

# DESCHLER-BROWN-JOHNSON PRECEDENTS

OF THE

## United States House of Representatives

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### VOLUME 17

COVERING PRECEDENTS THROUGH THE 109TH CONGRESS AND  
EMPLOYING CITATIONS TO THE RULES AND TO THE HOUSE  
RULES AND MANUAL OF THAT PERIOD WHICH HAVE  
SUBSEQUENTLY BEEN RECODIFIED AS SHOWN IN H. DOC.  
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## Foreword to Bound Volume 17

The publication of volume 17 of Deschler-Brown-Johnson Precedents of the United States House of Representatives, to be followed by volume 18 on the budget process, marks the interim completion of the compilation of precedents commenced by former Parliamentarian Lewis Deschler in 1974. Volume 17 incorporates an eclectic mix of chapters not logically included in the preceding 16 volumes. With a few exceptions from the period 1928 to 1936 (the date of publication of Cannon's Precedents), these chapters address the period 1936 through 2006. Volume 18 on Budget Process will reflect precedents resulting from the enactment of the Congressional Budget Act in 1974.

After the publication of volume 18, the Office of the Parliamentarian, pursuant to law (2 U.S.C. § 28b), will publish replacement volumes comprising cumulative updates of each chapter of the compilation, retaining existing section designations where possible for consistency of citation and adding supplementary citations and cross-references to avoid unnecessary duplication. An appendix to this compilation will provide commentary from the perspective of Charles W. Johnson, III, whose service in the Office of the Parliamentarian for 40 years with seven successive Speakers so uniquely qualifies him for the task of presenting an overview of the procedural evolution of the House since the publication of Lewis Deschler's preface in 1976.

JOHN V. SULLIVAN  
Parliamentarian

JANUARY 10, 2011.



## TABLE OF ABBREVIATIONS AND TERMS

A. (or A.2d)	Atlantic Reporter
ad hoc	For a particular purpose or end
A.L.R.	American Law Reports Annotated
Am Jur	American Jurisprudence
amend.	Amendment to the Constitution
Annals of Cong.	Annals of Congress (1789–1824)
App. D.C.	Appeal Cases, District of Columbia
App. Div.	Appellate Division
art.	Article of the Constitution
C.A.	Court of Appeals
Cert.	Certiorari
<i>cf.</i>	Compare with
CFR	Code of Federal Regulations
Ch.	Chapter
Cir.	Circuit Court of Appeals (federal)
Cir. Ct. App.	Circuit Court of Appeals (state)
cl.	clause
Comm.	Committee
Cong.	Congress
Cong. Deb.	Congressional Debates (1824–1837)
Cong. Globe	Congressional Globe (1833–1873)
Cong. Rec.	Congressional Record
<i>contra</i>	Contradictory authority
Crim. App.	Court of Criminal Appeals
Ct. Cl.	Court of Claims
D.	District Court (federal)
daily ed.	Daily edition of Record
<i>e.g.</i>	For example
<i>et al.</i>	Omission of party in case name
<i>et seq.</i>	And the following
<i>ex rel.</i>	On the relation of . . .
Exec. Comm.	Executive Communication
F (or F2d)	Federal Reporter
FCA	Federal Code Annotated
Fed. Reg.	Federal Register
FRD	Federal Rules Decisions
F Supp	Federal Supplement
H. Con. Res.	House Concurrent Resolution
H. Doc.	House Document
H.J. Res.	House Joint Resolution
H. Jour.	House Journal
H.R.	House Bill
H. Rept.	House Report
H. Res.	House Resolution

## TABLE OF ABBREVIATIONS AND TERMS

<i>Id.</i>	Citation to same authority as in immediately preceding citation
i.e.	That is
<i>In re</i>	In the matter of . . .
<i>infra</i>	Subsequent section or chapter
<i>inter alia</i>	Among others
L.Ed (or L.Ed2d)	Lawyers' Edition, U.S. Supreme Court Reports
L.J.	Law Journal
L. Rev.	Law Review
<i>Mem.</i>	Disposition of case without opinion
N.E. (or N.E.2d)	North Eastern Reporter
N.W. (or N.W.2d)	North Western Reporter
Op. Att'y Gen.	Attorney General's Opinions
P. (or P.2d)	Pacific Reporter
<i>Per Curiam</i>	Disposition of case with short opinion
Priv. L.	Private Law
Pub. L.	Uncodified Statute or Session Law
S.	Senate Bill
S. Con. Res.	Senate Concurrent Resolution
S. Ct.	Supreme Court Reporter
S. Doc.	Senate Document
S.E. (or S.E.2d)	South Eastern Reporter
Sess.	Session
<i>Sic</i>	Mistake in original of quoted material
S.J. Res.	Senate Joint Resolution
S. Jour.	Senate Journal
S. Rept.	Senate Report
S. Res.	Senate Resolution
So. (or So.2d)	Southern Reporter
Stat.	Statutes at large
Sup. Ct.	Supreme Court
<i>supra</i>	Prior section or chapter
S.W. (or S.W.2d)	South Western Reporter
U.S.	United States Supreme Court Reports
USC (or USCA)	United States Code (or United States Code Annotated)
U.S. Code Cong. & Ad. News	United States Code Congressional and Administrative News
U.S. Const.	United States Constitution
U.S.L.W.	United States Law Week

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## CHAPTER 34

# *Constitutional Amendments*

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# *Constitutional Amendments*

## **A. Introduction**

### **§ 1. In General**

Article V of the Constitution provides as follows:

“The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; . . .”

It is thus that the Constitution provides the methods by which that governing document may be amended.

Although States have from time to time submitted memorials requesting a constitutional convention for the purpose of discussing amendments on specified subject matters,<sup>(1)</sup> no convention has been

held under Article V. This chapter therefore focuses on precedents regarding proposed constitutional amendments originating in the Congress.<sup>(2)</sup>

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Some States have submitted memorials rescinding prior applications for conventions. See, *e.g.*, 149 CONG. REC. 11131, 108th Cong. 1st Sess., May 9, 2003 (memorial from Arizona rescinding all of the State’s previous calls for a constitutional convention); 135 CONG. REC. 19782, 101st Cong. 1st Sess., Sept. 7, 1989 (memorial from Alabama rescinding a previous call for a constitutional convention to propose an amendment requiring that Federal spending not exceed estimated Federal revenues). See also 145 CONG. REC. 18782, 106th Cong. 1st Sess., July 30, 1999 (memorial from Oregon urging Congress to disregard calls for a constitutional convention on the subject of a balanced Federal budget out of concern that such a convention might intrude into other constitutional revisions).

2. For discussion in the House on the method of amending the Constitution by convention, see 76 CONG. REC. 124-134, 72d Cong. 2d Sess., Dec. 7, 1932. See also hearing of the Subcommittee on the Constitution, Committee on the Judiciary, *Proposing an Amendment to the Constitution of the United States to Provide a Procedure by which the States*

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1. See, *e.g.*, 147 CONG. REC. 6129, 107th Cong. 1st Sess., Apr. 24, 2001.

## § 2. Form of Action

Proposals originating in the Congress for amendments to the Constitution are made in the form of joint resolutions, which have their several readings and, if passed by both Houses, are enrolled and signed by the presiding officers of the two Houses but are not presented to the President for approval.<sup>(1)</sup>

The form of the resolving clause for such a joint resolution is as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),*

This adheres to the form for the resolving clause for all joint resolutions<sup>(2)</sup> with the addition of the parenthetical phrase relating to

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*may Propose Constitutional Amendments*, Mar. 25, 1998 (regarding H.J. Res. 84, 105th Congress).

1. *House Rules and Manual* § 191 (2007).
2. See 1 USC § 102.

the constitutional requirement of a two-thirds margin in each House for passage of such a joint resolution, which has been included in all joint resolutions proposing constitutional amendments that have been ratified.<sup>(3)</sup>

3. See, *e.g.*, H.J. Res. 27 of the 80th Congress, which became the 22d Amendment, the resolving clause of which is set out at 93 CONG. REC. 863, 80th Cong. 1st Sess., Feb. 6, 1947; S.J. Res. 39 of the 86th Congress, which became the 23d Amendment, the resolving clause of which is set out at 106 CONG. REC. 1257, 86th Cong. 2d Sess., June 14, 1960; S.J. Res. 29 of the 87th Congress, which became the 24th Amendment, the resolving clause of which is set out at 108 CONG. REC. 17655, 87th Cong. 2d Sess., Aug. 27, 1962; S.J. Res. 1 of the 89th Congress, which became the 25th Amendment, the resolving clause of which is set out at 111 CONG. REC. 7969, 89th Cong. 1st Sess., Apr. 13, 1965; and S.J. Res. 7 of the 92d Congress, which became the 26th Amendment, the resolving clause of which is set out at 111 CONG. REC. 7570, 89th Cong. 1st Sess., Mar. 23, 1971.



**B. House Consideration**

**§ 3. Committee Jurisdiction**

Under Rule X clause 1,<sup>(1)</sup> jurisdiction in the House of Representatives over joint resolutions proposing amendments to the Constitution is vested in the Committee on the Judiciary. That jurisdiction was established by the amendments to the standing rules of the House made by the Legislative Reorganization Act of 1946.<sup>(2)</sup> Before the revisions to House committee jurisdiction made by that law, other committees had exercised jurisdiction over joint resolutions proposing amendments to the Constitution,<sup>(3)</sup> and the House on occasion had changed the referral of such a resolution from another committee to the Committee on the Judiciary.<sup>(4)</sup>

1. *House Rules and Manual* § 729 (2007).
2. 60 Stat. 812, 818, ch. 753, Aug. 2, 1946.
3. See § 3.1, *infra*. See also 4 Hinds' Precedents § 4247 (former Committee on Labor reported a resolution in 1884 proposing an amendment to the Constitution limiting the hours of labor).
4. In 1900, and again in 1932, the House, by unanimous consent, re-referred a joint resolution proposing an amendment to the Constitution addressing taxation from the Com-

In recent practice, jurisdiction in the House over joint resolutions proposing amendments to the Constitution has been vested solely in the Committee on the Judiciary.<sup>(5)</sup> That committee also has jurisdiction over memorials from States either requesting the calling of a constitutional convention or for the rescinding of such a request.<sup>(6)</sup>

**§ 3.1 Proposed amendment regarding elections and terms of office referred to former Committee on Election of the President, Vice President, and Representatives in Congress.**

On Mar. 29, 1933,<sup>(1)</sup> the Speaker referred to the Committee on

mittee on Ways and Means to the Committee on the Judiciary. See 4 Hinds' Precedents § 4056; 7 Cannon's Precedents § 1780.

5. See § 3.2, *infra*.
6. See examples in footnote 1 of § 1, *supra*.
1. H. Jour. p. 122 (1933). The Legislative Reorganization Act of 1946 abolished the Committee on Election of the President, Vice President, and Representatives in Congress and vested the jurisdiction of that committee in the new Committee on House Administration. 60 Stat. 812, 818, ch. 753, Aug. 2, 1946.

Election of the President, Vice President, and Representatives in Congress a joint resolution proposing an amendment to the Constitution relating to the election of the President and Vice President. That committee reported the joint resolution to the House with an amendment on June 13, 1933.<sup>(2)</sup>

**§ 3.2 In recent practice, all joint resolutions proposing amendments to the Constitution have been referred to the Committee on the Judiciary.**

The Legislative Reorganization Act of 1946 reduced the number of standing committees of the House from 48 to 19 and consolidated and further delineated their jurisdiction. In so doing, the House made express the jurisdiction of the Committee on the Judiciary over the subject matter of constitutional amendments.

Before 1946, Rule XI [now Rule X] read, in relevant part, as follows:

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz, subjects relating . . .

4. To judicial proceedings, civil and criminal law—to the Committee on the Judiciary.<sup>(1)</sup>

2. H.J. Res. 136 of the 73d Congress. See H. Jour. p. 421 (1933).

1. *House Rules and Manual* §§ 675, 680 (1945).

In the *House Rules and Manual* (1945), the annotations to that rule included the following: “The committee [on the Judiciary] also has general but not exclusive jurisdiction over joint resolutions proposing amendments to the Constitution.”<sup>(2)</sup> Thus it was that most but not all joint resolutions proposing amendments to the Constitution were referred to the Committee on the Judiciary.

Section 121(b) of the Legislative Reorganization Act of 1946<sup>(3)</sup> amended Rule XI [now Rule X] to read, in relevant part, as follows:

POWERS AND DUTIES OF COMMITTEES

(1) All proposed legislation, messages, petitions, memorials, and other matters relating to the subjects listed under the standing committees named below shall be referred to such committees, respectively . . .

(l) Committee on the Judiciary.

1. Judicial Proceedings, civil and criminal, generally.

2. Constitutional amendments.

3. Federal courts and judges.

*Parliamentarian’s Note:* The practice since the enactment of the Legislative Reorganization Act of 1946 has been to recognize sole jurisdiction in the Committee on the Judiciary over matters relating to amendments to the Constitution, regardless of the subject matter of a proposed amendment.

2. *Id.* at § 680. See also 4 Hinds’ Precedents § 4056.

3. 60 Stat. 812, 818, ch. 753 (Aug. 2, 1946).

**§ 4. Procedures for Floor Consideration**

The House has used a number of procedures to consider joint resolutions proposing amendments to the Constitution. Most of the procedures used for any other variety of legislative measure have been used, but special conditions have been applied in some circumstances.

The House has considered joint resolutions proposing amendments to the Constitution—

(1) under suspension of the rules (under Rule XV clause 1),<sup>(1)</sup>

(2) under a special order-of-business resolution reported from the Committee on Rules (pursuant to Rule XIII clause 6(a)),<sup>(2)</sup>

(3) pursuant to a motion to discharge the Committee on the Judiciary from further consideration of the joint resolution (pursuant to Rule XV clause 2),<sup>(3)</sup> and

(4) under a special order-of-business resolution from which the Committee on Rules has been discharged (pursuant to Rule XV clause 2).<sup>(4)</sup>

1. *House Rules and Manual* § 885 (2007).

2. *Id.* at § 857.

3. *Id.* at § 892.

4. *Ibid.*

***Suspension of the Rules***

**§ 4.1 The joint resolution proposing the amendment to the Constitution that became the 24th Amendment (abolishing the poll tax) was considered by the House under suspension of the rules.**

On Aug. 27, 1962,<sup>(1)</sup> after the Journal had been read in full and four quorum calls had been completed or dispensed with by roll call votes, Emanuel Celler, of New York, chairman of the Committee on the Judiciary, moved that the House suspend the rules and pass a Senate joint resolution proposing an amendment to the Constitution. The motion and related debate, particularly concerning the propriety of the use of a motion for suspension of the rules for consideration of such a joint resolution, were as follows:

Mr. [Emanuel] CELLER [of New York]. Mr. Speaker, I move to suspend the rules and pass Senate Joint Resolution 29, proposing an amendment to the Constitution of the United States relating to qualifications of electors.

Mr. [Thomas Gerstle] ABERNETHY [of Mississippi]. Mr. Speaker, a point of order.

The SPEAKER.<sup>(2)</sup> The gentleman will state his point of order.

1. 108 CONG. REC. 17654–70, 87th Cong. 2d Sess.

2. John W. McCormack (MA).

Mr. ABERNETHY. Mr. Speaker, I make the point of order that this is District Day, that there are District bills on the calendar, and as a member of the Committee on the District of Columbia I respectfully demand recognition so that these bills may be considered.

Mr. [Carl] ALBERT [of Oklahoma].<sup>(3)</sup> Mr. Speaker, may I be heard on the point of order?

The SPEAKER. The Chair is prepared to rule, but the gentleman may be heard.

Mr. ALBERT. Mr. Speaker, by unanimous consent, suspensions were transferred to this day, and under the rules the Speaker has power of recognition at his own discretion.

Mr. ABERNETHY. Mr. Speaker, I respectfully call the attention of the chairman to clause 8, rule XXIV, page 432 of the House Manual, which reads as follows; and I respectfully submit it is a mandatory rule:

The second and fourth Mondays in each month, after the disposition of motions to discharge committees and after the disposal of such business on the Speaker's table as requires reference only, shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

Mr. Speaker, I submit that rule is clear that when the time is claimed and the opportunity is claimed the Chair shall permit those bills to be considered.

Therefore, Mr. Speaker, I respectfully submit my point of order is well

3. Representative Albert was the Majority Leader.

taken, and that I should be permitted to call up bills which are now pending on the calendar from the Committee on the District of Columbia.

Mr. [Howard W.] SMITH of Virginia.<sup>(4)</sup> Mr. Speaker, I should like to be heard on this point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. SMITH of Virginia. Mr. Speaker, the rules of the House on some things are very clear, and the rules of the House either mean something or they do not mean anything.

Mr. Speaker, the gentleman from Mississippi [Mr. ABERNETHY], has just called the Chair's attention to clause 8 of Rule XXIV. Nothing could be more clear; nothing could be more mandatory. I want to repeat it because I hope the Chair will not fall into an error on this proposition:

The second and fourth Mondays in each month, after the disposition of motions to discharge committees and after the disposal of such business on the Speaker's table as requires reference only—

And that is all; that is all that you can consider—disposition of motions to discharge committees—

and after the disposal of such business on the Speaker's table as requires reference only—

That is all that the Chair is permitted to consider.

Mr. Speaker, after that is done the day—

4. Representative Smith was chairman of the Committee on Rules.

shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

Mr. Speaker, I know the majority leader bases his defense upon the theory that the House having given unanimous consent to hear suspensions on this Monday instead of last Monday when they should have been heard—and I doubt if very many Members were here when that consent order was made and I am quite sure that a great number of them had no notice that it was going to be made, and certainly I did not—now the majority leader undertakes to say that having gotten unanimous consent to consider this motion on this day to suspend the rules, therefore, it gives the Speaker carte blanche authority to do away with the rule which gives first consideration to District of Columbia matters.

Mr. Speaker, there was no waiver of the rule on the District of Columbia. That consent did not dispose or dispense with the business on the District of Columbia day. The rule is completely mandatory. The rule says that on the second and fourth Mondays, if the District of Columbia claims the time, that the Speaker shall recognize them for such dispositions as they desire to call.

The SPEAKER. The Chair is prepared to rule.

Several days ago on August 14 unanimous consent was obtained to transfer consideration of business under suspension of the rules on Monday last until today. That does not prohibit the consideration of a privileged motion and a motion to suspend the rules

today is a privileged motion. The matter is within the discretion of the Chair as to the matter of recognition.

The Chair overrules the point of order.<sup>(5)</sup>

The Clerk read the resolution (S.J. Res. 29) as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:*

“ARTICLE—

“SECTION 1. The right of citizens of the United States to vote in a primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any

5. *Parliamentarian’s Note:* When more than one Member seeks to call up privileged business, it is within the discretion of the Speaker as to which of those Members the Chair recognizes. District of Columbia business was privileged under Rule XXIV clause 8 [now Rule XV clause 4, *House Rules and Manual* § 894 (2007)]. The motion to suspend the rules was equally privileged pursuant to a unanimous-consent agreement making suspensions in order on that day [now in order on certain days under Rule XV clause 1, *House Rules and Manual* § 885 (2007)].

State by reason of failing to pay any poll tax or other tax.

“SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.” . . .

The SPEAKER. The gentleman from New York [Mr. CELLER] is recognized for 20 minutes.

Mr. CELLER. . . .

I regret that this constitutional amendment is brought up under suspension of the rules with only 40 minutes of debate. I applied for a rule. A rule was not forthcoming. A discharge petition was filed but not processed. Such a petition is rarely used and has its attendant difficulties if not embarrassments. Hence the suspension of the rules. . . .

Mr. [John V.] LINDSAY of New York. Mr. Speaker, I am very much opposed to poll taxes, and therefore I will vote for this bill, but I do so with a heavy heart.

This is probably the greatest piece of political gamesmanship that has come to the floor of the House in the 87th Congress. . . . First of all, this is a fantastic procedure under which to amend the Constitution—an up or down vote, no amendments permitted, no motion to recommit possible, a total of 40 minutes of debate. . . .

The leadership on the majority side who are running this show, Mr. Speaker, ought to be proud of themselves for handing us this dish of tea. Under this kind of gag procedure they casually and cynically tinker with the U.S. Constitution, for political reasons, to get off the hook on civil rights. . . .

Mr. SMITH of Virginia. Mr. Speaker, 4 minutes; 4 minutes. I have been here a long time. I hope the walls of this

Hall will never ring with the kind of a farce that has been put on here today, with the Constitution of the United States to be amended, when no one can offer an objection or an amendment to it, when no one can raise his voice in extended debate, but 20 minutes for it and 20 minutes supposedly against it. It is unprecedented in the annals of this Government for an amendment to the Constitution, no matter how insignificant it may be, to be considered under this procedure.<sup>6</sup>

. . . [T]his resolution could have been brought up here in the regular way. Some of you will remember that just 18 months ago the leadership of this House packed the Committee on Rules so that they would have a majority vote on it. They could have gotten it out of the Committee on Rules with a majority vote if they wanted to do it in the democratic way and permit the House to vote on it. Yet, this House is going to vote for this extraordinary situation, and they are going to do it under political pressure to please a minority group. . . .

Mr. HALLECK. Mr. Speaker, I do not want to get into any controversy with any of my colleagues, but I just want it clearly stated for the record and understood that today is the regular day for considering legislation under suspension of the rules under the arrangement made last Monday;

6. *Parliamentarian's Note*: A joint resolution proposing an amendment to the Constitution had been considered by the House under a motion to suspend the rules on at least one previous occasion. See 76 CONG. REC. 7, 12, 13, 72d Cong. 2d Sess., Dec. 5, 1932.

and so far as suspensions are concerned, it was within the province of the Speaker and the majority leadership to schedule them, and that is what has been done. . . .

Mr. [Seymour] HALPERN [of New York]. . . .

Mr. Speaker, I would much prefer that the poll tax be outlawed by statute rather than by amendment to the Constitution, as this House has authorized five times previously. There is a big question as to the effectiveness of going the amendment route—obtaining approval of three-fourths of the State legislatures is a long, difficult, and tedious process, to say the least.

