit a bill or joint resolution are generally made by affiliates of the minority party, while motions to suspend the rules are generally made by majority-party Members and delegates.²⁴

Following recognition on motions to suspend the rules, delegates, in all instances, served as majority floor managers for the associated bills, resolutions, or Senate amendments. As such, they

²³ This report identifies motions recorded in Congress.gov under the “all actions” tab for specific legislation, not general floor motions, such as the motion to adjourn.

²⁴ See CRS Report RL32207, *Commonly Used Motions and Requests in the House of Representatives*, by Christopher M. Davis.

spoke in support of the measures and managed the floor debate, yielding increments of time from the 20 minutes under their control to colleagues, almost always from the majority party.²⁵

Table 3. Selected Floor Motions and Bill Management

Floor Action	113 th Congress (2013-2014)	114 th Congress (2015-2016)	115 th Congress (2017-2018)	116 th Congress (2019-2020)	117 th Congress (2021-2022)	10-Year Total
Move to refer a measure ^a	1	1	1	0	0	3
Move to recommit a bill or joint resolution ^a	0 ^b	1 ^{bc}	0 ^b	0 ^b	0 ^d	1
Move to suspend the rules on initial consideration of a measure ^a /serve as floor manager	— ^e	6	1	38	33	78
Move to suspend the rules and concur with a Senate amendment ^a /serve as floor manager	— ^e	0	0	1	1	2

Source: Congress.gov.

Notes:

- a. The motions in this table are limited to those recorded in Congress.gov under the “all actions” tab for specific legislation.
- b. In the 113th-116th Congresses, a bill or joint resolution that was raised and considered pursuant to a special rule could be subject to a motion to recommit with or without “instructions” (i.e., an alternative policy proposal).
- c. The motion to recommit made in the 114th Congress did not contain instructions.
- d. In the 117th Congress, clause 2 of House Rule XIX, as amended, allowed motions to recommit but not motions to recommit with instructions.
- e. In the 113th Congress, no delegates caucused with the majority party, so the motion to suspend the rules was not made by a delegate.

Appointed and Elected Positions

Throughout the period of consideration, delegates could serve on standing, select, and conference committees in the same manner as Members. In 116th and 117th Congresses, delegates could also be appointed to serve on joint committees, and they were able to chair the Committee of the Whole.

In each of the five Congresses examined, delegates chaired or served as ranking members of subcommittees,²⁶ and in two Congresses, they were appointed to conference committees. Delegates also chaired the Committee of the Whole during one of the two Congresses in which

²⁵ Pursuant to clause 1 of House Rule XV, a motion to suspend the rules is debatable for 40 minutes, 20 minutes of which is controlled by the majority manager who is the proponent of the motion, and 20 minutes are controlled by an opponent. For more information, see CRS Report 98-314, *Suspension of the Rules in the House: Principal Features*, by Elizabeth Rybicki.

²⁶ Prior service on a full standing committee is an important factor considered in the appointment and election of subcommittee chairs and ranking members. For information on how the Democratic Caucus and Republican Conference select committee chairs, see CRS Report R46786, *Rules Governing House Committee and Subcommittee Assignment Procedures*, by Michael Greene.

they had the right to do so.²⁷ No delegate served as chair or ranking member of a full committee, and no delegate served on a select or joint committee. **Table 4** displays instances in which delegates were selected to preside over the Committee of the Whole, serve as chairs or ranking members of subcommittees, or be conferees to conference committees.

Table 4. Appointed and Elected Positions

Elected/Appointed Position	113 th Congress (2013-2014)	114 th Congress (2015-2016)	115 th Congress (2017-2018)	116 th Congress (2019-2020)	117 th Congress (2021-2022)	10-Year Total
Chair, Committee of the Whole	— ^a	— ^a	— ^a	6	0	6
Chair, Subcommittee of a Standing Committee	0	1	1	3	3	8
Ranking Member, Subcommittee of a Standing Committee	4	2	4	0	0	10
Conferee, Conference Committee	0	3	3	0	0	6

Sources: Congress.gov and the *Congressional Directory*.

Notes:

a. The right to chair the Committee of the Whole was not available to delegates in the 113th, 114th, and 115th Congresses (2013-2018).

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²⁷ In the second session of the 116th Congress, the House adopted procedures, via H.Res. 965, in response to the coronavirus pandemic, which discouraged the use of the Committee of the Whole. The House re-adopted these procedures at the start of the 117th Congress. The House did not resolve into the Committee of the Whole until late in the 117th Congress, which limited opportunities for delegates to serve as chair, as well as vote, in this forum.

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