We are now, however, faced with no other alternative under the rule and the circumstances here today but to support this constitutional amendment. Despite the question of the effectiveness of this method, I definitely shall support this Senate joint resolution. . . .

Mr. [Byron Giles] ROGERS of Colorado. Mr. Speaker, I regret that the gentleman from Virginia should say that we were placed under a gag rule, that we could not present the matter to the House so that this constitutional proposal could be amended. I want to direct attention to and read a letter from the gentleman from Virginia, addressed to the chairman of our committee, which reads as follows:

HOUSE OF REPRESENTATIVES, U.S.,  
COMMITTEE ON RULES  
*Washington, D.C., June 15, 1962.*

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House Office Building, Washington,*  
*D.C.*

DEAR MR. CHAIRMAN: This will acknowledge your letter of June 14 requesting that the Committee on Rules schedule a hearing on Senate Joint Resolution 29, proposing an amendment to the Constitution of the United States relating to qualifications of electors.

I shall endeavor to schedule a hearing on this measure at the earliest possible time and shall be glad to advise you when a date has been set.

Sincerely,  
HOWARD W. SMITH,  
*Chairman.*

If the gentleman from Virginia and others are interested and do not want the Constitution amended, or us to have an opportunity to say how it should be amended, why did he not, upon the request of the chairman of this committee grant a rule so that we could come in here and discuss it in every particular? . . .

Mr. ABERNETHY. . . .

There are resolutions and bills which may be properly and satisfactorily considered under a time limitation of 40 minutes as the rule under which we are now operating provides. There are resolutions and bills of such simple character that amendments thereto would be unworthy. But, Mr. Speaker, indeed a resolution which has the effect of changing, altering, amending, defacing, or whatever you may call it, the Constitution of our great country should never be submitted to and swept through this House in such a ruthless and tornado-like fashion. What a terrible precedent. . . .

Mr. John Bell WILLIAMS [of Mississippi]. Mr. Speaker, this is a sad day for those who believe in constitutional government. It is a sadder day

for those who believe in representative government and those who have had faith in the House of Representatives and its historical tradition of justice.

Under the current suspension procedure which we are operating today, we are considering a far-reaching amendment to the Constitution in only 40 minutes.

The U.S. Constitution will be 175 years old on September 17. During that time, the Congress and the respective States have amended it only 23 times. Nevertheless, the leadership of this body, in the New Frontier tradition of running roughshod over those who disagree, has taken the unusual step of limiting debate on such a historical step to less than an hour. What will future generations think of such behavior? . . .

Mr. [Joseph P.] ADDABBO [of New York]. Mr. Speaker, I rise in support of Senate Joint Resolution 29, a constitutional amendment to abolish the poll tax.

Although I believe a serious question involving an amendment to the Constitution should be brought up under the regular order of the House and sufficient time be given for debate and amendment, to fully protect the rights of all voters. It is our responsibility when such process is stopped by the power of one man and a small minority to take this action to protect the right of all qualified to vote, even though under present laws only a few may be denied this right because of a poll tax. . . .

The SPEAKER. The time of the gentleman from Colorado has expired; all time has expired.

The question is, Will the House suspend the rules and pass the resolution, Senate Joint Resolution 29?

Mr. ABERNETHY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 294, nays 86, answered “present” 1, not voting 54, as follows:

[Roll No. 202] . . .

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

**§ 4.2 When the House considered a joint resolution proposing a constitutional amendment under a motion to suspend the rules, a Member objected to various unanimous-consent requests associated with such consideration (namely, to revise and extend remarks).**

On Nov. 15, 1983,<sup>(1)</sup> as the House was considering under a motion to suspend the rules a joint resolution proposing an amendment to the Constitution, Mr. Robert S. Walker, of Pennsylvania, objected to a request of the manager of the joint resolution for unanimous consent to revise and extend his remarks and announced his intention to object to all similar unanimous-consent requests for the duration of the debate on that measure.

The proceedings were as follows:

1. 129 CONG. REC. 32668, 98th Cong. 1st Sess.



Mr. [Peter W.] RODINO [of New Jersey]. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 1) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The Clerk read as follows:

H.J. RES. 1

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring therein), That the following article is proposed as an amendment to the Constitution of the United States of America, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:*

“ARTICLE—

“SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

“SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

“SECTION 3. This article shall take effect two years after the date of ratification.”

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the rule, a second is not required on this motion.

The gentleman from New Jersey (Mr. RODINO) will be recognized for 20 minutes and the gentleman from Wisconsin (Mr. SENSENBRENNER) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from New Jersey (Mr. RODINO).

2. James C. Wright, Jr. (TX).

Mr. RODINO. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. WALKER. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Pennsylvania reserves the right to object.

Mr. WALKER. Mr. Speaker, I reserve the right to object, because a process was determined here and the process says that there is going to be 20 minutes for the entire case to be made. There are many of us in this House who feel that that was not an appropriate kind of a decision to be made.

So therefore, I am reserving the right to object to tell the Members that I am going to object to all unanimous-consent requests, both to revise and extend remarks, as well as for the purpose of getting general leave, so that the entire debate on this matter will take place on the Democratic side within the 20 minutes allotted.

Mr. Speaker, I do object.

The SPEAKER pro tempore. Objection is heard.

Despite Mr. Walker's announced intent to object to all such requests, the Speaker himself was granted leave to revise and extend his remarks made from the floor during debate,<sup>(3)</sup> and other Members obtained individual permission to insert remarks in the debate.

3. 129 CONG. REC. 32675, 98th Cong. 1st Sess.

Mr. RODINO. Mr. Speaker, I yield the balance of the time to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. O'NEILL).

(Mr. O'NEILL asked and was given permission to revise and extend his remarks.)

Mr. [Thomas P.] O'NEILL, [Jr., of Massachusetts]. I rise in support of the resolution. . . .

Later the same day,<sup>(4)</sup> after debate had concluded and the House had moved on to other business, Mr. Leon E. Panetta, of California, obtained, by unanimous consent, general leave for all Members to revise and extend their remarks on the joint resolution:

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on House Joint Resolution 1.

The SPEAKER pro tempore.<sup>(5)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

Still later the same day, the order obtained by Rep. Panetta was vacated by unanimous consent at the request of Rep. Walker:<sup>(6)</sup>

Mr. WALKER. Mr. Speaker, I ask unanimous consent that the

motion regarding House Joint Resolution 1 made by the gentleman from California (Mr. PANETTA) be vacated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

### *Special Rule*

**§ 4.3 The House may consider a joint resolution proposing an amendment to the Constitution pursuant to a special order-of-business resolution reported by the Committee on Rules, and such an order-of-business resolution may provide for an amendment in the nature of a substitute to the joint resolution to be considered in the House.**

On June 3, 2003,<sup>(1)</sup> the House considered, pursuant to a special rule, a joint resolution proposing an amendment to the Constitution addressing physical desecration of the flag. The proceedings were as follows:

Mr. [John] LINDER [of Georgia]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 255 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

1. 149 CONG. REC. 13492, 13497, 108th Cong. 1st Sess.

4. *Id.* at p. 32719.

5. Ronald Coleman (TX).

6. 129 CONG. REC. 32746, 98th Cong. 1st Sess., Nov. 15, 1983.

H. RES. 255

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 4) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) two hours of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) an amendment in the nature of a substitute offered by Representative Conyers of Michigan or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent;<sup>(2)</sup> and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore.<sup>(3)</sup> The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. . . .

Mr. Speaker, House Resolution 255 is a modified closed rule that provides for the consideration of H.J. Resolution 4, legislation proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the American flag.

2. *Parliamentarian's Note*: The rule did not specify the text of the amendment permitted under the rule, nor did it waive any points of order against the amendment.
3. Lee Terry (NE).

This rule provides for 2 hours of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. House Resolution 255 waives all points of order against consideration of the joint resolution.

It makes in order an amendment in the nature of a substitute, if offered by the gentleman from Michigan (Mr. CONYERS) or his designee, which shall be separately debatable for 1 hour, equally divided between the proponent and an opponent.

Finally, this rule provides for one motion to recommit, with or without instructions. . . .

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.<sup>(4)</sup>

**§ 4.4 A special order-of-business resolution may provide for a joint resolution proposing a constitutional amendment to be considered in the Committee of the Whole, may make in order**

4. The House proceeded to consider the joint resolution and, after rejecting the amendment in the nature of a substitute offered by a designee of Mr. Conyers, passed the joint resolution by a vote of 300–125. 149 CONG. REC. 13497–524, 108th Cong. 1st Sess., June 3, 2003. The Senate took no action on the House-passed joint resolution.

**more than one amendment in the nature of a substitute to the joint resolution, and may provide that, if more than one such amendment is adopted, only the last such amendment adopted shall be reported to the House.**

On Oct. 1, 1982,<sup>(1)</sup> the House considered a special order-of-business resolution reported by the Committee on Rules providing for consideration in the Committee of the Whole of a joint resolution proposing an amendment to the Constitution regarding the Federal budget process and making in order two amendments in the nature of a substitute to the joint resolution.

Mr. [Richard] BOLLING [of Missouri]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 604 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 604

*Resolved*, That upon adoption of this resolution the House shall re-

1. 128 CONG. REC. 27172, 27178, 97th Cong. 2d Sess. For a similar special order-of-business resolution providing for five amendments in the nature of a substitute, see 138 CONG. REC. 14225-359, 102d Cong. 2d Sess., June 10, 1992. For more information on this type of amendment procedure, sometimes informally referred to as "king of the hill," see Ch. 30 §58.5, *supra*.

solve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 350) proposing an amendment to the Constitution altering Federal budget procedures, and the first reading of the joint resolution shall be dispensed with. After general debate, which shall be confined to the joint resolution and to the amendments made in order by this resolution and shall continue not to exceed two hours, to be equally divided and controlled by a Member in favor of the joint resolution and a Member opposed, the joint resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the joint resolution shall be in order in the House or in the Committee of the Whole except the following amendments which shall be considered only in the following order and which shall not be subject to amendment but shall be debatable as provided herein:

(1) an amendment in the nature of a substitute printed in the Congressional Record of September 30, 1982, by, and if offered by, Representative Alexander of Arkansas, and said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Alexander and a Member opposed thereto; and

(2) an amendment in the nature of a substitute consisting only of the text of H.J. Res. 350 as introduced if offered by Representative Conable of New York, and said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Conable and a Member opposed thereto, and said amendment shall be in order even if the amendment designated (1) above has been adopted. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the

joint resolution to the House, but only the last amendment adopted shall be considered as having been finally adopted and reported back to the House. The previous question shall be considered as ordered on the joint resolution and on the amendment if adopted to final passage without intervening motion except one motion to recommit.

SEC. 2. The resolution (H. Res. 450) providing for the consideration of the joint resolution (H.J. Res. 350) proposing an amendment to the Constitution altering Federal budget procedures is hereby laid on the table.<sup>(2)</sup> . . .

Mr. BOLLING. . . .

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

2. *Parliamentarian's Note:* H. Res. 450 was the object of a discharge petition that on Sept. 29, 1982, had received the requisite number of signatures for floor consideration. That resolution provided for consideration of H.J. Res. 350 and precluded consideration of any amendments to that joint resolution. H. Res. 604 was reported by the Committee on Rules to provide for consideration of that joint resolution under procedures allowing consideration of a specified amendment in the nature of a substitute. And, in order to provide a vote that would be the equivalent of proceeding under the discharge process, H. Res. 604 made in order an amendment consisting of the underlying text of H.J. Res. 350 that would be in order even if the first amendment in the nature of a substitute were adopted.

*Parliamentarian's Note:* During consideration of H.J. Res. 350 pursuant to H. Res. 604, the first amendment in the nature of a substitute that was made in order under the rule was not adopted, and so the second one, which contained the same text as the underlying joint resolution, was not offered. The joint resolution then failed to receive the requisite two-thirds majority for passage.<sup>(3)</sup>

**§ 4.5 A special order-of-business resolution providing for consideration of a House joint resolution proposing a constitutional amendment may also discharge a House committee from consideration of a similar Senate joint resolution and make in order a motion to amend the Senate measure with the text of the House joint resolution as passed by the House.**

The proceedings of Apr. 13, 1965,<sup>(1)</sup> are illustrative of this proposition:

3. 128 CONG. REC. 27254, 27255, 97th Cong. 2d Sess., Oct. 1, 1982.
1. 111 CONG. REC. 7931, 89th Cong. 1st Sess. A special order-of-business resolution also may prospectively make in order a motion by a Member to consider a comparable joint resolution if passed by the Senate and, if necessary, to move to strike all after the resolving clause of the Senate

Mr. [John A.] YOUNG [of Texas]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 314 and ask for its immediate consideration.

The Clerk read as follows:

#### HOUSE RESOLUTION 314

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office. After general debate, which shall be confined to the resolution and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the resolution shall be read for amendment under the five-minute rule. At the conclusion of such consideration the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the resolution or committee substitute. The previous question shall be considered as ordered on the resolution and amendments to final passage without intervening motion except one motion to recommit, with or without instructions. After the passage of

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joint resolution and substitute the text of the House-passed joint resolution therefor. See 138 CONG. REC. 14225, 102d Cong. 2d Sess., June 10, 1992 [H. Res. 450].

H.J. Res. 1, the Committee on the Judiciary shall be discharged from further consideration of S.J. Res. 1, and it shall then be in order in the House to move to strike out all after the resolving clause of said Senate joint resolution and to insert the provisions of H.J. Res. 1 as passed by the House.

*Parliamentarian's Note:* Following adoption of H. Res. 314, the House proceeded to consider H.J. Res. 1. After agreeing to an amendment adopted by the Committee of the Whole and rejecting a motion to recommit, the House passed the measure by a vote of 386–29. Immediately following that vote, the manager of the resolution called up S.J. Res. 1 for immediate consideration, as made in order by the rule, and offered an amendment to strike the text of the Senate measure and insert the text of H.J. Res. 1 as passed by the House. The amendment was adopted by a voice vote and then the Senate joint resolution, as amended by the House, was passed by the House. The vote on passage, although a voice vote, carried with two-thirds of those voting having voted in the affirmative.<sup>(2)</sup>

#### § 4.6 Where a special order-of-business resolution provided that general debate on a

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2. 111 CONG. REC. 7968, 7969, 89th Cong. 1st Sess., Apr. 13, 1965.

**joint resolution proposing an amendment to the Constitution be divided between a Member in favor and a Member opposed, and the joint resolution had not been reported from committee, the Chairman of the Committee of the Whole recognized the ranking minority member of the committee of jurisdiction to control the time in favor and the chairman of that committee to control the time in opposition.**

After the House had adopted a special order-of-business resolution providing for consideration of a joint resolution proposing an amendment to the Constitution regarding Federal budget procedures where the joint resolution had not been reported by the committee to which it had been referred (the Committee on the Judiciary) and where the special order-of-business resolution specified that time for general debate would be divided between a Member in favor and a Member opposed to the unreported joint resolution (as opposed to specifying that time for general debate would be divided between the chairman and ranking minority member of the committee of jurisdiction),<sup>(1)</sup> the Chairman of the

Committee of the Whole accorded the time in favor of the joint resolution to the ranking minority member of the committee of jurisdiction and the time opposed to the chairman of that committee.<sup>(2)</sup>

The SPEAKER.<sup>(3)</sup> Pursuant to the provisions of House Resolution 604, the House resolves itself into the Committee of the Whole House of the State of the Union for the consideration of the joint resolution (H.J. Res. 350) proposing an amendment to the Constitution altering Federal budget procedures.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 350, with Mr. [Edward Patrick] BOLAND [of Massachusetts] in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the first reading of the joint resolution is dispensed with.

Is the gentleman from Illinois (Mr. McClORY) in favor of the joint resolution?

Mr. [Robert] McClORY.<sup>(4)</sup> Mr. Chairman, yes, I favor House Joint Resolution 350.

The CHAIRMAN. The gentleman qualifies.

1. For the text of this special order-of-business resolution, see § 4.4, *supra*.

2. 128 CONG. REC. 27178, 27179, 97th Cong. 2d Sess., Oct. 1, 1982.  
 3. Thomas P. O'Neill, Jr. (MA).  
 4. Mr. McClory was the ranking minority member of the Committee on the Judiciary.

Is the gentleman from New Jersey (Mr. RODINO) opposed to the joint resolution?

Mr. [Peter W.] RODINO, [Jr.].<sup>(5)</sup> I am opposed, Mr. Chairman.

The CHAIRMAN. The gentleman qualifies.

The gentleman from Illinois (Mr. McCCLORY) will be recognized for 1 hour, and the gentleman from New Jersey (Mr. RODINO) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Illinois (Mr. McCCLORY).<sup>(6)</sup>

**§ 4.7 Where a special order-of-business resolution providing for consideration of a joint resolution proposing an amendment to the Constitution divided control of time for general debate among three named Members, the Chair determined that recognition for the purpose of closing debate would be accorded to the Member who**

5. Mr. Rodino was the chairman of the Committee on the Judiciary.
6. Although in this case a member of the majority controlled the time for general debate in opposition to the joint resolution and a member of the minority controlled the time in favor, a member of the minority who was opposed to the joint resolution nevertheless had priority of recognition to offer a motion to recommit, in accordance with the general rules applicable to motions to recommit. 128 CONG. REC. 27254, 27255, 97th Cong. 2d Sess., Oct. 1, 1982.

**was the primary sponsor of the measure.**

On June 10, 1992,<sup>(1)</sup> the House proceeded to consider a joint resolution proposing an amendment to the Constitution pursuant to the terms of a special order-of-business resolution. The special order-of-business resolution had been introduced by Mr. Charles W. Stenholm, of Texas, and was the object of a successful discharge petition filed by him. The resolution provided for general debate on the joint resolution in the Committee of the Whole to be divided among three named Members, the chairman and ranking minority member of the Committee on the Judiciary and Mr. Stenholm, the primary sponsor of the joint resolution under consideration. Although the Chair ordinarily recognizes Members to close general debate in the reverse order of opening, in this case the Chairman of the Committee of the Whole nevertheless determined that the right to close general debate in this circumstance would be accorded to Mr. Stenholm, the primary proponent of the measure.

Proceedings were as follows:

Mr. STENHOLM. Mr. Speaker, pursuant to the unanimous consent agreement offered by the gentleman from

1. 138 CONG. REC. 14225, 102d Cong. 2d Sess.



Missouri (Mr. GEPHARDT) and the order of the House of Thursday, June 4, 1992, I call up the resolution (H. Res. 450) providing for the consideration of the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation, and ask for its immediate consideration.

H. RES. 450

*Resolved*, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation, all points of order against the joint resolution and against its consideration are hereby waived, and the first reading of the joint resolution shall be dispensed with. After general debate, which shall be confined to the joint resolution and which shall not exceed four and one-half hours, to be equally divided and controlled by Representative Brooks of Texas, Representative Fish, of New York, and Representative Stenholm of Texas, or their designees, the joint resolution shall be considered for amendment under the five-minute rule. . . .

Following adoption of the resolution, the House resolved into the Committee of the Whole to consider the joint resolution.<sup>(2)</sup>

The SPEAKER pro tempore (Mr. [G.V. (Sonny)] MONTGOMERY (of Mis-

2. 138 CONG. REC. 14235, 102d Cong. 2d Sess.

issippi). Pursuant to House Resolution 450, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 290.

□ 1255

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 290, proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation, with Mr. [RAYMOND HOYT] THORNTON [Jr., of Arkansas] in the chair.

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as having been read the first time.

Pursuant to the order of the House of Thursday, June 4, 1992, the gentleman from Texas [Mr. BROOKS], or his designee, the gentleman from Missouri [Mr. GEPHARDT], will be recognized for 3 hours;<sup>(3)</sup> the gentleman from New York [Mr. FISH] will be recognized for 3 hours; and the gentleman from Texas [Mr. STENHOLM] will be

3. In the order of the House entered into pursuant to the unanimous-consent agreement providing for consideration of H. Res. 450, time for general debate on H.J. Res. 290 was increased from the four and one-half hours specified in the resolution to nine hours. 138 CONG. REC. 13617, 13618, 102d Cong. 2d Sess., June 4, 1992.

recognized for 3 hours. The Chair will attempt to rotate recognition in a manner mutually agreeable to the managers.

The Chair recognizes the gentleman from Missouri (MR. GEPHARDT).<sup>(4)</sup>

Richard M. Gephardt, of Missouri, the Majority Leader, was the designee of Mr. Jack Brooks, of Texas, the chairman of the Committee on the Judiciary, and was recognized first for general debate in the Committee of the Whole. Following the expiration of the debate time for Mr. Brooks and Mr. Hamilton Fish, Jr., of New York, the ranking minority member of the Committee on the Judiciary, the Chairman recognized Mr. Stenholm to close debate.

The CHAIRMAN pro tempore.<sup>(5)</sup> . . .

The Chair recognizes the gentleman from Texas (Mr. STENHOLM) to close debate.<sup>(6)</sup>

***Discharge Petition With Respect to Joint Resolution Proposing an Amendment to the Constitution***

**§ 4.8 A joint resolution proposing an amendment to the Constitution may be the ob-**

4. *Id.* at p. 14235.

5. Kweisi Mfume (MD).

6. 117 CONG. REC. 14331, 102d Cong. 2d Sess.

**ject of a discharge petition, as in the case of any other measure, and a discharge petition with respect to such a joint resolution need garner only 218 signatures, a majority of the total membership of the House, as in the case of any other measure.**

Following the introduction of a joint resolution proposing an amendment to the Constitution and after the completion of the requisite period of time, Mr. Chalmers P. Wylie, of Ohio, filed a discharge petition on the measure pursuant to Rule XXVII clause 3.<sup>(1)</sup> The discharge petition received the requisite number of signatures on Sept. 21, 1971.<sup>(2)</sup>

The motion was as follows:

MOTION TO DISCHARGE COMMITTEE

APRIL 1, 1971.

To the CLERK OF THE HOUSE OF REPRESENTATIVES:

Pursuant to clause 4 of rule XXVII<sup>(3)</sup> I, CHALMERS P. WYLIE, move to discharge the Committee on the Judiciary

1. This rule was later renumbered as Rule XV clause 2, *House Rules and Manual* § 892 (2007).
2. 117 CONG. REC. 32576, 32577, 92d Cong. 1st Sess.
3. *Parliamentarian's Note*: During its deliberations preparatory to the convening of the 98th Congress (1983-85) with respect to changes to the standing rules of the House for that

from the consideration of the joint resolution (H.J. Res. 191) entitled "A joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings," which was referred to said committee January 22, 1971, in support of which motion the undersigned Members of the House of Rep-

Congress, the Democratic Caucus (the majority membership for that Congress) considered and rejected a change to the House rules to provide that, with respect to any joint resolution proposing an amendment to the Constitution, two-thirds of the House membership (rather than a majority) would be the requisite number for signatures on a discharge petition, as well as for adoption of a special order-of-business resolution providing for consideration of such a joint resolution. On Jan. 3, 1983, the date of the convening of the 98th Congress, the Majority Leader, James C. Wright, Jr. [TX], in explaining to the House the proposed changes in the standing rules recommended by the majority party caucus, made the following statement: "I should announce at the outset for the benefit of any of those who are unfamiliar with the fact that [an additional] change was considered by the Democratic Caucus. . . . That proposal which was omitted was the one which would have required that two-thirds of the Members should have the requisite signatures on a discharge petition in order to discharge a constitutional amendment from the committee of jurisdiction." 129 CONG. REC. 35, 98th Cong. 1st Sess.

representatives affix their signatures, to wit:

1. Chalmers P. Wylie.
2. John E. Hunt. . . .
217. Floyd V. Hicks.
218. Charles J. Carney.

**§ 4.9 Upon adoption of a motion to discharge a committee from consideration of a public bill or resolution (including a joint resolution proposing an amendment to the Constitution) following the securing of the requisite number of signatures on a discharge petition, a motion to proceed to the immediate consideration of the measure is privileged, if made by a Member who signed the discharge petition, and is decided without debate.**

On Nov. 8, 1971,<sup>(1)</sup> Speaker Carl Albert, of Oklahoma, recognized a signatory to a successful discharge petition<sup>(2)</sup> to move to discharge the Committee on the Judiciary from further consideration of a joint resolution proposing an amendment to the Constitution.

The proceedings were as follows:

PRAYER AMENDMENT

Mr. [Chalmers P.] WYLIE [of Ohio].  
Mr. Speaker, pursuant to clause 4, rule

1. 117 CONG. REC. 39885, 39886, 92d Cong. 1st Sess.
2. See § 4.8, *supra*.

XXVII,<sup>(3)</sup> I call up motion No. 1 to discharge the Committee on the Judiciary from the further consideration of House Joint Resolution 191, a proposed amendment to the Constitution of the United States relative to the offering of prayer in public buildings.

The SPEAKER. Did the gentleman sign the motion?

Mr. WYLIE. Yes, Mr. Speaker, I signed the motion.

The SPEAKER. The gentleman from Ohio calls up a motion to discharge the Committee on the Judiciary from the further consideration of the joint resolution (H.J. Res. 191) which the Clerk will report by title.

The Clerk read the title of the joint resolution. . . .

#### PRAYER AMENDMENT

The SPEAKER. Under the rule, the gentleman from Ohio (Mr. WYLIE) will be recognized for 10 minutes, and the gentleman from New York (Mr. CELLER) will be recognized for 10 minutes.

The motion to discharge was debated and agreed to. The Speaker then recognized the same Member to offer a motion that the House proceed to consider the measure.<sup>(4)</sup>

Mr. WYLIE. Mr. Speaker, pursuant to the provisions of clause 4, rule XXVII, I move that the House now proceed to the immediate consideration of House Joint Resolution 191.

3. Now Rule XV clause 2, *House Rules and Manual* § 892 (2007).

4. 117 CONG. REC. 39889, 92d Cong. 2d Sess., Nov. 8, 1971.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read the joint resolution as follows:

#### H.J. RES. 191

Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

#### “ARTICLE—

“SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

“SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.”

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. WYLIE).

The motion was agreed to.

### § 4.10 A joint resolution proposing an amendment to the

**Constitution is considered in the House, not in the Committee of the Whole, when considered in consequence of a discharge petition.**

On July 24, 1979,<sup>(1)</sup> the requisite number of signatures having been obtained, the House agreed to a motion to discharge the Committee on the Judiciary from further consideration of House Joint Resolution 74, proposing an amendment to the Constitution regarding school busing. The House having adopted that motion, it was then in order for a Member who had signed the motion to discharge to move that the House proceed to the immediate consideration of the joint resolution. Proceedings after the motion to discharge was agreed to were as follows:

Mr. [Ronald M.] MOTTLE [of Ohio].  
Mr. Speaker, pursuant to the provisions of clause 4, rule 2,<sup>(2)</sup> and the

1. 125 CONG. REC. 20358, 20362, 96th Cong. 1st Sess. In general, joint resolutions proposing constitutional amendments are not required to be considered in the Committee of the Whole. 8 Cannon's Precedents §2395.
2. *Parliamentarian's Note*: Although the *Congressional Record* states that Mr. Mottl's motion referred to "clause 4, rule 2," the reference clearly should have been to "clause 4, rule 27," the "Discharge Rule,"

order of the House of June 28, 1979, I move that the House proceed to the immediate consideration of House Joint Resolution 74.

The SPEAKER.<sup>(3)</sup> The question is on the motion offered by the gentleman from Ohio (Mr. MOTTLE).

The motion was agreed to. . . .

The Clerk read the joint resolution. . . .

The SPEAKER. The gentleman from Ohio (Mr. MOTTLE) is recognized for 1 hour.

**§ 4.11 A joint resolution proposing an amendment to the Constitution that is considered pursuant to a successful motion to discharge the committee of jurisdiction is susceptible to the motion to recommit.**

On Aug. 10, 1970,<sup>(1)</sup> Mrs. Martha W. Griffiths, of Michigan, moved to discharge the Committee on the Judiciary from the further consideration of House Joint Resolution 264, the requisite number of signatures having been obtained for such a motion to be in order. After an affirmative vote on the motion to discharge, a subsequent affirmative vote on a motion for immediate consideration

now Rule XV clause 2, *House Rules and Manual* §892 (2007). See Mr. Mottl's discharge motion,

3. Thomas P. O'Neill, Jr. (MA).
1. 116 CONG. REC. 27999, 28000, 28004, 28036, 91st Cong. 2d Sess.

of the joint resolution, and debate on the joint resolution, Mr. William M. McCulloch, of Ohio, moved to recommit the joint resolution to the Committee on the Judiciary.

The proceedings in the House were as follows:

Mrs. GRIFFITHS. Mr. Speaker, pursuant to clause 4, rule XXVII, I call up motion No. 5, to discharge the Committee on the Judiciary from the further consideration of House Joint Resolution 264, proposing an amendment to the constitution of the United States relative to equal rights for men and women.<sup>(2)</sup>

The SPEAKER.<sup>(3)</sup> Did the gentleman sign the motion?

Mrs. GRIFFITHS. Yes, Mr. Speaker, I signed the motion.

The SPEAKER. The gentlewoman qualifies. The gentlewoman from Michigan calls up a motion to discharge the Committee on the Judiciary from the further consideration of the joint resolution (House Joint Resolution 264) which the Clerk will report by title.

The Clerk read the title of the joint resolution.

2. The motion to discharge obtained the requisite 218 signatures and was entered on the Discharge Calendar on July 20, 1970, pursuant to Rule XXVII clause 4. *House Rules and Manual* § 908 (1969) [now Rule XV clause 2, *House Rules and Manual* § 892 (2007)]. 116 CONG. REC. 24999, 25000, 91st Cong. 1st Sess., July 20, 1970.
3. John W. McCormack (MA).

PARLIAMENTARY INQUIRY

Mr. [Emanuel] CELLER [of New York].<sup>(4)</sup> Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CELLER. Mr. Speaker, I understand the rule provides for 20 minutes of debate, 10 minutes on either side. Is it correct that the chairman of the Judiciary Committee, being opposed to the discharge petition, will be allocated 10 minutes?

The SPEAKER. The gentleman's statement is correct that the rule provides for 20 minutes of debate, 10 minutes on each side. If the gentleman from New York (MR. CELLER) is opposed to the motion, the Chair will recognize him for 10 minutes.

Is the gentleman opposed to the motion?

Mr. CELLER. I am opposed to the motion, Mr. Speaker.

The SPEAKER. Under the rule, the gentlewoman from Michigan (Mrs. GRIFFITHS) will be recognized for 10 minutes, and the gentleman from New York (MR. CELLER) will be recognized for 10 minutes. . . .

The gentlewoman from Michigan (Mrs. GRIFFITHS) is recognized for 10 minutes.

Mrs. GRIFFITHS. . . .

I ask you, Mr. Speaker, to support the discharge motion; to vote for the motion for immediate consideration; to support the previous question; to vote against any motion to recommit with or without instructions and to vote for the amendment. . . .

4. Mr. Celler was the chairman of the Committee on the Judiciary.

The SPEAKER. The question is on the motion offered by the gentlewoman from Michigan (Mrs. GRIFFITHS) to discharge the Committee on the Judiciary from further consideration of House Joint Resolution 264. . . .

So the motion to discharge was agreed to. . . .

Mrs. GRIFFITHS. Mr. Speaker, pursuant to the provisions of clause 4, rule XXVII, I move that the House proceed to the immediate consideration of House Joint Resolution 264.

The SPEAKER. The question is on the motion offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

The motion was agreed to.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

H.J. RES. 264

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:*

“ARTICLE —

“SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

“SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States.

“SEC. 3. This amendment shall take effect one year after the date of ratification.”

The SPEAKER. The gentlewoman from Michigan is recognized for 1 hour. . . .

Mrs. GRIFFITHS. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time and was read a third time.

The SPEAKER. The question is on the passage of the joint resolution.

MOTION TO RECOMMIT

Mr. [William M.] MCCULLOCH [of Ohio]. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. MCCULLOCH. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MCCULLOCH moves that House Joint Resolution 264 be re-committed to the Committee on the Judiciary with instructions that said committee shall promptly hold appropriate hearings thereon. . . .

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it. . . .

So the motion to recommit was rejected.

*Discharge of Special Rule*

**§ 4.12 When there has been pending before the Committee on the Judiciary for the requisite period a joint resolution proposing an amendment to the Constitution, a special order-of-business resolution providing for consideration of that joint resolution that has been pending before the Committee on Rules for the requisite time may be the object of a discharge petition.**

On Dec. 14, 1937,<sup>(1)</sup> proceedings in the House relative to the referral of a discharge motion to the Discharge Calendar were as follows:

MOTION TO DISCHARGE COMMITTEE  
APRIL 6, 1937.

*To the Clerk of the House of Representatives:*

Pursuant to clause 4 of rule XXVII, I, Hon. LOUIS LUDLOW, move to discharge the Committee on Rules from the consideration of the resolution (H. Res. 165) entitled "A resolution to make House Joint Resolution 199, a joint resolution proposing an amendment to the Constitution of the United States to provide for a referendum on war, a special order of business," which was referred to said committee March 24, 1937, in support of which motion

1. 82 CONG. REC. 1517, 1518, 75th Cong. 2d Sess.

the undersigned Members of the House of Representatives affix their signatures, to wit:

1. Louis Ludlow. . . .

218. Dudley White.

This motion was entered upon the Journal, entered in the CONGRESSIONAL RECORD with signatures thereto, and referred to the Calendar of Motions to Discharge Committees, December 14, 1937.

After Mr. Hamilton Fish, of New York, announced to the House that the petition had received the requisite 218 signatures, the following exchange took place:<sup>(2)</sup>

Mr. LUDLOW [of Indiana]. Mr. Speaker, I have just arrived in the Chamber. I understand the gentleman from New York has announced the completion of the signing of names to the discharge petition to bring before the House the resolution (H. J. Res. 199) which proposes to give the people of America the right to vote on participation in foreign wars. . . .

Mr. [Hatton W.] SUMNERS [of Texas]. Mr. Speaker, will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. Can the gentleman tell me how much time is allowed for discussion under the rule?

Mr. LUDLOW. I may say to the gentleman the petition has been filed so long I have almost forgotten the terms of the resolution, but I believe the rule provides for 6 hours of debate. . . .

2. *Id.* at pp. 1516, 1517.



Mr. SUMNERS of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.<sup>(3)</sup> The gentleman will state it.

Mr. SUMNERS of Texas. How much time is allowed for debate on a motion to discharge a committee from further consideration of a measure?

The SPEAKER. The Chair may state, in answer to the inquiry of the gentleman from Texas, that under the discharge rule only 20 minutes are allowed on the motion to discharge the Committee on Rules from the consideration of the resolution, one-half controlled by those in favor of and one-half those opposed to the motion to discharge the committee.

The Chair has before him the resolution pending before the Committee on Rules and observes that the resolution itself provides not to exceed 6 hours of general debate in the event the matter should be considered.

Mr. [William I.] SIROVICH [of New York]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIROVICH. If the Ludlow resolution comes before the House and a vote is finally taken, is a two-thirds vote of the House required to pass the resolution?

The SPEAKER. Under the Constitution of the United States any proposal to amend the Constitution requires a two-thirds vote of the House of Representatives.

Mr. SIROVICH. Therefore, in order to pass the Ludlow resolution the House will have to pass it by a two-thirds vote?

The SPEAKER. Undoubtedly.

Mr. [Wright] PATMAN [of Texas]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PATMAN. It is my understanding this resolution may come up on the second or fourth Monday of the month, providing 7 legislative days have elapsed before such second or fourth Monday. This being so, the resolution could not come up for consideration until the second Monday in January, in view of the fact that the fourth Monday in December will be the 27th.

The SPEAKER. The Chair may state to the gentleman the Chair has no calendar before him, but it is a matter of calculation. The Chair may say further the 7 days begin to run as of this date.

Mr. PATMAN. It is improbable we shall be in session on the 27th.

The SPEAKER. The Chair can make no statement as to that.

Mr. [John J.] O'CONNOR of New York. Mr. Speaker, am I correct in understanding this discharge petition is aimed at the Committee on Rules?

The SPEAKER. The resolution seems to be aimed in that direction.

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, this is another example of the anomalous situation caused by the method of legislating by petition. There is a great deal of confusion about that in the minds of representatives of the press as well as Members of the

3. William B. Bankhead (AL).

House. The Committee on Rules was never intended to be included in any such discharge rule, because no bills are ever before the Committee on Rules. It is not a legislative committee. For instance, the committee has never heard of this matter. The bill has not been reported by the Committee on the Judiciary. How the Rules Committee can be discharged in any reasonable or parliamentary sense I cannot imagine.

Take the case of the wage and hour bill. That bill was pending on the calendar and would have been reached in the ordinary course of the business of the House. I do not know yet from what the Rules Committee was discharged; but as to this monstrosity, the present petition, this bill is still pending in the Committee on the Judiciary; it has never come before the Rules Committee, which has never heard or had any knowledge of it. How the Committee on Rules can be discharged from the consideration of such a bill I cannot divine. Nor can I conceive of any reason for the existence of such an anomalous parliamentary procedure.

Mr. SNELL and Mr. LUDLOW rose.

Mr. O'CONNOR of New York. I yield to the gentleman from New York.

Mr. [Bertrand H.] SNELL [of New York]. The gentleman has stated the parliamentary inquiry I was about to submit to the Speaker with respect to how they can discharge the Rules Committee from the consideration of this bill.

Mr. O'CONNOR of New York. Well, we are living in strange days of parliamentary procedure, I will admit.

Mr. LUDLOW. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. LUDLOW. I may say to the gentleman from New York that the rules of the House are elaborately set forth in the book of rules. This is one of the rules of the House and we are following a perfectly proper parliamentary procedure.

Mr. O'CONNOR of New York. Why did not the gentleman direct his petition against the recalcitrant committee which has his bill? [Laughter.]

Mr. SNELL. I do not understand how we can discharge the Rules Committee when the bill is before the Judiciary Committee and there is nothing pending before the Committee on Rules.<sup>(4)</sup>

The motion to discharge was not called from the calendar until after the third session of the 75th Congress had convened.

On Jan. 10, 1938,<sup>(5)</sup> proceedings relative to this matter were as follows:

#### REFERENDUM ON WAR

The SPEAKER. The Chair recognizes the gentleman from Indiana [Mr. LUDLOW].

Mr. LUDLOW. Mr. Speaker, pursuant to rule XXVII, I call up the motion

4. *Parliamentarian's Note*: Although the joint resolution proposing a constitutional amendment was not directly before the Committee on Rules, the motion to discharge was directed at a simple resolution proposing to provide for consideration of the joint resolution that had been referred to that committee.

5. 83 CONG. REC. 276-283, 75th Cong. 3d Sess.

to discharge the Committee on Rules from further consideration of House Resolution 165.

The SPEAKER. The gentleman from Indiana calls up a resolution, which the Clerk will report by title.

The Clerk read as follows:

Resolution to make House Joint Resolution 199, a joint resolution proposing an amendment to the Constitution of the United States to provide for a referendum on war, a special order of business.

The resolution is as follows:

*Resolved*, That upon the day succeeding the adoption of this resolution a special order be, and is hereby, created by the House of Representatives for the consideration of House Joint Resolution 199, a public resolution which has remained in the Committee on the Judiciary for 30 or more days without action. That such special order be, and is hereby, created, notwithstanding any further action on said joint resolution by the Committee on the Judiciary or any rule of the House. That on said day the Speaker shall recognize the Representative from Indiana, LOUIS LUDLOW, to call up House Joint Resolution 199, a joint resolution proposing an amendment to the Constitution of the United States to provide for a referendum on war, as a special order of business, and to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of said House Joint Resolution 199. After general debate, which shall be confined to the joint resolution and shall continue not to exceed 6 hours, to be equally divided and controlled by the Member of the House requesting the rule for the consideration of said House Joint Resolution 199 and the Member of the House who is opposed to the said House Joint Resolution 199, to be

designated by the Speaker, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and the amendments thereto to final passage without intervening motion, except one motion to recommit. The special order shall be a continuing order until the joint resolution is finally disposed of. . . .

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. LUDLOW] to discharge the Committee on Rules from further consideration of the resolution (H. Res. 165).

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. LUDLOW. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 188, nays 209, answered “present” 4, not voting, 30[.] . . .

So the motion was rejected.

**§ 4.13 After the requisite 218 Members have signed a petition to discharge the Committee on Rules from consideration of a special order-of-business resolution providing for consideration of a joint resolution proposing an amendment to the Constitution but before the call of the Discharge Calendar, the House may consider the resolution by unanimous consent.**

On May 20, 1992,<sup>(1)</sup> a motion to discharge the Committee on Rules from further consideration of a resolution providing for consideration of a joint resolution proposing a constitutional amendment received the requisite number of signatures.

The motion was as follows:

MOTION TO DISCHARGE A COMMITTEE

MAY 20, 1992

TO THE CLERK OF THE HOUSE OF REPRESENTATIVES:

Pursuant to clause 4, rule XXVII, I, CHARLES W. STENHOLM, move to discharge the Committee on Rules from the consideration of the resolution (H. Res. 450) providing for the consideration of the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation, which was referred to said committee May 6, 1992, in support of which motion the undersigned Members of the House of Representatives affix their signatures, to wit:

1. Charles W. Stenholm.
2. Robert F. (Bob) Smith. . . .
  
217. Jim Chapman.
218. Timothy J. Penny.

Before the motion to discharge became eligible to be called up on a day when such business was in order,<sup>(2)</sup> the House, by unanimous

1. 138 CONG. REC. 12222, 12223, 102d Cong. 2d Sess.
2. Under former Rule XXVII clause 3 (current Rule XV clause 2), discharge

consent, dispensed with such business and provided for consideration of the resolution under terms similar to those specified in the discharge petition.<sup>(3)</sup>

The unanimous-consent request for such consideration was as follows:

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, I ask unanimous consent that the business in order pursuant to clause 3 of rule XXVII on Monday, June 8, 1992, be dispensed with, and that it be in order on Wednesday, June 10, 1992, for Representative STENHOLM or his designee, to call up House Resolution 450 for consideration under the same terms as if discharged from the Committee on Rules pursuant to clause 3 of rule XXVII.

Further, I ask unanimous consent that the period of general debate provided for in House Resolution 450, if adopted, be expanded to 9 hours, to be equally divided and controlled by Representative BROOKS of Texas, Representative FISH of New York, and Representative STENHOLM of Texas, or their designees.

The SPEAKER pro tempore.<sup>(4)</sup> Is there objection to the request of the gentleman from Missouri?

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petitions that have received 218 signatures and have laid over on the calendar of motions to discharge for seven legislative days may be called up on the second or fourth Mondays of each month. *House Rules and Manual* § 892 (2007).

3. 138 CONG. REC. 13617, 13618, 102d Cong. 2d Sess., June 4, 1992.
4. Allen B. Swift (WA).

Mr. [Charles] STENHOLM [of Texas]. Mr. Speaker, reserving the right to object, it is not my intent to object. I would like to ask the majority leader if I am correct in my understanding that this unanimous-consent agreement will allow for the consideration of the leading balanced budget constitutional amendment under the rule, House Resolution 450, exactly as outlined in House Resolution 450, the rule discharged on May 20, with two exceptions:

No. 1, the general debate will be increased to 9 hours, with the division of time maintained proportionally as it is in House Resolution 450; and No. 2, consideration of this matter will begin on Wednesday, June 10, rather than the discharge day of Monday, June 8.

Would the gentleman please confirm this understanding?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, that is correct.

Mr. STENHOLM. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

On June 10, 1992, the House proceeded to consider both the special order-of-business resolution and the joint resolution proposing the constitutional amendment.<sup>(5)</sup>

**§ 4.14 After the requisite 218 Members sign a petition to**

5. Proceedings carried at § 4.7, *supra*.

**discharge the Committee on Rules from further consideration of a special order-of-business resolution providing for consideration of a joint resolution proposing an amendment to the Constitution but before the call of the Discharge Calendar, that committee may report another special order-of-business resolution providing for consideration of the subject joint resolution and laying on the table the special order-of-business resolution that is the object of the motion to discharge.**

On Sept. 29, 1982,<sup>(1)</sup> Discharge Petition 18, petitioning for discharge of the Committee on Rules from further consideration of House Resolution 450, received the requisite number of signatures for placement on the Discharge Calendar. The petition was as follows.

SEPTEMBER 29, 1982.

To the CLERK OF THE HOUSE OF REPRESENTATIVES.

Pursuant to clause 4 of rule XXVII, I, BARBER B. CONABLE, JR., [of New York] move to discharge the Committee on Rules from the consideration of the resolution (H. Res. 450) entitled,

1. 128 CONG. REC. 26127, 26128, 97th Cong. 2d Sess.

“A resolution providing for the consideration of the resolution (H.J. Res. 350) proposing an amendment to the Constitution altering Federal budget procedures” which was referred to said committee May 4, 1982, in support of which motion the undersigned Members of the House of Representatives affix their signatures, to wit:

1. Barber B. Conable, Jr. . . .

218. Charles Pashayan.

House Resolution 450, a resolution providing for the consideration of the resolution (H.J. Res. 350) proposing an amendment to the Constitution altering Federal budget processes, had been introduced by Mr. Conable on May 4, 1982, and referred to the Committee on Rules.<sup>(2)</sup>

Having received the requisite number of signatures, the motion to discharge was placed on the Discharge Calendar on Sept. 29, 1982.<sup>(3)</sup> However, under Rule XXVII clause 4<sup>(4)</sup> the motion could not be called up until the second or fourth Monday of the month after having been on that calendar for at least seven days. Because of a planned adjournment for the November 1982 congressional election, the motion would not have been eligible to be called

2. 128 CONG. REC. 8659, 97th Cong. 2d Sess.

3. See *Id.* at pp. 26127, 26128.

4. Now Rule XV clause 2, *House Rules and Manual* § 892 (2007).

up until after the election. Because the subject of the proposed constitutional amendment, the so-called “Balanced Budget Amendment,” was a matter of significant public interest and there was concern that the President might call Congress back into session to force a vote on the matter before the election, the Committee on Rules reported a special order-of-business resolution allowing for consideration of the proposed constitutional amendment before the planned adjournment but on terms different from those provided in House Resolution 450, the object of the discharge petition.

On Oct. 1, 1982,<sup>(5)</sup> the House considered House Resolution 604, which (1) provided for consideration of House Joint Resolution 350, and (2) laid on the table House Resolution 450, the object of the discharge petition.<sup>(5)</sup>

### *The Amendment Process*

**§ 4.15 A motion to recommit a bill reported by one committee with instructions to report the bill back to the House in the form of a joint resolution proposing to**

5. 128 CONG. REC. 27172, 27178, 97th Cong. 2d Sess.

6. The text of H. Res. 604 is set forth in § 4.4, *supra*.

**amend the Constitution to accomplish the purpose of the bill was held not in order on the ground that the instructions were not germane, inasmuch as a constitutional amendment would lie within the jurisdiction of another committee.**

On July 26, 1949,<sup>(1)</sup> the House was considering H.R. 3199, making unlawful the requirement for the payment of a poll tax. The bill had been reported by the Committee on House Administration. A motion was offered to recommit the bill to that committee with instructions that would have con-

1. 95 CONG. REC. 10247, 81st Cong. 1st Sess. See also Ch. 28, §23.8, *supra*. In addition, when a proposed constitutional amendment concerning one subject is under consideration, an amendment to address another subject is not in order under House Rule XVI clause 7 *House Rules and Manual* §928 (2007) (the “germaneness rule”). See, *e.g.*, 151 CONG. REC. 13538–42, 109th Cong. 1st Sess., June 22, 2005 (amendments regarding the budget of the United States Government and a Social Security trust fund offered to a proposed constitutional amendment regarding physical desecration of the flag); 117 CONG. REC. 35813, 35814, 92d Cong. 1st Sess., Oct. 12, 1971 (amendment proposing to add “race, creed or color” to a proposed constitutional amendment regarding equality of rights on account of sex).

verted the bill into a joint resolution proposing to amend the Constitution. A point of order was made against the motion. The Speaker, Sam Rayburn, of Texas, ruled that the motion was not in order as the instructions were not germane as such instructions addressed matter within the jurisdiction of the Committee on the Judiciary.

The proceedings in the House were as follows:

Mr. [Robert] HALE [of Maine]. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HALE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HALE moves to recommit the bill H.R. 3199 to the Committee on House Administration with directions that they report the legislation back to the House in the form of a joint resolution amending the Constitution to make illegal payment of poll taxes as a qualification for voting.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. I make the point of order that the language which is carried in the motion to recommit is not germane to the bill. The motion calls for a constitutional amendment.

The SPEAKER. The Chair is inclined to agree with the gentleman for the simple reason that a constitutional

amendment involving this question would lie within the jurisdiction of the Committee on the Judiciary and not within the Committee on House Administration.<sup>(2)</sup> The Chair sustains the point of order.

**§ 4.16 Where a joint resolution is under consideration in the House and the Member controlling the time yields to another Member for the purpose of amendment, a third Member seeking to move the previous question on the joint resolution is entitled to recognition for that purpose in preference to the Member seeking to offer the amendment.**

On Nov. 8, 1971,<sup>(1)</sup> the House, pursuant to a motion to discharge, was considering in the House the joint resolution, House Joint Resolution 191, proposing an amendment to the Constitution relative to nondenominational prayer in public buildings. The manager, Chalmers P. Wylie, of Ohio, yielded to another Member for the purpose of offering an amendment, whereupon Mr. Emanuel Celler, of New York, moved the previous question on the joint resolution. Because the motion for the pre-

2. For discussion of committee jurisdiction, see § 3, *supra*.

1. 117 CONG. REC. 39945, 92d Cong. 1st Sess.

vious question is preferential to the motion to amend, the Speaker<sup>(2)</sup> first recognized Mr. Celler.

The proceedings were as follows:

Mr. WYLIE. Mr. Speaker, I yield to the gentleman from Alabama (Mr. BUCHANAN) for the purpose of offering an amendment.

Mr. [John] BUCHANAN. Mr. Speaker, I have an amendment at the desk.

The SPEAKER. Does the gentleman realize he will lose control of the time?

Mr. WYLIE. The gentleman realizes he loses control of the time. I do yield to the gentleman from Alabama for the purpose of offering an amendment.

The SPEAKER. The gentleman has yielded the floor.

MOTION OFFERED BY MR. CELLER

Mr. CELLER. Mr. Speaker, I move the previous question on House Joint Resolution 191.

The SPEAKER. The motion is completely and highly privileged and is in order.

PARLIAMENTARY INQUIRY

Mr. [Gerald R.] FORD [of Michigan]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. Gerald R. FORD. Mr. Speaker, if the previous question is voted down, does that permit the offering of an amendment by the gentleman from Alabama (Mr. BUCHANAN)?

The SPEAKER. If it is voted down, any proper motion can be made.

The question is on the motion offered by the gentleman from New York (Mr. CELLER).

2. Carl Albert (OK).



The motion was rejected.

AMENDMENT OFFERED BY MR.  
BUCHANAN

Mr. BUCHANAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN: Page 2, lines 1 and 2, strike out the word “nondenominational” and insert in lieu thereof the word “voluntary”; and on page 2, line 2, strike out the period and add the words “or meditation.”<sup>(3)</sup>

**§ 4.17 When the resolving clause of a joint resolution proposing an amendment to the Constitution is not in the requisite form, an amendment offered from the floor included a correction to the resolving clause.**

On June 11, 1992,<sup>(1)</sup> the House proceeded to consider a joint resolution proposing an amendment to the Constitution relating to providing for a balanced budget. The resolving clause of the resolution was not in the requisite form.<sup>(2)</sup>

3. The House adopted the amendment offered by Mr. Buchanan and then rejected the joint resolution. 117 CONG. REC. 39945, 39957, 39958, 92d Cong. 1st Sess., Nov. 8, 1971.
1. 138 CONG. REC. 14392, 14393, 102d Cong. 2d Sess.
2. The form for the resolving clause of joint resolutions is set forth in section 102 of title 1, United States Code. By usage, the resolving clause for a joint resolution proposing an

The proceedings were as follows:

PROPOSING AN AMENDMENT TO THE CONSTITUTION TO PROVIDE FOR A BALANCED BUDGET

The SPEAKER pro tempore (Mr. McNULTY).<sup>(3)</sup> Pursuant to House Resolution 450, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 290).

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution, (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation, with Mr. [RAYMOND] THORNTON [Jr., of Arkansas] in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 10, 1992, all time for general debate had expired.

Without objection, the joint resolution is considered as having been read under the 5-minute rule.

There was no objection.

The text of House Joint Resolution 290 is as follows:

amendment to the Constitution includes a parenthetical statement as follows: “(two-thirds of each House concurring therein).” See § 2, *supra*.

3. Michael R. McNulty (NY).

H.J. RES. 290

*Resolved* [sic],

ARTICLE—.

SECTION 1. Prior to each fiscal year, the Congress and the President shall agree on an estimate of total receipts for the fiscal year by enactment of a law devoted solely to that subject. Total outlays for that year shall not exceed the level of estimated receipts set forth in such law, unless three-fifths of the whole number of each House of Congress shall provide, by a rollcall vote, for a specific excess of outlays over estimated receipts. . . .

The CHAIRMAN. No amendments to the joint resolution are in order except the following amendments, which shall be considered only in the following order, which shall not be subject to amendment, and which shall be debatable for 60 minutes, equally divided and controlled by the proponent and an opponent of the amendment:

First, an amendment in the nature of a substitute offered by the gentleman from New York [Mr. FISH] or his designee; . . .

Fifth, an amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM] or his designee[.]

The amendment in the nature of a substitute offered by Mr. Charles W. Stenholm, of Texas, included a correction to the form of the resolving clause and added, before the text of the proposed amendment itself, the customary text proposing the matter to the States.<sup>(4)</sup>

4. The form of the amendment in the nature of a substitute offered by Mr.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STENHOLM: Strike all after the word "Resolved" and insert the following:

*by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:*

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote. . . .

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr.

---

Stenholm differed from that typically used in the case of an amendment in the nature of a substitute in that it did not propose to "strike all after the resolving clause" and insert new text. Rather, in this case, the amendment proposed to "strike all after the word 'Resolved'" and insert new text. That formulation allowed for the addition of new text as part of (and at the end of) the resolving clause. 138 CONG. REC. 14435, 102d Cong. 2d Sess., June 11, 1992.

STENHOLM] will be recognized for 30 minutes, and a Member opposed, the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget, will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

### § 5. Voting

Under Article V of the Constitution, passage of a joint resolution proposing an amendment to the Constitution requires a two-thirds majority of each House.<sup>(1)</sup> Such a joint resolution may be passed by each House only with a quorum present. During consideration of such a joint resolution by either House, only a simple majority (not a two-thirds majority) is required for adoption of an amendment to the joint resolution, including an amendment to the text of the proposed amendment to the Constitution itself. The Chair puts the question on final passage of such a joint resolution first to a voice vote, as the yeas and nays are not required.

1. The relevant portion of Article V reads as follows: "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution. . . ."

### *Vote Required on Final Passage*

**§ 5.1 The vote required in the House for adoption of a joint resolution proposing an amendment to the Constitution is two-thirds of those Members present and voting, a quorum being present, and not two-thirds of the total membership.**

On Sept. 18, 1969,<sup>(1)</sup> the House was considering House Joint Resolution 681, proposing an amendment to the Constitution relating to the election of the President and Vice President. After consideration was completed, the Speaker<sup>(2)</sup> put the question on passage. The Speaker then responded to parliamentary inquiries as follows:

The SPEAKER. The question is on the passage of the joint resolution.

#### PARLIAMENTARY INQUIRIES

Mr. [Durward] Hall [of Missouri]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. HALL. Mr. Speaker, in view of article V of the Constitution, am I correct in my calculation that it requires 289 Members voting for passage?

The SPEAKER. The answer to the gentleman's parliamentary inquiry is

1. 115 CONG. REC. 26007, 91st Cong. 1st Sess.
2. John W. McCormack (MA).

that it requires two-thirds of the Members present and voting thereon, a quorum being present.

Mr. HALL. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Mr. Speaker, is this consistent with article V which says:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution.

Would that be two-thirds of the total membership or two-thirds of those present and voting?

The SPEAKER. In accordance with the precedents of the House<sup>(2)</sup> and decisions of the Supreme Court,<sup>(3)</sup> it requires two-thirds of those present and voting thereon, a quorum being present.

The Chair's response to the gentleman's parliamentary inquiry is that it requires two thirds of those present and voting thereon, a quorum being present.

The question is on the passage of the joint resolution.

**§ 5.2 A two-thirds vote is required to pass a joint resolution proposing an amendment to the Constitution when the joint resolution is considered under the discharge process.**

2. See, *e.g.*, 5 Hinds' Precedents §§ 7027, 7029, 7030 and 8 Cannon's Precedents § 3503.
3. See, *e.g.*, National Prohibition Cases, 253 U.S. 350 (1920).

On Dec. 14, 1937,<sup>(1)</sup> Speaker William B. Bankhead, of Alabama, in response to a parliamentary inquiry, stated that the requirement for a two-thirds vote to pass a joint resolution proposing a constitutional amendment applied even when the joint resolution was the object of a successful discharge petition. The proceedings are discussed in § 4.12, *supra*.

***Vote Required to Amend Joint Resolution***

**§ 5.3 An amendment to a joint resolution proposing an amendment to the Constitution is adopted by a majority vote.**

On Feb. 24, 1931,<sup>(1)</sup> the House was considering House Joint Resolution 292, a joint resolution proposing an amendment to the Constitution addressing the assembly of Congress. The Speaker,<sup>(2)</sup> in response to a parliamentary inquiry, stated that only a majority of the House (and not two-thirds) was required to adopt an amendment to the joint resolution.

The SPEAKER. The previous question is ordered under the rule.

1. 82 CONG. REC. 1517, 75th Cong. 2d Sess.
1. 74 CONG. REC. 5906, 71st Cong. 3d Sess. See also 5 Hinds' Precedents § 7031 (point of order) and 8 Cannon's Precedents § 3504 (parliamentary inquiry).
2. Nicholas Longworth (OH).

The question is on the amendment.

Mr. [Lamar] JEFFERS [of Alabama] and Mr. [Charles] CRISP [of Georgia] demanded the yeas and nays.

The yeas and nays were ordered.

Mr. [John] KETCHAM [of Michigan]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KETCHAM. Will the Chair please advise the Members by what majority the amendment would have to carry? Is a two-thirds majority necessary?

The SPEAKER. No; a majority is only necessary on an amendment.

***Yeas and Nays Not Required***

**§ 5.4 The yeas and nays are not required on the question of passing a joint resolution proposing an amendment to the Constitution.**

On Mar. 9, 1928,<sup>(1)</sup> the Speaker, Nicholas Longworth, of Ohio, responded to an inquiry by Mr. John Q. Tilson, of Connecticut, as to whether the yeas and nays were required on joint resolutions proposing amendments to the Constitution, as follows:

The SPEAKER. There is no rule which provides for a yea-and-nay vote, and the Chair will quote from the Manual, section 224:<sup>(2)</sup>

Ayes and nays not required to pass a resolution amending the Constitution

The question is on the passage of the resolution.

1. 70 CONG. REC. 4430, 70th Cong. 1st Sess. See also 5 Hinds' Precedents §§ 7038, 7039.
2. Now *House Rules and Manual* § 192 (2007) ("The yeas and nays are not required to pass a joint resolution proposing to amend the Constitution. . . .").

### C. Senate Consideration; House-Senate Relations

#### § 6. Senate Consideration

In the Senate, as in the House, although only a simple majority vote is required to amend a joint resolution proposing a constitutional amendment, a two-thirds majority vote is required for passage. The Senate has converted, by amendment, a legislative joint resolution into a proposed constitutional amendment (such a resulting joint resolution requiring a two-thirds vote for passage). In addition, the Senate has entertained, to a joint resolution proposing a constitutional amendment, amendments to achieve a legislative purpose instead.

#### *Vote Required for Passage*

**§ 6.1 The vote required in the Senate for passage of a joint resolution proposing an amendment to the Constitution is two-thirds of those present and voting, a quorum being present, and not two-thirds of the total membership.**

The vote required in the Senate is the same as that required in the House,<sup>(1)</sup> as the proceedings of

1. See § 5.1, *supra*.

Feb. 26, 1869,<sup>(2)</sup> illustrate. On that day, the Senate concluded consideration of a conference report on a joint resolution proposing a constitutional amendment regarding suffrage. The proceedings relating to the announcement of the outcome of the vote were as follows:

The PRESIDENT *pro tempore*.<sup>(3)</sup> The question is on concurring in the report of the committee; and on this question the yeas and nays must be called.

The question being taken by yeas and nays resulted—yeas 39, nays 13; as follows: . . .

The PRESIDENT *pro tempore*. On this question the yeas are 39, and the nays are 13. Two thirds of the Senators present having voted in the affirmative, the report is agreed to.

Mr. [George H.] WILLIAMS [of Oregon] obtained the floor.

Mr. [Garrett] DAVIS [of Kentucky]. I rise to a question of order. I ask the Chair what the number of votes was announced to be.

The PRESIDENT *pro tempore*. The yeas were 39, and the nays were 13; being two thirds.

Mr. DAVIS. The question of order that I make is that the decision of this question has not been announced by the Chair according to the Constitution. The Chair has announced that

2. 41 CONG. GLOBE 1641, 1642, 40th Cong. 3d Sess. This precedent is also carried at 5 Hinds' Precedents § 7028.

3. Benjamin F. Wade (OH).

the proposition has received the vote of two thirds of the Senate, and therefore that it has passed. I controvert that fact. There are now thirty-seven States in the Union. They are entitled to seventy-four members of the Senate.

Mr. [James W.] NYE [of Nevada]. The honorable Senator will allow me to correct him. The Chair did not make the announcement that the honorable Senator says he did. He said it received two thirds of the votes of all the members present. That was the announcement by the Chair. . . .

The PRESIDENT *pro tempore*. The Chair desires the Senator to understand what the Chair said in the announcement of the vote. It was that two thirds of the Senators present had voted in the affirmative. That is the way in which it was announced by the Chair.

Mr. DAVIS. But then the conclusion was—

The PRESIDENT *pro tempore*. That the report was concurred in.

Mr. DAVIS. That is just as I understood it. Now, the conclusion does not follow the vote which the Chair announced, because the Senate consists of seventy-four members, and to constitute two thirds of the Senate a vote of fifty is necessary. My point of order is, that when a less number than two thirds of the Senate is required by the Constitution for any purpose, for instance to ratify a treaty or to confirm a nomination, the Constitution expressly says that it shall be two thirds of the members present. In voting upon a proposition to amend the Constitution, the Constitution does not limit the number of two thirds by reciting that it is two thirds of the members present. . . .

Mr. [Lyman] TRUMBULL [of Illinois]. If the Chair will indulge me a moment, this very point was raised in regard to a constitutional amendment some years ago, and the Senate decided by a vote, almost unanimously, that two thirds of the Senators present were sufficient to carry a constitutional amendment. I think that the Presiding Officer upon reflection will recollect it. It was the constitutional amendment that was proposed before the war. I myself made the point for the purpose of having it decided, and it was decided, I think by a nearly unanimous vote, that two thirds of the Senators present, a quorum being present, was sufficient to carry a constitutional amendment. . . .

Mr. WILLIAMS. I ask for a decision on the question of order.

The PRESIDENT *pro tempore*. I believe it has been decided according to all the precedents. . . .

***Vote Required to Amend Joint Resolution***

**§ 6.2 In the Senate, when a joint resolution proposing an amendment to the Constitution is under consideration, an amendment to the joint resolution is adopted by a majority vote.**

On Oct. 2, 1970,<sup>(1)</sup> the Presiding Officer of the Senate,<sup>(2)</sup> in response to parliamentary inquiries, advised the Senate of the vote required to adopt amendments, or

1. 118 CONG. REC. 34755, 91st Cong. 2d Sess.
2. Clifford P. Hansen (WY).

amendments thereto, to joint resolutions proposing constitutional amendments. Proceedings were as follows:

Mr. [Howard H.] BAKER [Jr., of Tennessee]. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Do I correctly understand that the amendment in the nature of a substitute now proposed by the distinguished Senator from North Carolina could be adopted as a substitute by a simple majority vote, and not require a two-thirds vote?

The PRESIDING OFFICER. That is right.

Mr. BAKER. And by that same token, a new substitute to the resolution itself, striking the amendment in the nature of a substitute, could also be adopted by a majority vote?

The PRESIDING OFFICER. Any amendment to the substitute of the pending resolution could be adopted by a simple majority vote.

***Vote Required When Joint Resolution Proposing Legislation is Pending***

**§ 6.3 In the Senate, a joint resolution that is legislative in nature may be amended by majority vote to convert the joint resolution into one proposing an amendment to the Constitution. Upon adoption of such an amendment, a two-thirds vote is required**

**for passage of the joint resolution.**

On Mar. 27, 1962,<sup>(1)</sup> when the Senate was considering Senate Joint Resolution 29, proposing a national monument, Mr. Spessard L. Holland, of Florida, offered an amendment that would propose a constitutional amendment instead.

THE ALEXANDER HAMILTON NATIONAL MONUMENT — AMENDMENT TO THE CONSTITUTION DEALING WITH POLL TAXES

The Senate resumed consideration of the joint resolution (S.J. Res. 29) providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument.

Mr. [Mike] MANSFIELD [of Montana]. Mr. President, what is the pending question?

The VICE PRESIDENT.<sup>(2)</sup> The question is on agreeing to the amendment of the Senator from Florida [Mr. HOLLAND], striking out all after the resolving clause, as amended, of Senate Joint Resolution 29, and inserting in lieu thereof certain other words.

Mr. MANSFIELD. This is a proposed constitutional amendment seeking to abolish the poll tax in the several States, is it?

Before putting the question to the Senate on a point of order against the Holland amendment based on constitutional grounds,

1. 110 CONG. REC. 5072-106, 87th Cong. 2d Sess.

2. Lyndon B. Johnson (TX).



the Chair responded to a parliamentary inquiry concerning the vote required to adopt the Holland amendment.

Mr. [Carl T.] CURTIS [of Nebraska]. If the resolution were to be amended by the Holland amendment, it has been stated it would require a two-thirds vote for passage. My question is, Will it require a two-thirds vote to adopt the Holland amendment to Senate Joint Resolution 29?

The VICE PRESIDENT. Only a majority vote is required in acting upon an amendment.

After the Senate tabled the point of order and the Holland amendment was adopted, the Senate voted on passage of the amended joint resolution.

The PRESIDING OFFICER.<sup>(3)</sup> The joint resolution having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll. . . .

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the joint resolution is passed.

***Yeas and Nays Not Required***

**§ 6.4 The yeas and nays are not required in the Senate on the question of passing a joint resolution proposing an amendment to the Constitution.**

3. Lee Metcalf (MT).

On June 27, 2006,<sup>(1)</sup> the Senate ordered the yeas and nays on Senate Joint Resolution 12, proposing an amendment to the Constitution regarding physical desecration of the flag, as follows.

The PRESIDING OFFICER.<sup>(2)</sup> The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution, as amended, pass?

Mr. [Orrin G.] HATCH [of Utah]. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The yeas and nays were ordered.

**§ 7. Conference Reports**

Differences between the two Houses on a joint resolution proposing a constitutional amendment may be committed to a committee of conference,<sup>(1)</sup> the report thereof requiring a two-thirds vote for adoption.<sup>(2)</sup> As with the vote on initial passage of the joint resolution,<sup>(3)</sup> the yeas and nays are

1. 152 CONG. REC. 12654, 109th Cong. 2d Sess.
2. Lamar Alexander (TN).
1. See 5 Hinds' Precedents § 7037.
2. *Id.* at § 7036.
3. See § 5.4, *supra*.

not required on the vote on adopting the conference report in the House.<sup>(4)</sup>

## § 8. Amendments Between the Houses

When one House has passed a joint resolution proposing a constitutional amendment and has transmitted it to the other House, the House receiving the joint resolution may adopt amendments by a simple majority vote, but a two-thirds vote is required for passage.<sup>(1)</sup> If one House passes with amendments such a joint resolution that originated in the other House, a two-thirds vote is required in the House in which the joint resolution originated in order to concur in the amendments of the other House.<sup>(2)</sup> In the rare case where one House amends and passes a joint resolution of

4. See, *e.g.*, 111 CONG. REC. 15212–16, 89th Cong. 1st Sess., June 30, 1965. The same is true in the Senate, although on one occasion, upon putting the question on agreeing to a conference report proposing an amendment to the Constitution, the Presiding Officer announced that the “yeas and nays must be called.” 41 Cong. Globe 1638, 1641, 40th Cong. 3d Sess., Feb. 26, 1869 (proceedings carried in § 6.1, *supra*).

1. See § 8.1, *infra*.

2. See §§ 8.2, 8.3, *infra*.

the other House by a two-thirds vote and then recedes from that amendment by a simple majority vote, the joint resolution is not considered as having been passed.<sup>(3)</sup>

### § 8.1 Vote required to adopt an amendment before passage of other House’s joint resolution.

On Apr. 13, 1965,<sup>(1)</sup> the House agreed to an amendment to a joint resolution proposing a constitutional amendment that had originated in the Senate. The amendment was adopted by a simple majority vote and the Senate joint resolution, as amended, was then passed by the requisite two-thirds vote. Proceedings were as follows:

The Clerk read the title of the Senate joint resolution, as follows:

S.J. RES. 1

Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office[.] . . .

The SPEAKER.<sup>(2)</sup> The Clerk will report the amendment.

3. See 5 Hinds’ Precedents § 7035.

1. 111 CONG. REC. 7969, 89th Cong. 1st Sess.

2. John W. McCormack (MA).

The Clerk read as follows:

Amendment offered by Mr. [Emanuel] CELLER [of New York]: "Strike out all after the resolving clause of Senate Joint Resolution 1 and insert the provisions of House Joint Resolution 1, as passed by the House."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the Senate joint resolution.

The question was taken; and (two-thirds having voted in favor thereof) the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

A similar joint resolution (H.J. Res. 1) was laid on the table.

**§ 8.2 A two-thirds vote is required in the House to adopt a motion that the House concur in Senate amendments to a House joint resolution proposing an amendment to the Constitution.**

On Mar. 21, 1947,<sup>(1)</sup> the House concurred in Senate amendments to House Joint Resolution 27, proposing a constitutional amendment regarding the term of office

1. 93 CONG. REC. 2389, 2392, 80th Cong. 1st Sess.

of the President of the United States, by a two-thirds vote. Proceedings were as follows:

Mr. [Earl] MICHENER [of Michigan]. Mr. Speaker, I ask the Speaker to lay before the House for immediate consideration House Joint Resolution 27, a joint resolution proposing an amendment to the Constitution of the United States relating to the terms of office of the President, with Senate amendments.

The SPEAKER.<sup>(2)</sup> The Clerk will report the title of the joint resolution and the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments[.] . . .

Mr. MICHENER. Mr. Speaker, this bill with the Senate amendment was returned to the House on March 13. It was taken informally before the full Committee on the Judiciary, and I am instructed by that committee to call the resolution up at this time for the purpose of agreeing to the Senate amendment. I have followed precedent and cleared through the majority leader and the minority leader.

I therefore move that the House concur in the Senate amendment.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. MICHENER moves that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Michigan is recognized for 1 hour. . . .

Mr. MICHENER. Mr. Speaker, I move the previous question.

2. Joseph W. Martin, Jr. (MA).

The previous question was ordered.

The question was taken; and on a division (demanded by Mr. [Robert] THOMASON [of Texas]) there were—ayes 81, noes 29.

Mr. [Aime J.] FORAND [of Rhode Island]. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Mr. FORAND. Mr. Speaker, I withdraw the point of order.

So (two-thirds having voted in favor thereof) the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

**§ 8.3 A two-thirds vote is required in the Senate to adopt a motion that the Senate concur in House amendments to a Senate joint resolution proposing an amendment to the Constitution.**

On Dec. 18, 1917,<sup>(1)</sup> the Senate had under consideration Senate

1. 56 CONG. REC. 477, 65th Cong. 2d Sess. See also 106 CONG. REC.

Joint Resolution 17, proposing a constitutional amendment prohibiting the manufacture, sale, or transportation of intoxicating liquors, with House amendments thereto. After a motion was made that the Senate concur in the House amendments, Mr. William E. Borah, of Idaho, asked as a parliamentary inquiry whether a two-thirds vote was required to agree to the motion.

The VICE PRESIDENT.<sup>(2)</sup> That is the opinion of the Chair. It is the view of the Chair that an amendment to a resolution proposing an amendment to the Constitution of the United States needs only a majority in order to be adopted; but the resolution having once been adopted by the Senate and gone to the House and returned here for the final action of the Senate, it is necessary to have a two-thirds vote on the amendments of the House, for this constitutes the final passage of the resolution.

12850–58, 86th Cong. 2d Sess., June 16, 1960.

2. Thomas R. Marshall (IN).

**D. Ratification**

**§ 9. Generally; Certification and Publication**

Unlike a joint resolution of a legislative nature, a joint resolution proposing a constitutional amendment is not presented to the President under Article I, § 7, clause 2 of the Constitution. Rather, such a joint resolution is submitted to the States for ratification.

**§ 9.1 Constitutional amendments that have passed both Houses are not presented to the President.**

On Feb. 25, 1869,<sup>(1)</sup> Speaker Schuyler Colfax, of Indiana, overruled a point of order that a proposed constitutional amendment would have to be presented to the President for approval. The ruling of the Chair was as follows:

The SPEAKER. The gentleman having stated the point of order the Chair will decide it. It has been raised once before and decided by the Chair. He will repeat the substantial points of that decision, which he thinks will satisfy the gentleman that his point is not well taken, although based by him upon the Constitution of the United States. The question was raised dis-

tinctly in 1803 in the Senate of the United States, on a motion that the then proposed amendment to the Constitution should be submitted to the President[.] . . .

On a distinct vote of 23 to 7 the Senate voted that the Committee on Enrolled Bills should not present the proposed amendment. This is a decision made by one of the early Congresses. But the Chair is not satisfied with having it rest on that; he is disposed to present higher authority in overruling the point of order.

In 1798, a case<sup>(2)</sup> arose in the Supreme Court of the United States depending upon the amendment to the Constitution proposed in 1794, and the counsel, in argument before the court, insisted that the amendment was not valid, not having been approved by the President of the United States. . . .

The Court, speaking through [Justice Chase] . . . observed:

“The negative of the President applies only to the ordinary cases of legislation. He has nothing to do with the proposition or adoption of amendments to the Constitution.”

As the Supreme Court of the United States has settled this question by a decision, the Chair does not need to read further authorities. . . .

The Chair, therefore, thinks that the question is settled, not only by the practice of Congress but by a decision of the Supreme Court of the United States, and therefore overrules the point of order.

1. 41 Cong. Globe 1563, 40th Cong. 3d Sess.

2. *Hollingsworth v. Virginia*, 3 U.S. (3 Dall.) 378 (1798).

**§ 9.2 Enrolled joint resolutions proposing constitutional amendments are submitted to the appropriate Federal official, designated by law, for submission to the States.**

Responsibility for receiving from Congress enrolled joint resolutions by which Congress proposes to the States amendments to the Constitution and for transmitting the same to the States has been vested in different officials of the executive branch over time. Currently, that responsibility is vested in the Archivist of the United States.<sup>(1)</sup> The delivery of such measures to the appropriate official is reported to the House originating the amendment.

An example from 1947 is as follows:<sup>(2)</sup>

ENROLLED JOINT RESOLUTION SIGNED

Mr. [Joseph] LeCOMPTE [of Kentucky], from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 27. Joint resolution proposing an amendment to the Constitution of the United States relating to the terms of office of the President.

1. See § 10, *infra*, and 1 USC § 106b (relating to amendments to the Constitution), and related annotations.
2. See 93 CONG. REC. 2482, 80th Cong. 1st Sess., Mar. 24, 1947.

JOINT RESOLUTION FILED WITH THE SECRETARY OF STATE

Mr. LeCOMPTE, from the Committee on House Administration, reported that that committee did on this day present to and file with the Secretary of State of the United States a joint resolution of the following title:

H.J. RES. 27. Joint resolution proposing an amendment to the Constitution of the United States relating to the terms of office of the President.

Another instance occurred on June 17, 1960:<sup>(3)</sup>

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 17, 1960, he presented to the Administrator, General Services Administration, the enrolled joint resolution (S.J. Res. 39) proposing an amendment to the Constitution of the United States granting representation in the electoral college to the District of Columbia.

**§ 10. Submission to the States; Records of Ratification**

The process by which a proposed amendment to the Constitution leaves Congress as officially proposed and eventually becomes effective as part of the Constitution has changed over the years

3. 106 CONG. REC. 13101, 86th Cong. 2d Sess.

and occasionally has included actions by the President not necessary to the effectiveness of the amendment. For example, the two Houses by concurrent resolution asked the President to transmit copies of the proposed 15th Amendment to the executives of the States,<sup>(1)</sup> and the President informed Congress of the promulgation of the ratification of the 15th Amendment.<sup>(2)</sup> The President was officially involved only in the first 11 amendments<sup>(3)</sup> and the 15th.<sup>(4)</sup>

The ministerial functions of transmitting proposed amendments to the States, receiving the notices of ratification by States, and, in some instances, declaring an amendment effective have been carried out successively by the Secretary of State,<sup>(5)</sup> the Administrator of General Services,<sup>(6)</sup> and the Archivist of the United States.<sup>(7)</sup>

**Early Practice**

**§ 10.1 President communicated ratification of Bill of Rights to Congress.**

1. 5 Hinds' Precedents § 7043. Such a concurrent resolution is not privileged in the House. 8 Cannon's Precedents § 3508.
2. 5 Hinds' Precedents § 7044.
3. See §§ 10.1, 10.2, *infra*.
4. 5 Hinds' Precedents § 7044.
5. See § 10.2, *infra*.
6. See § 10.3, *infra*.
7. See § 10.4, *infra*.

The President notified the Congress of the ratification of the first 10 amendments (the Bill of Rights) by message as follows:<sup>(1)</sup>

The following Message from the President of the United States was received:

*Gentlemen of the Senate, and of the House of Representatives:*

I lay before you a copy of the ratification, by the Commonwealth of Virginia, of the articles of amendment proposed by Congress to the Constitution of the United States; and a copy of a letter which accompanied said ratification, from the Governor of Virginia.

G. WASHINGTON  
UNITED STATES, December 30, 1791.

The papers referred to in the Message are as follows:

COUNCIL CHAMBER,  
*Richmond, Dec. 22, 1791.*

Sir: The General Assembly, during their late session, have adopted, on the part of this Commonwealth, all the amendments proposed by Congress to the Constitution of the United States; their ratification whereof I do myself the honor herewith to transmit.

I have the honor to be, &c.

HENRY LEE.  
*The* PRESIDENT of the United States.

VIRGINIA:

General Assembly, begun and held at the Capitol, in the city of Richmond, on Monday, the 17th day of October, in the year of our Lord 1791.

MONDAY, December 5, 1791.

1. 1 Annals of Cong. 54, 2d Cong. 1st Sess., Dec. 30, 1791.

*Resolved*, That the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles of the amendments proposed by Congress to the Constitution of the United States, be ratified by this Commonwealth.

December 15th, 1791: Agreed to by the Senate.

JOHN PRIDE,

S[ecretary]. [of the] S[enate].

THOS. MATTHEWS,

S[ecretary]. [of the] H[ouse of] D[elegates].

Examined.

The House received the same message:<sup>(2)</sup>

A message, in writing, was received from the President of the United States, by Mr. Lear, his Secretary, as followeth:

UNITED STATES,

*December 30th 1791.*

*Gentleman of the Senate and the House of Representatives:*

I lay before you a copy of the ratification, by the Commonwealth of Virginia, of the articles of amendment proposed by Congress to the Constitution of the United States, and a copy of a letter which accompanied said ratification from the Governor of Virginia.

G. WASHINGTON.

The papers referred to in the said message were read, and ordered to lie on the table.

2. H. Jour., Vol. 1, p. 483, 2d Cong. 1st Sess, Dec. 30, 1791.

**§ 10.2 President declares 11th Amendment; Secretary of State assumes record-keeping responsibility.**

The Senate adopted a resolution setting out the history of ratification of the first 13 proposed amendments and requesting the President to ascertain whether any States other than those recorded had ratified the 11th Amendment: <sup>(1)</sup>

Mr. [Henry] Tazewell [of Virginia] reported, from the committee on the subject of amendments to the constitution of the United States, which was read, as follows:

“That, of the twelve amendments proposed by Congress, at their session begun and held in New York on the 4th of March, 1789, the following States ratified the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, prior to the first day of March, 1791, viz. New Jersey, Maryland, North Carolina, South Carolina, New Hampshire, Delaware, New York, Pennsylvania, and Rhode Island; which States making three-fourths of the then thirteen United States, the said amendments have become a part of the constitution.

“That the first amendment was ratified prior to the first day of March, 1791, by the following States, viz. New Jersey, Maryland, North Carolina, South Carolina, New Hampshire, New York, and Rhode Island, and, subsequent to that period, by Pennsylvania, Virginia, and Vermont; which number

1. S. Jour. Vol. 2, pp. 315, 316, 4th Cong. 2d Sess., Jan. 31, 1797.



not making three-fourths of the States at the period of ratification, the said amendment has not as yet become a part of the constitution.

“That the second amendment was ratified prior to the 1st day of March, 1791, by the following States: Maryland, North Carolina, South Carolina, Delaware, and, subsequent to that period, by Virginia and Vermont; which number not making three-fourths of the States, the said amendment has not become a part of the constitution.”

“That the amendment respecting the suability of States, which has been proposed by Congress since March, 1791, has been ratified by the following States: New York, Massachusetts, Vermont, New Hampshire, Georgia, Delaware, Rhode Island, and North Carolina, as appears by authentic documents returned to Congress. The committee have strong reasons to believe that other States have ratified this latter amendment, and that the evidences of the fact have not been as yet returned to the proper departments of the government; wherefore, as the number returned do not amount to three-fourths of the States, the said amendment cannot, under present circumstances, be reported as forming a part of the constitution.

Whereupon,

*Resolved*, by the Senate and House of Representatives of the United States, That the President be requested to adopt some speedy and effectual means of obtaining information from the States of Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, Tennessee, and South Carolina, whether they have ratified the amendment proposed by Congress

to the constitution concerning the suability of States; if they have, to obtain the proper evidences thereof.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this resolution.

The House agreed to the resolution on Feb. 24, 1797.<sup>(2)</sup>

The President transmitted to the Congress a message not only indicating that a particular State had ratified an amendment, but also declaring that the amendment had become part of the Constitution. The Journal recorded receipt of the message as follows:<sup>(3)</sup>

A message, in writing, was received from the President of the United States, by Mr. Taylor, Chief Clerk in the Department of State, as followeth:

*Gentleman of the Senate and Gentleman of the House of Representatives:*

I have now an opportunity to transmit to Congress a report of the Secretary of State, with a copy of an act of the Legislature of the State of Kentucky, consenting to the ratification of the amendment of the Constitution of the United States, proposed by Congress in their resolution of the second day of December, one thousand seven hundred and ninety-three, relative to the suability of States. This amendment having been adopted by three-fourths of the several States, may now be declared to be a part of the Constitution of the United States.

**JOHN ADAMS.**

UNITED STATES, *January 8th*, 1798.

2. H. Jour. Vol. 2, p. 718, 4th Cong. 2d Sess.
3. H. Jour. Vol. 3, p. 126, 5th Cong. 2d Sess., Jan. 8, 1798.

The said message, and papers referred to therein, were read, and ordered to lie on the table.

The message also indicates that the President directed the Secretary of State to keep records on the ratification of amendments by the States, beginning an historical pattern that continued until the Reorganization Plan No. 20 of 1950 transferred the responsibility from the Secretary of State.<sup>(4)</sup>

***Certification, Publication, and Preservation Functions Vested in the Administrator of General Services***

**§ 10.3 A Presidential reorganization plan transferred responsibility for certification, publication, and preservation of constitutional amendments from the Secretary of State to the Administrator of General Services.**

Under the authority of the Reorganization Act of 1949,<sup>(1)</sup> President Harry S Truman transmitted Reorganization Plan No. 20 of 1950<sup>(2)</sup> to the Congress on Mar. 13, 1950.

4. See § 10.3, *infra*. For an example of a State's certificate of ratification sent to the Secretary of State with a copy laid before the House, see 76 CONG. REC. 35, 72d Cong. 2d Sess., Dec. 5, 1932.
1. 63 Stat. 203
2. 5 USC App. Reorganization Plan No. 20 of 1950.

The plan, in pertinent part, read as follows:

**STATUTES AT LARGE AND OTHER MATTERS**

**SECTION 1. FUNCTIONS TRANSFERRED FROM DEPARTMENT OF STATE TO ADMINISTRATOR OF GENERAL SERVICES**

There are hereby transferred to the Administrator of General Services the functions of the Secretary of State and the Department of State with respect to: . . .

(c) The certification and publication of amendments to the Constitution of the United States (. . . [1 U.S.C. 106b]) and the preservation of such amendments;

The message of the President transmitting the reorganization plan included the following:

Since its establishment in 1789 the Department of State has performed certain routine secretarial and record-keeping functions for the Federal Government which are entirely extraneous . . . to the conduct of foreign relations. While these activities do not properly belong in the Department, they were assigned to it and continued under its jurisdiction for want of an appropriate agency for their performance. . . .

Through the National Archives and Records Service the General Services Administration is especially staffed and equipped for the conduct of activities of these types.

***Functions Vested in the Archivist of the United States***

**§ 10.4 Archivist charged with printing and certifying adoption of amendments.**

Effective Apr. 1, 1985, section 106b of title 1, United States Code, <sup>(1)</sup> was amended<sup>(2)</sup> to transfer from the Administrator of General Services to the newly established Archivist of the United States the responsibility for publishing and certifying the adoption of amendments to the Constitution.

The Archivist of the United States first executed this responsibility under § 106b of title 1, United States Code, in 1992 when the 27th Amendment was published and certified as having been adopted.<sup>(3)</sup>

1. Section 106b of title 1, United States Code, reads as follows:

**§ 106b. Amendments to Constitution**

Whenever official notice is received at the National Archives and Records Administration that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Archivist of the United States shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

2. Section 107(d) of the National Archives and Records Administration Act of 1984 (Pub. L. No. 98-497; Oct. 19, 1984, 98 Stat. 2291).
3. *House Rules and Manual* § 258, footnote 18 (2007).

## § 11. State Consent; Withdrawal and Rescission of Withdrawal

Under Article V of the Constitution, the approval of three-fourths of the States is required to ratify an amendment to the Constitution. Whether a State may rescind its ratification of a constitutional amendment has been the subject of discussion<sup>(1)</sup> and litigation.<sup>(2)</sup> A State, having previously rescinded its ratification before the effectiveness of an amendment, has later ratified the amendment (after it had become effective). For example, on Mar. 12, 2003,<sup>(3)</sup> the Ohio General Assembly passed a joint resolution ratifying the 14th Amendment. The joint resolution recited the history of Ohio's action with respect to the 14th Amendment, as follows: Ohio ratified the amendment on Jan. 11, 1867, but rescinded such ratification on Jan. 15, 1868 (the amendment becoming effective six months later).

1. See 5 Hinds' Precedents § 7042.
2. For relevant case law, see *House Rules and Manual* § 192 (2007).
3. The memorial was noted at 150 CONG. REC. 100, 108th Congress 2d Sess., Jan. 20, 2004. See also *Id.* for a memorial from New Jersey revoking an earlier attempt to withdraw its ratification of an amendment.

## § 12. Time Limits on Ratification

Beginning with what became the 18th Amendment, Congress has generally imposed a time limit on the period for State ratification of a proposed amendment. The customary time limit is seven years from the date of the submission of the proposed amendment to the States by Congress. Initially, these time limitations were made part of the text of the proposed amendment.<sup>(1)</sup> In recent practice, the limitation has been made part of the text of the joint resolution preceding the text of the proposed amendment, rather than part of the text of the amendment. In one case, a simple majority in both Houses extended the limitation when it was contained in the joint resolution rather than the amendment itself.<sup>(2)</sup> In the case of the 27th Amendment, the ratification of which spanned an unusually long interval, each House of Congress separately declared the amendment duly ratified.<sup>(3)</sup>

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### § 12.1 A proposed amendment to the Constitution may con-

1. See, *e.g.*, U. S. Const. amend. 18 § 3.
2. See § 12.3, *infra*.
3. See § 12.4, *infra*.

### tain a limit on the period for State ratification.

The 18th Amendment was submitted to the States with the following limitation on ratification:

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

### § 12.2 Congress may include a limitation on the time for State ratification of a proposed amendment to the Constitution in the joint resolution proposing the amendment rather than in the body of the amendment itself.

Rather than including a period for State ratification in the text of a proposed constitutional amendment itself, Congress may set forth such a limitation in the text of the joint resolution proposing such amendment. An example of this form of limitation on a ratification period was included in Senate Joint Resolution 7 of the 92d Congress, which was considered by the House on Mar. 23, 1971,<sup>(1)</sup> and which became the 26th

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1. See 117 CONG. REC. 7570, 92d Cong. 1st Sess.

Amendment. That resolution read as follows:

S.J. RES. 7

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:*

“ARTICLE —

“SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

“SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

**§ 12.3 The House by majority vote passed a joint resolution extending the ratification period for a constitutional amendment previously submitted to the States.**

A proposed constitutional amendment regarding equal rights on account of sex was submitted to the States on Mar. 22, 1972,<sup>(1)</sup> upon the passage by the

1. 118 CONG. REC. 9598, 92d Cong. 2d Sess. The House had passed the joint resolution by the requisite two-thirds

Senate of House Joint Resolution 208 of the 92d Congress by the requisite two-thirds majority. That joint resolution included in its text a seven-year ratification limitation preceding the text of the proposed amendment. The text of the joint resolution was as follows:

H.J. RES. 208

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:*

“ARTICLE —

“SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

“SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

“SEC. 3. This amendment shall take effect two years after the date of ratification.”

During 1978, with the ratification deadline for the proposed amendment approaching and with

majority and transmitted it to the Senate on Oct. 12, 1971. 117 CONG. REC. 35815, 92d Cong. 1st Sess.

fewer than the requisite number of States having ratified the proposed amendment, Congress considered various proposals to extend the ratification period. On Aug. 15, 1978,<sup>(2)</sup> the House considered a joint resolution to extend<sup>(3)</sup> the ratification period. Before the joint resolution was considered, the House considered, and laid on the table, a resolution considered as a question of the privileges of the House declaring that a two-thirds vote was necessary to pass the joint resolution extending the ratification period. The House then passed the joint resolution by majority vote.

The proceedings were as follows:

Mr. [James] QUILLEN [of Tennessee]. Mr. Speaker, I rise to a question of the privileges of the House and offer a privileged resolution (H. Res. 1315) involving a question of the privileges of the House, and I ask for its immediate consideration.

2. 124 CONG. REC. 26203, 26204, 26239, 26265, 95th Cong. 2d Sess.
3. *Parliamentarian's Note*: Rule XIII clause 3 (the Ramseyer Rule), does not apply to a joint resolution extending the period for State ratification when the joint resolution does not specifically, by amendment, change the text of the ratification deadline in the joint resolution by which Congress submitted the amendment to the States but rather extends the period by a superseding provision. *Id.* at p. 26204.

After holding that the resolution did present a question of the privileges of the House under Rule IX,<sup>(4)</sup> the Speaker, Thomas P. O'Neill, Jr., of Massachusetts, directed the Clerk to report the resolution. The resolution was as follows:

H. RES. 1315

Whereas H.J. Res. 638 of this Congress amends H.J. Res. 208 of the 92nd Congress, proposing an amendment to the Constitution;

Whereas H.J. Res. 208 of the 92nd Congress was passed by an affirmative vote of two-thirds of the Members present and voting, as required by Article V of the Constitution, and submitted for ratification on March 22, 1972;

Whereas the integrity of the process by which the House considers changes to H.J. Res. 208 of the 92nd Congress would be violated if H.J. Res. 638 were passed by a simple majority of the Members present and voting;

Whereas the constitutional prerogatives of the House to propose amendments to the Constitution and to impose necessary conditions there-to in accordance with Article V of the Constitution would be abrogated if H.J. Res. 638 were passed by a simple majority of the Members present and voting;

*Resolved*, That an affirmative vote of two-thirds of the Members present and voting, a quorum being present, shall be required on final passage of H.J. Res. 638.

The privileged resolution was laid on the table. The House then resolved itself into the Committee

4. *House Rules and Manual* § 698 (2007).

of the Whole to consider House Joint Resolution 638. The joint resolution read as follows:<sup>(5)</sup>

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of House Joint Resolution 208 of the Ninety-second Congress, second session, to the contrary, the article of amendment proposed to the States in such joint resolution shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within fourteen years from the date of the submission by the Congress to the States of such proposed article of amendment.*

After debate and adoption of an amendment striking the matter beginning “within fourteen years” and all that follows and inserting “not later than June 30, 1992.”, the House passed the joint resolution by a simple majority vote.<sup>(6)</sup>

**§ 12.4 The House adopted a concurrent resolution declaring the ratification of a constitutional amendment.**

On Sept. 25, 1789,<sup>(1)</sup> the First Congress submitted to the States

5. 124 CONG. REC. 26239, 95th Cong. 2d Sess., Aug. 15, 1978.
6. After passage by the Senate, the joint resolution was signed by the President but not assigned a public law number. Upon receipt of the joint resolution, the Archivist notified the States of its passage.
1. S. Jour. Vol. 1, p. 88, 1st Cong. 1st Sess.

for ratification 12 proposed amendments. Of those 12, 10 were ratified by Dec. 15, 1791,<sup>(2)</sup> and became the Bill of Rights. These amendments were proposed without a deadline for ratification, and the remaining two remained pending before the States. In May of 1992, one of those proposed amendments, to limit the power of Congress to increase the salaries of its Members, was ratified by the 38th State (the number of States needed to constitute ratification by the requisite three-fourths of the States) and on May 18, 1992, was declared by the Archivist of the United States to have been ratified. In light of the unprecedented period of time between submission of the amendment to the States and the ratification by the final State necessary for adoption of the amendment, and in order to quell speculation over the efficacy of a ratification process spanning two centuries, the House adopted<sup>(3)</sup> a concurrent resolution<sup>(4)</sup> declaring the ratification of the amendment. The concurrent resolution read as follows:

2. See § 10.1, *supra*.
3. 138 CONG. REC. 12051, 102d Cong. 2d Sess., May 20, 1992. The concurrent resolution was debated on the preceding day, May 19, 1992, *Id.* at pp. 11779–85.
4. The concurrent resolution was considered under suspension of the

**Ch. 34 § 12**      DESCHLER-BROWN-JOHNSON PRECEDENTS

H. CON. RES. 320

*Resolved by the House of Representatives (the Senate concurring),* That Congress declares that the proposed article of amendment providing as follows:

“No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.”

has been ratified by a sufficient number of the States and has become a part of the Constitution.

On the same day, the Senate adopted both a simple and a concurrent resolution to the same ef-

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rules. The House had previously considered by unanimous consent a similar measure declaring the 14th Amendment ratified. See H. Jour. 1126, 1127, 40th Cong. 2d Sess., July 21, 1868.

fect.<sup>(3)</sup> Neither body acted on the measure of the other.<sup>(4)</sup>

3. S. Res. 298 and S. Con. Res. 120 at 138 CONG. REC. 11869, 11870, 102d Cong. 2d Sess., May 20, 1992. The Senate adopted the two resolutions by a single, en bloc vote of 99–0. Earlier, the Senate had adopted a resolution requesting the Archivist to transmit to the Senate a list of States having ratified the amendment. S. Res. 295, at 138 CONG. REC. 11010, 102d Cong. 2d Sess., May 12, 1992.
4. For Supreme Court decisions relevant to the ratification process generally, see *Dillon v. Gloss*, 256 U.S. 368 (1921) (ratification must be within a reasonable time after proposal); *Coleman v. Miller*, 307 U.S. 433 (1939) (efficacy of State ratification of proposed amendments is a political question upon which Congress must make the final determination).



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## CHAPTER 35

# *Presidential Messages and Executive Communications*

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- § 3. Referral
- § 4. Joint Sessions to Receive Presidential Messages: In  
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# *Presidential Messages and Executive Communications*

## § 1. In General; Scope

This chapter takes up the rules and practice governing Presidential messages and executive communications to the Congress or to the House alone. The transmittal of the budget and related documents by the President to Congress is treated elsewhere in this work,<sup>(1)</sup> as are House resolutions of inquiry and executive responses thereto.<sup>(2)</sup> Presidential messages dealing with vetoes and reasons for not approving legislation transmitted to the President are taken up more fully in another chapter,<sup>(3)</sup> as are most messages pertaining to the assembly of Congress<sup>(4)</sup> or to adjournments.<sup>(5)</sup>

The Constitution (art. II, § 3) dictates that the President shall from time to time give to the Congress information on the state of the Union, and recommend for consideration such measures as he shall judge necessary and expedient. Dates for submission of certain Presidential reports and messages are established by law.<sup>(6)</sup>

1. See Ch. 13, *supra*, and Ch. 41, *infra*.
2. See Ch. 15, *supra*.
3. See Ch. 24, *supra*.
4. See Ch. 1, *supra*.
5. See Ch. 40, *infra*.
6. For example, the date for the submission of the President's Budget for

There is a distinction between a Presidential message and an executive communication. A message from the President is addressed to the Congress, delivered through the door under seal, and laid before the House and read as soon as practicable after its reception. It sometimes requires House action. An executive communication, on the other hand, is addressed and delivered to the Speaker. It is usually referred by the Speaker to an appropriate committee without House action.<sup>(7)</sup> Receipt of the communication is noted in the Executive Communications portion of the *Congressional Record* for

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the next fiscal year has been established by law since 1974. See 31 USC §§ 1105, 1106. On one occasion, due to uncertainty over unfinished appropriations from the previous fiscal year and possible changes in mandatory programs and tax policy, the President satisfied 31 USC § 1105 by transmitting an incomplete budget and announcing his intention to subsequently submit supplementary material by a date certain. See 142 CONG. REC. 2335, 2336, 104th Cong. 2d Sess., Feb. 6, 1996. For more on the President's transmittal of the budget, see Ch. 13, *supra*, and Ch. 41, *infra*.

7. § 1.2, *infra*.

the day on which the message is referred.

The messenger delivering a Presidential message is introduced at the bar of the House with the words “Mr. [or Madam] Speaker, a message from the President.” The Speaker addresses the messenger as “Mr. [or Madam] Secretary.” Upon being recognized by the Speaker, the messenger of the President makes an announcement as follows:

I am directed by the President of the United States to deliver to the House a message in writing [or “sundry messages in writing” if there be more than one].

If the occasion requires, the messenger adds the following:

and to announce his approval of sundry House bills.<sup>(8)</sup>

There have been instances where, through inadvertence, non-relevant papers have been enclosed with a written message sent by the President; in such cases, he has been allowed to withdraw them.<sup>(9)</sup>

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### ***Receipt of Presidential Message as Privileged***

#### **§ 1.1 The receipt of a Presidential message is a matter**

8. 5 Hinds' Precedents § 6591.

9. *Id.* at § 6651.

**of high privilege and such a message is to be laid before the House and read as soon as practicable, the precedents of the House not justifying its being held at the desk until another legislative day.**

On June 24, 1968,<sup>(1)</sup> when the Chair announced he would lay before the House a message from the President, a parliamentary inquiry was raised as to the necessity of presenting a message in writing from the President on the date of its receipt:

The SPEAKER pro tempore.<sup>(2)</sup> The Chair lays before the House a message from the President of the United States.

Mr. [Durward G.] HALL [of Missouri]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HALL. Mr. Speaker, in the opinion of the Chair is it necessary that a Presidential message when delivered in writing be presented to the Members of the House immediately or could it be held until the next legislative day?

The SPEAKER pro tempore. The Chair will advise the distinguished

1. 114 CONG. REC. 18330, 90th Cong. 2d Sess. For an instance where the House by unanimous consent authorized the Speaker to postpone the referral of a message until a later day, see § 3.1, *infra*.
2. Carl Albert (OK).

gentleman that when the House is in session, a message from the President is laid before the House.

Mr. HALL. Mr. Speaker, a further parliamentary inquiry, is this done by tradition, at the will of the Chair, or is it supported by a rule of the House?

The SPEAKER pro tempore. It is supported by the custom of the House and the provisions of the constitution.

***Presidential Messages and Executive Communications Distinguished***

**§ 1.2 Unlike a Presidential message, which is delivered through the door and laid before the House, a communication from one of the executive departments or other element of the executive branch, including a communication from the President, is referred by the Speaker directly to the appropriate committee without announcement to the House.**

On May 28, 1969,<sup>(1)</sup> in response to a parliamentary inquiry, Speaker John W. McCormack, of Massachusetts, stated that a communication from the President had on that date been referred to committee without an announcement to the House.

Mr. [H. R.] GROSS [of Iowa]. Mr. Speaker, a parliamentary inquiry.

1. 115 CONG. REC. 14217, 91st Cong. 1st Sess.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Is there pending on the Speaker's desk a communication from the Postmaster General?

The SPEAKER. The Chair will respond by saying that there is a communication from the President on the postal service system. It has been referred to the Committee on Post Office and Civil Service.

Mr. GROSS. Mr. Speaker, when was the referral made?

The SPEAKER. The Chair will advise the gentleman that the referral was made after it was received this afternoon, as are all other communications of a similar nature.

**§ 1.3 Executive communications, although customarily referred to committee under the applicable House rule,<sup>(1)</sup> may, at the discretion of the Speaker, be handled in the same manner as Presidential messages and laid before the House.**

On Feb. 1, 1964,<sup>(2)</sup> Speaker John W. McCormack, of Massachusetts, laid before the House a communication from the President transmitting an appendix to the budget. The appendix had been received in the Speaker's Rooms after the House adjourned on Jan. 31. The President had previously,

1. Rule XIV clause 2, *House Rules and Manual* § 873 (2007).

2. 110 CONG. REC. 1580, 1581, 88th Cong. 2d Sess.

on Jan. 21, 1964,<sup>(3)</sup> transmitted a message to the House with the 1965 budget of the United States Government.<sup>(4)</sup>

The SPEAKER laid before the House the following communication from the President of the United States; which was read and referred to the Committee on Appropriations and ordered to be printed:

THE WHITE HOUSE,  
*Washington, February 1, 1964.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith the Budget of the U.S. Government, 1965—Appendix.

This appendix contains further information and detail concerning the proposals made in the Budget of the United States, 1965, which was transmitted with my message of January 21, 1964, to the Congress.

Respectfully yours,

LYNDON B. JOHNSON.

On Feb. 3, 1998,<sup>(5)</sup> Speaker pro tempore Robert Goodlatte, of Virginia, laid before the House a communication from the President transmitting the budget for fiscal

year 1999, which had been received in the Speaker's Rooms on Feb. 2, when the House was not in session. Ordinarily, the President's budget is transmitted under seal as a Presidential message and delivered to the Clerk if the House is not in session.<sup>(6)</sup>

The SPEAKER pro tempore (Mr. GOODLATTE) laid before the House the following communication from the President of the United States:

THE WHITE HOUSE,  
*Washington, February 2, 1998.*

Hon. NEWT GINGRICH,  
*Speaker of the House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to 31 U.S.C. 1105, attached is the Budget of the United States Government for Fiscal Year 1999.

Sincerely,

WILLIAM J. CLINTON.

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EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XXIV,<sup>(7)</sup> executive communications were taken from

**3.** *Id.* at pp. 704–712.

**4.** *Parliamentarian's Note:* The communication transmitting the appendix was laid down in the manner of a message from the President in order to maintain consistency in the treatment of the budget and related documents.

**5.** 144 CONG. REC. 517, 642, 643, 105th Cong. 2d Sess.

**6.** For similar examples of messages transmitted to the Speaker (rather than the Clerk) when the House was not in session, see 144 CONG. REC. 1224, 105th Cong. 2d Sess., Feb. 11, 1998, and 126 CONG. REC. 9148, 9149, 96th Cong. 2d Sess., Apr. 28, 1980.

**7.** Now *House Rules and Manual* § 873 (2007).

the Speaker's table and referred as follows: . . .

6752. A communication from the President of the United States, transmitting the Budget of the United States Government, Fiscal Year 1999, pursuant to 31 U.S.C. 1105(a); (H. Doc. No. 105-177); to the Committee on Appropriations and ordered to be printed.

On Oct. 10, 1963,<sup>(8)</sup> Speaker John W. McCormack, of Massachusetts, laid before the House a communication from the President dealing with the sale of surplus American wheat to Russia, which message was read and referred to the Committee on Agriculture.

The SPEAKER laid before the House the following communication from the President of the United States, which was read, referred to the Committee on Agriculture, and ordered to be printed:

OCTOBER 10, 1963.

HON. JOHN W. MCCORMACK,  
*Speaker of the House of Representatives, Washington, D.C.*

DEAR MR. SPEAKER: In view of previous expression of congressional interest and concern, it is appropriate that I report to the Congress the reasons for this Government's decision not to prohibit the sale of surplus American wheat, wheat flour, feed grains, and other agricultural commodities for shipment to the Soviet Union and other Eastern European countries during the next several months. . . .

Sincerely,  
JOHN F. KENNEDY.

8. 109 CONG. REC. 19283, 19284, 88th Cong. 1st Sess.

**§ 1.4 In one instance, the Speaker announced to the House his receipt of an executive communication in advance of referring it to committee.**

On Mar. 19, 2003,<sup>(1)</sup> Speaker J. Dennis Hastert, of Illinois, announced to the House his receipt the previous evening of a communication from the President consistent with a law authorizing the use of military force. In order to quell false speculation as to the contents of the communication, the Speaker inserted the text of the communication into the *Congressional Record* and announced his intention to refer it to the Committee on International Relations in the regular course.

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. HASTERT. Mr. Speaker, and for the information of all Members, I am in receipt of a report from the President pursuant to the Use of Force Resolution approved by the Congress last year.

This report summarizes diplomatic and other peaceful means pursued by the United States, cooperating with foreign countries and international organizations to obtain Iraqi compliance

1. 149 CONG. REC. 6530, 108th Cong. 1st Sess.

with all relevant United Nations Security Council resolutions regarding Iraq.

Pursuant to House Rule XII, I will refer this report to the Committee on International Relations. In addition, for the information of Members, I will submit the document in its entirety for printing into the CONGRESSIONAL RECORD. . . .

Any further announcement will be shared with the Congress.

THE WHITE HOUSE,  
*Washington, March 18, 2003.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: Consistent with section 3(b) of the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243), and based on information available to me, including that in the enclosed document, I determine that:

(1) reliance by the United States on further diplomatic and other peaceful means alone will neither (A) adequately protect the national security of the United States against the continuing threat posed by Iraq nor (B) likely lead to enforcement of all relevant United Nations Security resolutions regarding Iraq; and

(2) acting pursuant to the Constitution and Public Law 107-243 is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.

Sincerely,  
GEORGE W. BUSH.

**§ 1.5 A letter from the President, addressed to the Speaker and suggesting that the contents be brought “to the attention of your colleagues,” was, by unanimous consent, read and made a part of the proceedings of the House.**

On Dec. 12, 1967,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, laid before the House a letter addressed to him by the President.

The SPEAKER. Without objection, the Clerk will read a letter received by the Speaker from the President of the United States.

There was no objection.  
The Clerk read as follows:

THE WHITE HOUSE,  
*Washington, D.C., December 6, 1967.*

Hon. JOHN MCCORMACK,  
*Speaker of the House,*  
*U. S. House of Representatives.*

DEAR JOHN: On the third anniversary of his administration—Mexican President Diaz Ordaz held a press conference in which he was asked to comment on the present state of United States-Mexican relations. . . .

I bring these words of tribute to the U.S. Congress and the American people to your attention, thinking that you might want to bring them to the attention of your colleagues in the House of Representatives.

1. 113 CONG. REC. 35938, 90th Cong. 1st Sess.

Sincerely,  
 LYNDON B. JOHNSON.

***Message on Removal of Executive Officer***

**§ 1.6 The President has transmitted a message for the information of Congress giving his reasons for removing the Chairman of the Board of the Tennessee Valley Authority.**

On Mar. 23, 1938,<sup>(1)</sup> the Speaker<sup>(2)</sup> laid before the House the following message from the President; it was read, and, with the accompanying papers, referred to the Committee on Military Affairs and ordered printed.

*To the Congress of the United States:*

I transmit herewith for the information of the Congress my opinion setting forth the reasons which impelled me to remove Arthur E. Morgan, and my letter to him removing him, as a member and Chairman of the Board of the Tennessee Valley Authority. I further transmit the opinion of the Attorney General in regard to my power to remove for cause members of the Board of the Tennessee Valley Authority. I also append the transcript of the hearings which were laid before me on March 11, 18, and 21, 1938, and which I think merit the serious consideration of all those interested in the T. V. A. I have filed my letter to Arthur E. Mor-

1. 83 CONG. REC. 3952, 75th Cong. 3d Sess.
2. William B. Bankhead (AL).

gan and the transcript of the hearings, together with all exhibits marked for identification in the transcript, with the Secretary of State. . . .

FRANKLIN D. ROOSEVELT.  
 THE WHITE HOUSE, *March 23, 1938.*

***Messages Relating to the Office of the President***

**§ 1.7 The President customarily notifies the Congress officially, by message, of the death of a former President.**

On Jan. 23, 1973,<sup>(1)</sup> President Richard M. Nixon informed the House and Senate, by message, of the death of former President Lyndon Baines Johnson. When this message was laid before the House and read, it established a predicate for the adoption of a concurrent resolution<sup>(2)</sup> permitting the remains of the former President to lie in state in the Rotunda of the Capitol. Following

1. 119 CONG. REC. 1838, 1839, 93d Cong. 1st Sess. For the message from President William J. Clinton officially informing the House of the death of former President Richard Milhous Nixon, see Ch. 38 §5.2, *infra*. For the message from President George W. Bush officially informing the House of the death of former President Ronald Wilson Reagan, see Ch. 38 §5.1, *infra*. There apparently was no message officially informing the House of the death of former President Gerald R. Ford on December 26, 2006.
2. H. Con. Res. 90, 93d Cong. 1st Sess.

the adoption of the concurrent resolution, the House agreed to a resolution<sup>(3)</sup> expressing its profound sorrow on the death of the former President and authorizing the preparation of appropriate arrangements for House participation in the funeral.

The SPEAKER laid before the House the following message from the President of the United States:

*To the Congress of the United States:*

It is my sad duty to inform you officially of the death of Lyndon Baines Johnson, the thirty-sixth President of the United States. . . .

RICHARD NIXON.

THE WHITE HOUSE, *January 23, 1973.*

**§ 1.8 A Presidential resignation is transmitted not to the Congress but to the Secretary of State.**

Section 20 of title 3, United States Code, provides that the only evidence of a resignation of the office of President shall be an instrument in writing, subscribed by the President, and delivered to the office of the Secretary of State.<sup>(1)</sup>

3. H. Res. 152, 93d Cong. 1st Sess.

1. President Richard M. Nixon thus submitted his resignation on Aug. 9, 1974 in this manner. See Ch. 14, § 2.1, *supra*.

***Unwritten Presidential Messages***

**§ 1.9 When the Speaker, pursuant to an order of the House, appoints a committee to notify the President that the House has completed the business of the session and is prepared to adjourn, the President customarily responds by a verbal communication, which is transmitted to the House by an oral report given by a member of the committee.**

Since the first Congress began the practice, upon nearing the end of their business for a session and preparing to adjourn *sine die*, of notifying the President of their intention to so adjourn,<sup>(1)</sup> the House has continued and formalized this practice, which is now more of a ritual than an actual notification. In the modern practice, as the House nears the completion of its business for a session, a House resolution is offered as privileged calling for the appointment of a two-Member committee to notify the President.<sup>(2)</sup> The Speaker customarily appoints the Majority

1. See H. Jour. Vol. I, p. 129 or 1 Annals of Congress, p. 964, 1st Cong. 1st Sess., Sept. 29, 1789. See also Ch. 40, generally.

2. See, *e.g.*, 147 CONG. REC. 27600, 107th Cong. 1st Sess. Dec. 20, 2001;



and Minority Leaders to the committee, which then repairs to the Speaker's Office and at a convenient time places a telephone call to the President. Although the customary text of the House resolution specifies that the committee is to "join a similar committee of the Senate," in recent years the calls have been placed separately by the leaderships of the two bodies.

When the telephone call has been completed and the House is ready to adjourn, the "committee to notify the President" enters the Chamber by the west door, is announced by an officer of the House, and gives its report.<sup>(3)</sup>

### *Informal Visits to Congress*

#### **§ 1.10 On the occasion of an informal visit by the President to the House of Representatives, the House stood in recess and the President greeted Members, officers, and employees who filed through the well of the House.**

120 CONG. REC. 41855, 93d Cong. 2d Sess., Dec. 20, 1974.

3. See, *e.g.*, 139 CONG. REC. 32441, 103d Cong. 1st Sess., Nov. 26, 1993; 120 CONG. REC. 41857, 93d Cong. 2d Sess., Dec. 20, 1974. On occasion the House has adjourned *sine die* before receiving the committee's report. See, *e.g.*, 146 CONG. REC. 27083, 27084, 106th Cong. 2d Sess., Dec. 15, 2000.

On Jan. 28, 1969,<sup>(1)</sup> the House<sup>(2)</sup> stood in recess to receive, in the well of the House, the President of the United States:<sup>(3)</sup>

#### VISIT OF THE PRESIDENT

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. [Carl] ALBERT (of Oklahoma). Mr. Speaker, the House is highly honored today by a visit by the President of the United States. In view of that fact, Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER.<sup>(4)</sup> Without objection, it is so ordered.

There was no objection. . . .

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#### RECESS

The SPEAKER. The House will now stand in recess subject to the call of

1. 115 CONG. REC. 1984, 91st Cong. 1st Sess.
2. The Senate was twice visited informally by President Harry S Truman. On one occasion, President Truman sat in the chair he formerly occupied as a Senator, and the other was on the anniversary of the death of his predecessor. He addressed the body on both occasions. 93 CONG. REC. 9804, 9805, 80th Cong. 1st Sess., July 23, 1947; 95 CONG. REC. 4360, 4361, 81st Cong. 1st Sess., Apr. 12, 1949.
3. See § 2.14, *infra*, for an instance in which the Speaker declined a request from the President to address the House in actual session on pending legislation.
4. John W. McCormack (MA).

the Chair and the bells will be rung 15 minutes before the House meets again.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

*(At 12 o'clock and 4 minutes p.m., the President of the United States, escorted by the Majority Leader and the Minority Leader, entered the Chamber through the south door at the right of the Speaker's rostrum, and joined the Speaker in the Well of the House. The Minority Leader, the Majority Leader, the Speaker, and the President constituted the receiving line and Members formed in lines and filed into the Well to greet the President personally.)*

*(At 1 o'clock and 7 minutes p.m., the President, accompanied by the committee of escort and the Speaker, retired from the Hall of the House of Representatives.)*

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FASCELL) at 1 o'clock and 25 minutes p.m.

## § 2. Receipt and Reading of Presidential Messages

In recent years, the President's annual state of the Union address has been delivered in person at a joint session of Congress, although the President may transmit the message in writing.<sup>(1)</sup> The Presi-

1. See §§ 3.3, 5.4, 5.5, *infra*. All Presidents from Thomas Jefferson through William H. Taft submitted their annual messages in writing.

dent may choose to transmit messages dealing with other matters of national consequence to Congress in writing. Examples of messages the President has transmitted in writing have included: advising the House of his intention to abide by the law requiring a cessation of certain U.S. military operations,<sup>(2)</sup> submitting reorganization plans,<sup>(3)</sup> announcing a country's declaration of war against the United States,<sup>(4)</sup> advising the House of the loss of an enrolled bill,<sup>(5)</sup> and transmitting his nomination of a person for appointment to the office of Vice President.<sup>(6)</sup>

Messages may be received and read in the absence of a quorum.<sup>(7)</sup>

The Clerk of the House receives messages from the President delivered when the House is not in

2. 119 CONG. REC. 28088, 93d Cong. 1st Sess., Aug. 3, 1973.

3. 149 CONG. REC. 2305, 108th Cong. 1st Sess., Feb. 4, 2003; 93 CONG. REC. 4380-83, 80th Cong. 1st Sess., May 1, 1947; 86 CONG. REC. 6637, 76th Cong. 3d Sess., May 22, 1940.

4. 88 CONG. REC. 4787, 77th Cong. 2d Sess., June 2, 1942; 87 CONG. REC. 9665, 9666, 77th Cong. 1st Sess., Dec. 11, 1941.

5. See § 2.13, *infra*.

6. See § 3.18, *infra*.

7. Until the 95th Congress, a quorum was required for the reading of a message. *House Rules and Manual* § 55 (2007). See also § 2.11, *infra*.

session. A message received by the Clerk is transmitted by the Clerk to the Speaker in the sealed envelope as received from the President together with a cover letter indicating the time and place of receipt, as well as the nature of the message, if this has been indicated to the Clerk. The Speaker lays the message before the House as soon as feasible.<sup>(8)</sup>

*Laying Message Before the House*

**§ 2.1 Messages from the President are laid before the House by the Speaker.**

On June 17, 1969,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, laid before the House a message from the President, transmitting the President's annual report on salary comparability, and then his own directive implementing certain salary adjustments in the House.

The President's message was read and, together with accompanying papers, referred to the Committee on Post Office and Civil Service and ordered to be printed:

*To the Congress of the United States:*

8. See §§ 2.6–2.9, *infra*.

1. 115 CONG. REC. 16195, 16196, 91st Cong. 1st Sess.

I forward herewith the annual comparison of Federal salaries with the salaries paid in private enterprise, as provided by section 5302 of title 5, United States Code. . . .

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1969.*

**DIRECTIVE OF THE SPEAKER IMPLEMENTING SALARY COMPARABILITY POLICY IN 1969 FOR OFFICERS AND EMPLOYEES OF THE HOUSE OF REPRESENTATIVES**

The SPEAKER laid before the House the following directive, which was read: . . .

Pursuant to the authority and duty vested in the Speaker of the United States House of Representatives by section 212 of the Federal Salary Act of 1967 (81 Stat. 634; Public Law 90–206; 5 U.S.C. 5304, note) to implement the salary comparability policy set forth in section 5301 of title 5, United States Code, in the year 1969 for personnel of the House of Representatives, the rates of pay of personnel of the House of Representatives whose pay is disbursed by the Clerk of the House of Representatives are adjusted as follows: . . .

**§ 2.2 A Presidential communication addressed to the Speaker urging support for a legislative measure pending before the House is sometimes laid before the House and read but not referred to any committee.**

On Feb. 25, 1975,<sup>(1)</sup> a letter from President Gerald R. Ford, sent to the Speaker, was laid before the House for the information of Members.

The SPEAKER laid before the House the following communication from the President of the United States:

THE WHITE HOUSE  
Washington, February 25, 1975.

Hon. CARL ALBERT  
Speaker of the House of Representatives,  
Washington, D.C.

DEAR MR. SPEAKER: I wish to convey to the House of Representatives my deep concern over the present critical situation in Cambodia. . . .

. . . Countries around the world who depend on us for support—as well as their foes—will judge our performance. It is in this spirit and with this sense of responsibility Mr. Speaker, that I urge rapid and favorable action on my request for additional assistance to Cambodia.

Sincerely,  
GERALD R. FORD.

### *Practice in Committee of the Whole*

#### **§ 2.3 A message from the President is not received while the House is sitting as the Committee of the Whole, but**

1. 121 CONG. REC. 4151, 94th Cong. 1st Sess. For examples of executive communications treated by the Speaker as Presidential messages, see § 1.3, *supra*.

**the Committee may rise informally so that the House may receive the message; when it does so, the Chairman of the Committee does not report to the House but merely relinquishes the Chair to the Speaker, who recognizes the messenger of the President, receives the message, and then directs the Committee to resume its sitting.**

On June 17, 1969,<sup>(1)</sup> a message in writing from the President was communicated to the House by one of his secretaries while the House was in the Committee of the Whole. The proceedings were as follows:

The CHAIRMAN.<sup>(2)</sup> The Committee will rise informally in order that the House may receive a message.

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#### MESSAGE FROM THE PRESIDENT

The SPEAKER assumed the chair.

The SPEAKER.<sup>(3)</sup> The Chair will receive a message.<sup>(4)</sup>

1. 115 CONG. REC. 16182, 91st Cong. 1st Sess.
2. Jack B. Brooks (TX)
3. John W. McCormack (MA).
4. The Speaker will not, however, receive a message from the President when occupying the Chair to receive the report of the Chairman of the Committee of the Whole. See, *e.g.*,

MESSAGE FROM THE  
PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on June 13, 1969 the President approved and signed bills of the House of the following titles:

H.R. 2718. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk[.]

Following receipt of the message, the Committee of the Whole resumed its sitting by direction of the Speaker.

*Messages Received Pending a Vote*

**§ 2.4 Messages from the President may be received notwithstanding the operation of the previous question, and the Speaker does not direct the reading of the message pending the vote on a matter.**

On Mar. 24, 1949,<sup>(1)</sup> the House resolved itself into the Committee of the Whole for further consideration of a bill. After some debate, the Committee rose. A motion to recommit was offered, and the

115 CONG. REC. 9705, 91st Cong. 1st Sess., Apr. 21, 1969.

1. 95 CONG. REC. 3114, 3115, 81st Cong. 1st Sess.

previous question was ordered thereon. At this point a message in writing from the President was communicated to the House together with other information. A parliamentary inquiry was propounded as to the disposition of the Presidential message and whether it bore on the subject at hand. The Chair indicated that the business then before the House should be completed before taking up the message.<sup>(2)</sup>

The proceedings were as follows:

Mr. [John E.] RANKIN [of Mississippi]. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by one of his secretaries, who also informed the House that on March 24, 1949, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 89. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

2. For a review of the practice during the 18th and 19th centuries, when Presidential messages often lay unread for lengthy periods of time, see 5 Hinds' Precedents §§ 6635-6649.

PENSIONS FOR VETERANS OF WORLD  
WAR I AND WORLD WAR II

Mr. [Francis H.] CASE [of South Dakota]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore.<sup>(3)</sup> The gentleman will state it.

Mr. CASE. Mr. Speaker, would the Chair be in position to state whether the communication from the President just received bears upon the pending matter?

The SPEAKER pro tempore. At this point the Chair would not say.

The question is on the motion to recommit offered by the gentleman from Texas [Mr. TEAGUE].

Following an announcement of the results of the vote on the motion, the Speaker laid before the House the message from the President; it was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce. The message from the President was as follows:

*To the Congress of the United States:*

In compliance with the provisions of section 10 (b) (4) of the Railroad Retirement Act, approved June 24, 1937, and of section 12 (1) of the Railroad Unemployment Insurance Act, approved June 25, 1938, I transmit herewith for the information of the Congress the report of the Railroad Retirement Board for the fiscal year ended June 30, 1948.

HARRY S. TRUMAN.

THE WHITE HOUSE, *March 24, 1949.*

3. John W. McCormack (MA).

***Authorizing Clerk to Receive Messages During Adjournments***

**§ 2.5 Before such authority was specifically granted by rule, most concurrent resolutions providing for an adjournment *sine die*, or for an adjournment to a day certain more than three days hence, contained language specifically stating that the Clerk of the House was authorized to receive messages from the President during the adjournment (with similar authority generally also provided by the Senate for the Secretary of the Senate) and, if not included in the adjournment resolution, such specific authority generally was obtained in each House by unanimous consent.**

Rule II clause 2 now authorizes the Clerk to receive messages from the President when the House is not in session.<sup>(1)</sup>

As an example of the standard type of concurrent resolution of adjournment that made clear the Clerk's authority to receive messages from the President during a

1. *House Rules and Manual* §652 (2007).

period of adjournment, the proceedings of Dec. 15, 1977,<sup>(2)</sup> are shown here:

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, I send to the Speaker's desk a privileged concurrent resolution (H. Con. Res. 442) authorizing the Secretary of the Senate and the Clerk of the House to receive messages, including veto messages, from the President of the United States during adjournment of the two Houses.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 442

*Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, December 15, 1977, they shall stand adjourned sine die.*

SEC. 2. During the adjournment of both Houses of Congress as provided in section 1, the Secretary of the Senate and the Clerk of the House, respectively be, and they hereby are, authorized to receive messages, including veto messages, from the President of the United States.

The concurrent resolution was agreed to.

Alternatively, such authority sometimes was clarified by unanimous consent, as the proceedings of Nov. 21, 1980,<sup>(3)</sup> illustrate:

Mr. [Paul] SIMON [of Illinois]. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, De-

cember 1, 1980, the Clerk be authorized to receive messages from the President and the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER.<sup>(4)</sup> Is there objection to the request of the gentleman from Illinois?

There was no objection.

*Parliamentarian's Note:* This type of request became standard practice after the decision in *Kennedy v Sampson* in 1974.<sup>(5)</sup> In that case, the United States Court of Appeals for the District of Columbia Circuit held that a bill could not be pocket-vetoed by the President during an adjournment of more than three days to a day certain if the House of origin had made arrangements for the receipt of Presidential messages.<sup>(6)</sup>

### ***Messages Received During Adjournment***

**§ 2.6 The Clerk, as the agent of the House, is authorized to receive messages from the President while the House is in recess or after the House has adjourned for a legislative day; when such a message is received, it is transmitted by the Clerk to the**

2. 123 CONG. REC. 38948, 95th Cong. 1st Sess.

3. 126 CONG. REC. 30555, 96th Cong. 2d Sess.

4. Thomas P. O'Neill, Jr. (MA).

5. 511 F.2d 430 (D.C. Cir. 1974).

6. For further discussion, refer to Ch. 24 § 17, *supra*, and *House Rules and Manual* § 113 (2007).

**Speaker (with a cover letter detailing the time and place of receipt of the message), who then lays it before the House at the earliest opportunity.**

On Feb. 20, 1969,<sup>(1)</sup> the Speaker<sup>(2)</sup> laid before the House a letter from the Clerk, advising that the Clerk had, after the House adjourned the previous evening, received a message from the President. The proceedings were as follows:

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

The Honorable the SPEAKER,  
*U.S. House of Representatives.*

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives, said to contain a message from the President wherein he transmits a special study regarding the administration of the Headstart program. This envelope was received in the Office of the Clerk at 3:55 p.m. on Wednesday, February 19, 1969.

Sincerely,

PAT JENNINGS,  
*Clerk.*

The Speaker then laid before the House the message from the President, which was read and referred to the appropriate committee.

1. 115 CONG. REC. 4088, 91st Cong. 1st Sess.
2. John W. McCormack (MA).

**§ 2.7 The Clerk notifies the Speaker when he has, during an adjournment, received a message from the President addressed to the House or to the Speaker, and the Speaker lays the notification and message before the House when the House reconvenes. If the Clerk is in possession of such knowledge, he notifies the Speaker of the contents of the message.**

On Sept. 5, 1945,<sup>(1)</sup> the House having ended its August recess, the Speaker<sup>(2)</sup> laid before the House the following communication from the Clerk:

SEPTEMBER 5, 1945.

The SPEAKER,  
*The House of Representatives.*

SIR: The accompanying sealed envelope from the White House addressed to the House of Representatives, was received in this office at 11:30 o'clock antemeridian, August 30, 1945.

Respectfully yours,

SOUTH TRIMBLE,  
*Clerk of the House of Representatives.*

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed with illustrations:

1. 91 CONG. REC. 8322, 79th Cong. 1st Sess.
2. Sam Rayburn (TX).



*To the Congress of the United States of America:*

I am transmitting herewith the twentieth report of operations under the Lend-Lease Act for the period ending June 3, 1945. . . .

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 30, 1945.*

**§ 2.8 A veto message from the President addressed to the Speaker and received in the Office of the Clerk after adjournment of the House is laid before the House when it reconvenes.**

On Apr. 6, 1948,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> laid before the House the following communication from the Clerk:

APRIL 6, 1948.

*The honorable the SPEAKER  
House of Representatives.*

SIR: The attached sealed envelope, indicating on its face that it contains a message from the President of the United States, and addressed to the Speaker of the House of Representatives of the United States, was received in the office of the Clerk on April 5, 1948.

Respectfully yours,

JOHN ANDREWS,

*Clerk of the House of Representatives.*

1. 94 CONG. REC. 4133, 4134, 80th Cong. 2d Sess.
2. Earl C. Michener (MI).

VENDORS OF NEWSPAPERS OR MAGAZINES—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 594)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

*To the House of Representatives:*

I am returning herewith, without my approval, H.R. 5052, a bill to exclude certain vendors of newspapers or magazines from certain provisions of the Social Security Act and the Internal Revenue Code.

This bill is identical with H.R. 3997, which I declined to approve in August 1947. . . .

For these reasons, I am compelled to return H.R. 5052 without my approval.

HARRY S. TRUMAN.

THE WHITE HOUSE, *April 5, 1948.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and the bill will be printed as a House document.<sup>(3)</sup>

**§ 2.9 The President's economic report was received by the Clerk on a day when the House was not in session; the report remained in its sealed envelope until laid before the House at its next meeting.**

On Jan. 22, 1962,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, laid before the House a letter from the

3. For discussion of House consideration of veto messages, see Ch. 24, §§ 17–23, *supra*.
1. 108 CONG. REC. 577–584, 87th Cong. 2d Sess.

Clerk transmitting a communication from the President of the United States that was received by the Clerk when the House was not in session:

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

JANUARY 22, 1962.

The Honorable the SPEAKER,  
*House of Representatives.*

SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's office at 1:15 p.m. on January 20, 1962, and said to contain the Economic Report of the President together with the annual report of the council of Economic Advisers.

Respectfully yours,

RALPH R. ROBERTS,  
*Clerk, U.S. House of Representatives.*

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ECONOMIC REPORT OF THE  
PRESIDENT (H. DOC. NO. 278)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Joint Economic Committee and ordered to be printed with illustrations:

*To the Congress of the United States:*

I report to you under the provisions of the Employment Act of 1946[.] . . .

JOHN F. KENNEDY

*Parliamentarian's Note:* The economic report of the President was, under former provisions of 15 USC §1022, to be transmitted to Congress "not later than Jan. 20 of each year."<sup>(2)</sup> Jan. 20, 1962, fell on a Saturday—a day when the House would not be in session because it had adjourned on Thursday, Jan. 18, until Monday, Jan. 22. The Clerk received the report for the House on Jan. 20. It remained sealed until laid before the House on Jan. 22, thereby insuring that there would be no premature disclosure or release of the report.

### *Interrupting Reading of Message*

#### **§ 2.10 The Chair declines to recognize Members to submit parliamentary inquiries during the reading of the President's message.**

On Jan. 21, 1946,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> laid before the House a message from the President.

A message in writing from the President of the United States was communicated to the House by . . . one of his secretaries. . . .

- 
2. 15 USC §1022 now requires this report "not later than 10 days after the submission of the budget under section 1105(a) of title 31."
  1. 92 CONG. REC. 164, 79th Cong. 2d Sess.
  2. John W. McCormack (MA).

The SPEAKER pro tempore laid before the House the message of the President on the state of the Union and transmitting the Budget. . . .

Mr. [Robert F.] RICH [of Pennsylvania] (interrupting the reading of the message). Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The Clerk read a message from the President of the United States, and the Chair feels that an inquiry at this time should not be entertained.<sup>(3)</sup>

*Parliamentarian's Note:* This message contained approximately 25,000 words and took about three hours to read.

**§ 2.11 Under the earlier practice (before the 95th Congress), quorum calls could interrupt the reading of the President's message to Congress on the state of the Union.**

On Jan. 21, 1946,<sup>(1)</sup> Speaker pro tempore John W. McCormack, of Massachusetts, laid before the House the message of the President on the state of the Union and transmitting the budget. The reading of this lengthy message was interrupted by two quorum

3. Portions of a Presidential message may be reread by the Clerk by unanimous consent. See 113 CONG. REC. 22447, 22448, 90th Cong. 1st Sess., Aug. 14, 1967.

1. 92 CONG. REC. 164, 165, 79th Cong. 2d Sess.

calls.<sup>(2)</sup> The proceedings were as follows:

Mr. [Robert F.] RICH [of Pennsylvania]. Mr. Speaker, I think it is wise that the membership of the House hear the President's message, and I make a point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. [Albert A.] GORE [of Tennessee]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll. . . .

The SPEAKER pro tempore. . . . [A] quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

The Clerk resumed the reading of the President's message.

Mr. RICH (interrupting the reading of the President's message). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. [Adolph J.] SABATH [of Illinois]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll. . . .

The SPEAKER pro tempore. . . . [A] quorum [is present].

By unanimous consent, further proceedings under the call were dispensed with.

The Clerk concluded the reading of the President's message.

2. For the text of this message, see *Id.* at pp. 136–155 [Senate proceedings].

*Parliamentarian's Note:* Rule XX clause 7(a), adopted in the 93d Congress and amended in the 95th Congress, prohibits the Speaker from recognizing a Member for a point of order that a quorum is not present unless a question is being put, although under clause 7(b), the Speaker has the discretion to recognize a Member to move a call of the House.<sup>(3)</sup>

### *Effect on Former Discharge Procedure*

**§ 2.12 The reading of a message from the President did not prevent the subsequent operation of the so-called 21-day rule (former Rule XI clause (2)(c)), which was repealed in the 90th Congress.**

On Jan. 23, 1950,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, laid before the House a message from the President, and the following ensued:

The SPEAKER. The Chair lays before the House a message from the President of the United States, which the Clerk will read.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state the point of order.

3. *House Rules and Manual* §§ 1027, 1028 (2007).

1. 96 CONG. REC. 769, 81st Cong. 2d Sess.

Mr. MARCANTONIO. Mr. Speaker, will the reading of the President's message prevent the operation of the discharge rule today?

The SPEAKER. Not at all.<sup>(2)</sup>

### *Message Relating to Lost Bill*

**§ 2.13 Where the President sent a message to the House advising it that an enrolled bill delivered to him had been lost, the Speaker and Vice President were authorized by concurrent resolution to sign a duplicate copy, which was transmitted to the President by the Clerk.**

On May 15, 1935,<sup>(1)</sup> after letters from the President and Secretary of the Interior were read, advising of the loss of an enrolled bill, procedures were adopted by which a duplicate bill could be sent to the President. The letters were laid before the House by the Speaker<sup>(2)</sup> and referred to the Committee on the Territories. The proceedings were as follows:

*To the House of Representatives,*

I am in receipt of the following letter from the Secretary of the Interior advising of the loss of enrolled bill H.R.

2. For the 21-day discharge rule, its history and effect, see Ch. 21, § 18.52, *supra*.
1. 79 CONG. REC. 7598, 7633, 74th Cong. 1st Sess.
2. Joseph W. Byrns (TN).

6084, authorizing a bond issue for the town of Ketchikan, Alaska:

I regret to report the loss of enrolled bill H.R. 6084, authorizing a bond issue of Ketchikan, Alaska, which was delivered to my office on May 3 by a messenger from the White House. . . . I recommend that you ask the Congress to authorize the preparation of a duplicate. The last approval day is tomorrow, May 15.

In the circumstances, I recommend that a duplicate bill be authorized by concurrent resolution.

FRANKLIN D. ROOSEVELT.  
THE WHITE HOUSE, *May 15, 1935.*

Mr. [Anthony U.] DIMOND [of Alaska]. Mr. Speaker, I offer the following concurrent resolution and ask for its immediate consideration.

The Clerk read as follows:

HOUSE CONCURRENT RESOLUTION 21

*Resolved by the House of Representatives (the Senate concurring),* That the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign a duplicate copy of the enrolled bill H.R. 6084, entitled "An act to authorize the city of Ketchikan, Alaska, to issue bonds in any sum not to exceed \$1,000,000 for the purpose of acquiring the electric light and power, water, and telephone properties of the Citizens' Light, Power & Water Co., and to finance and operate the same, and validating the preliminary proceedings with respect thereto, and for other purposes", and that the Clerk of the House be directed to transmit the same to the President of the United States.

The SPEAKER. Is there objection to the immediate consideration of the resolution?

Mr. [Bertrand H.] SNELL [of New York]. Reserving the right to object, what department was this lost in?

Mr. DIMOND. According to the letter, it was lost in the Department of the Interior.

After the resolution was agreed to by the House and the Senate,<sup>(3)</sup> the following communication was laid before the House:

MAY 15, 1935.

The SPEAKER,  
*House of Representatives, Washington, D. C.*

SIR: Pursuant to the provisions of House Concurrent Resolution 21, Seventy-fourth Congress, I have this day presented to the President of the United States the signed duplicate copy of the enrolled bill, H.R. 6084, entitled "An act to authorize the city of Ketchikan, Alaska, to issue bonds in any sum not to exceed \$1,000,000 for the purpose of acquiring the electric light and power, water, and telephone properties of the Citizens' Light, Power & Water Co., and to finance and operate the same, and validating the preliminary proceedings with respect thereto, and for other purposes."

Very truly yours,

SOUTH TRIMBLE,  
*Clerk of the House of Representatives.*

By H. NEWLIN MEGILL.

***Presidential Request to Address the House***

**§ 2.14 Consistent with the doctrine of separation of powers**

3. Senate agreement to H. Con. Res. 21, see 79 CONG. REC. 7551, 74th Cong. 1st Sess., May 15, 1935.

**and the precedents of the House, the Speaker has declined a request of the President to address the House in actual session on legislation upon which the House was about to vote, the traditional alternative of a joint session being available to the President.**

On June 24, 1986,<sup>(1)</sup> Rep. Charles Roemer, of Louisiana, took the floor in debate to defend the Speaker's decision not to invite President Ronald W. Reagan to address the House, in session, prior to a vote on a legislative issue.

The President's views were then addressed to the Speaker in a communication, which was laid before the House and read, before the floor action on the issue.<sup>(2)</sup>

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES CONCERNING THE QUESTION OF PROVIDING ASSISTANCE TO FREEDOM FIGHTERS IN NICARAGUA (H. Doc. No. 99-237)

The SPEAKER pro tempore (Mr. [GEORGE P.] MILLER of California) laid before the House the following commu-

1. 132 CONG. REC. 15184, 99th Cong. 2d Sess. For instances of informal visits by the President to Congress, see § 1.10, *supra*.
2. *Id.* at p 15186.

nication from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence and ordered to be printed:

THE WHITE HOUSE  
*Washington, June 24, 1986.*

The Honorable THOMAS P. O'NEILL,  
Jr.,

*Speaker of the House of Representatives, Washington, DC 20515*

DEAR MR. SPEAKER: I am transmitting in writing my remarks that I had hoped to deliver to members of the House of Representatives today. It was my desire to speak directly to the members of the House of Representatives to emphasize the importance of achieving a bipartisan approach to address the urgent question of providing assistance to the freedom fighters in Nicaragua. . . .

THE OVAL OFFICE,  
*June 24, 1986.*

My fellow citizens. The matter that brings me before you today is a grave one and concerns my most solemn duty as President. It is the cause of freedom in Central America and the national security of the United States. Tomorrow the House of Representatives will debate and vote on this issue. I had hoped to speak directly and at this very hour to Members of the House of Representatives on this subject, but was unable to do so. Because I feel so strongly about what I have to say, I have asked for this time to share with you—and members of the House—the message I would have otherwise given.

*Parliamentarian's Note:* In recognition of the doctrine of separation of powers, the Speaker had suggested that the Congress, by concurrent resolution, invite the President to address the two Houses in joint session “for the purpose of receiving any communication he might be pleased to make.” The President refused the invitation. See also the proceedings of Nov. 13, 1969, where President Richard M. Nixon addressed the House, but not on pending legislation.<sup>(3)</sup>

### § 3. Referral

Rule XIV clause 2 provides that Presidential messages are to be referred to the appropriate committees without debate.<sup>(1)</sup> Accordingly, the referral of a Presidential message to the committee having jurisdiction is usually made by order of the Speaker without debate and without motion from the floor. However, a Presidential message may be referred by the House itself on mo-

3. 115 CONG. REC. 34080, 34081, 91st Cong. 1st Sess. President Nixon's visit was for the stated purpose of thanking Members who had sponsored a resolution calling for a just peace in Vietnam.

1. See *House Rules and Manual* § 873 (2007).

tion.<sup>(2)</sup> A motion by a Member to make such a referral is privileged. Such a referral may be to a select committee as well as to a standing committee.<sup>(3)</sup>

A Presidential message may be divided for referral to more than one committee.<sup>(4)</sup>

Under Rule XII clause 8,<sup>(5)</sup> estimates of appropriations and other communications from executive departments are referred by the Speaker as provided in Rule XIV clause 2.<sup>(6)</sup>

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### *Timing of Referral*

**§ 3.1 Although the Chair lays before the House a message from the President on the day received, the House on occasion, by unanimous consent, has directed that the referral of the message be postponed until a later day.**

On Feb. 3, 1986,<sup>(1)</sup> the referral of a comprehensive message submitted by the President under the

2. 8 Cannon's Precedents § 3348.

3. *House Rules and Manual* § 875 (2007).

4. 8 Cannon's Precedents §§ 3348, 3349.

5. *House Rules and Manual* § 827 (2007).

6. *Id.* at § 873.

1. 132 CONG. REC. 1347, 99th Cong. 2d Sess. For the principle that the

provisions of a budget law was postponed until the next day by unanimous consent so that the Speaker could ascertain the proper committees of jurisdiction.

REPORT ON ISSUANCE OF ORDER  
ON EMERGENCY DEFICIT CONTROL  
MEASURES FOR FISCAL YEAR  
1986—MESSAGE FROM THE  
PRESIDENT OF THE UNITED STATES

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read.

(For message, see proceedings of the Senate of today, Monday, February 3, 1986.)

The SPEAKER pro tempore (Mr. MAZZOLI).<sup>(2)</sup> Without objection, the Chair's referral of the President's message will be postponed until tomorrow.

There was no objection.

*Referral to Committee of the Whole*

**§ 3.2 The President's annual state of the Union message is referred to the Committee of the Whole House on the state of the Union.**

On Feb. 4, 1997,<sup>(1)</sup> Rep. James E. Rogan, of California, offered

Chair lays a message before the House on the day received, see § 1.1, *supra*.

2. Romano L. Mazzoli (KY).

1. 143 CONG. REC. 1410, 105th Cong. 1st Sess. See also, *e.g.*, 107 CONG.

the customary motion that the message of the President be referred to the Committee of the Whole House on the state of the Union:

Mr. ROGAN. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

**§ 3.3 Where the President chooses to submit a state of the Union address in writing, rather than delivering it in person, the message is laid before the House, read, and referred to the Committee of the Whole House on the state of the Union.**

President Richard M. Nixon, having given his Inaugural Address on Jan. 20, 1973, decided not to make another major address so soon thereafter.

President Nixon's state of the Union message of Feb. 5, 1973,<sup>(1)</sup> the first such message delivered in writing in many years, was treated as follows:

The SPEAKER<sup>(2)</sup> laid before the House the following message from the President of the United States; which

REC. 1427-31, 87th Cong. 1st Sess., Jan. 30, 1961.

1. 119 CONG. REC. 3206, 93d Cong. 1st Sess.

2. Carl Albert (OK).



was read and referred to the Committee of the Whole House on the State of the Union[.] . . .

**§ 3.4 The President's message on the Nation's economy, delivered in person, was, by unanimous consent, referred to the Committee of the Whole House on the state of the Union and ordered printed.**

On Sept. 9, 1971,<sup>(1)</sup> when the Members of Congress and invited guests were seated, and President Richard M. Nixon had been escorted to the Clerk's desk, the Speaker presented the President.

The PRESIDENT. Mr. Speaker, Mr. President, my colleagues in the Congress, our distinguished guests: I come before this special joint session to ask the cooperation of the Congress in achieving a great goal: a new prosperity without war and without inflation.

Following a brief recess, Rep. Hale Boggs, of Louisiana, asked unanimous consent that the message of the President be referred:

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Louisiana?

1. 117 CONG. REC. 31125-29, 92d Cong. 1st Sess.
2. Carl Albert (OK).

There was no objection.

**§ 3.5 In the 74th Congress, a message of the President relating to a number of matters was referred to the Committee of the Whole House on the state of the Union although the recommendations contained in the message fell within the jurisdiction of several committees.**

On Jan. 31, 1935,<sup>(1)</sup> Speaker Joseph W. Byrns, of Tennessee, laid before the House the following message from the President of the United States:

*To the Congress of the United States:*

I am submitting herewith the report of the Federal Aviation Commission appointed by me last summer by direction of the Seventy-third Congress. The Commission has made a diligent study of the broad subject of aviation conditions here and elsewhere and emphasizes the excellent American progress in this new form of transportation. The Commission has also studied problems of national defense, of procurement policies, and of the extension of air-

1. 79 CONG. REC. 1327, 1328, 74th Cong. 1st Sess. For similar referrals, see 148 CONG. REC. 10575-77, 107th Cong. 2d Sess., June 18, 2002 (H. Doc. No. 107-227, legislative proposal to create a Department of Homeland Security); 114 CONG. REC. 3955-61, 90th Cong. 2d Sess., Feb. 26, 1968 (H. Doc. No. 261, message concerning the crisis in American cities).

transport services. I invite your attention to these comprehensive surveys. . . .

The Commission further recommends the creation of a temporary air commerce commission. In this recommendation I am unable to concur. I believe that we should avoid the multiplication of separate regulatory agencies in the field of transportation. Therefore, in the interim before a permanent consolidated agency is created or designated over transportation as a whole, a division of the Interstate Commerce Commission can well serve the needs of air transportation. In the granting of powers and duties by the Congress, orderly government calls for the administration of executive functions by those administrative departments or agencies which have functioned satisfactorily in the past, and, on the other hand, calls for the vesting of judicial functions in agencies already accustomed to such powers. It is this principle that should be followed in all of the various aspects of transportation legislation.

FRANKLIN D. ROOSEVELT.  
THE WHITE HOUSE, *January 31, 1935.*

Before the Speaker's referral of the message, the following occurred:

Mr. [Schuyler Otis] BLAND [of Virginia]. Mr. Speaker, before the message is referred, I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. The message relates to aviation matters that come within the jurisdiction of the Committee on Merchant Marine, Radio, and Fisheries. It

also relates to matters that come before the Interstate Commerce Commission. It seems to me that it is highly objectionable that a message of this kind should be referred to one committee.

The SPEAKER. The Chair has the idea of referring the message to the Committee of the Whole House on the state of the Union, and later when the bills are introduced they will be referred to the proper committees. The message, with the accompanying papers, will be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.<sup>(2)</sup>

### *Message Divided for Referral*

#### **§ 3.6 A message from the President has been divided for referral, on motion by a Member, between the Committee of the Whole and the Committee on Appropriations.**

On Jan. 21, 1946,<sup>(1)</sup> at the conclusion of the reading by the Clerk of the President's annual message, it was moved that the message and its accompanying report be referred to the Committee of the Whole House on the state of the Union and that the portion of the President's message dealing with the budget be referred to the Committee on Appropriations.

The proceedings were as follows:

2. Before the 94th Congress, the Speaker could not divide a measure for referral. See *House Rules and Manual* § 816 (2007).
1. 92 CONG. REC. 165, 79th Cong. 2d Sess.

Mr. [J. Percy] PRIEST [of Tennessee]. Mr. Speaker, I move that the President's message and the accompanying report from the Director of War Mobilization and Reconversion be referred to the Committee of the Whole House on the State of the Union and ordered to be printed, and so much of the President's message as relates to the budget be referred to the Committee on Appropriations and ordered to be printed.

The SPEAKER pro tempore.<sup>(2)</sup> The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

**§ 3.7 An executive communication from the President transmitting a comprehensive legislative proposal for energy policy reform was divided by titles for initial referral, and the Speaker referred the various portions to four House committees.**

A communication from the President proposing comprehensive energy legislation was laid before the House by Speaker pro tempore John J. McFall, of California, on Jan. 31, 1975.<sup>(1)</sup> The communication was referred on Feb. 4,<sup>(2)</sup> when the Speaker exercised his authority under (current) Rule XII clause 2 to divide the

2. John W. McCormack (MA).

1. 121 CONG. REC. 1975, 1976, 94th Cong. 1st Sess.

2. *Id.* at p. 2253.

communication among several committees. Dividing a Presidential or other communication for referral is unusual, but is permitted under the Speaker's referral authority.

The communication was laid before the House on Jan. 31, 1975, as follows:

The SPEAKER pro tempore laid before the House the following communication from the President of the United States; which was read, the summary, without objection, ordered to be printed in the RECORD:

THE WHITE HOUSE,  
*Washington, January 30, 1975.*

The Honorable the SPEAKER,  
*U.S. House of Representatives,*  
*Washington, D.C. 20515*

DEAR MR. SPEAKER: In my state of the Union address earlier this month, I outlined the dimensions of our inter-related economic and energy problems and proposed comprehensive and far-reaching measures for their solution.

The measures I described included both Executive and Congressional actions. Because further delay is intolerable, I have already taken administrative action to deal with our energy problems, including issuance of a proclamation to impose increased fees on imported oil. The Secretary of the Treasury has already presented my detailed energy tax proposals to the House Ways and Means Committee.

I am enclosing a proposed omnibus energy bill—the Energy Independence Act of 1975—which, along with the tax proposals already presented, will provide the combined authorities that are

necessary if we are to deal seriously and effectively with the Nation's pressing energy problems. . . .

The 13 titles of this bill, coupled with appropriate tax measures, are essential to the eventual attainment of our common goal of energy independence. Prompt action on all these measures is essential. . . .

Sincerely,

GERALD R. FORD.

The communication was referred on Feb. 4, 1975, as follows:

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

234. A letter from the President of the United States, transmitting a draft of proposed legislation to increase domestic energy supplies and availability by: authorizing production of the naval petroleum reserves; establishing a National Strategic Petroleum Reserve; assuring increased supplies of natural gas at reasonable prices; amending and extending the Energy Supply and Environmental Coordination Act of 1974; amending the Clean Air Act; alter regulatory practices and procedures of governing electric utilities assuring timely siting consideration, approval and construction of necessary energy facilities; and preventing foreign oil producing countries from undermining efforts to develop petroleum resources; to restrain energy demand by: providing national energy conservation standards for new residential and commercial buildings; authorizing the Federal Energy Administration to assist States in winterizing dwellings of low-income persons; and providing for the labeling

of major appliances and motor vehicles; to prepare for energy emergencies by: providing standby energy authorities and implementing the International Energy Program; and for other purposes (H. Doc. No. 94-42); divided and initially referred as follows: title I to the Committee on Armed Services; titles II, III, IV, V, VI, VII, VIII, XII, and XIII to the Committee on Interstate and Foreign Commerce; title IX to the Committee on Ways and Means; and titles X and XI to the Committee on Banking, Currency and Housing, and ordered to be printed.

In recent years the Speaker has referred communications from the President transmitting proposed legislation jointly to all committees having jurisdiction over the legislation. The following excerpt from the *Congressional Record* of July 10, 1989,<sup>(3)</sup> indicates one such referral:

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows: . . .

1425. A communication from the President of the United States, transmitting a draft of proposed legislation to amend the Government-Wide Ethics Act of 1989 to prohibit the acceptance of honoraria by Members of Congress (H. Doc. No. 101-80); jointly to the Committees on House Administration, the Judiciary, and Post Office and Civil Service and ordered to be printed.

**§ 3.8 A comprehensive sequestration order under a budget**

3. 135 CONG. REC. 14015, 14016, 101st Cong. 1st Sess.

**law was referred to “all standing committees” and the Permanent Select Committee on Intelligence, and the House gave the Speaker a special authority to refer myriad executive communications related to the message and to print all as part of a document in any form he might prescribe.**

On Feb. 4, 1986,<sup>(1)</sup> the President submitted a “sequestration order” under the Balanced Budget and Emergency Deficit Control Act of 1985.<sup>(2)</sup>

The President’s message was relatively brief, but the accompanying and incorporated documentation, emanating from all government agencies affected by the order, was voluminous. Some elements of that documentation had not been received on the date of the message.

The House, by unanimous consent, authorized the Speaker to incorporate all the documents in one publication.

1. 132 CONG. REC. 1463, 99th Cong. 2d Sess.
2. This part of the Act was later declared unconstitutional and the order was voided. Generally, see Ch. 41, *infra*.

REPORT ON ISSUANCE OF ORDER ON EMERGENCY DEFICIT CONTROL MEASURES FOR FISCAL YEAR 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—H. DOC. NO. 160

Mr. [Thomas S.] FOLEY [of Washington]. Madam Speaker, I ask unanimous consent that the message of the President pursuant to section 252(a)(5) of the Public Law 99-177, together with all the related communications transmitted to the Speaker by Federal departments and establishments pursuant to OMB directive 86-7, January 16, 1986, promulgated pursuant to Public Law 99-177, be printed as one House document in such form as may be determined by the Speaker, and that the Speaker be authorized and directed to refer such message and the accompanying communications as if the communications had been submitted as part of the message.

The SPEAKER pro tempore.<sup>(3)</sup> Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. The message is referred to all standing committees established pursuant to clause 1, rule X, and to the Permanent Select Committee on Intelligence.

(For message, see proceedings of the Senate of yesterday, Monday, February 3, 1986, at p. 1397.)

**§ 3.9 The Speaker has referred a Presidential message to the Union Calendar and referred the accompanying documents to committees.**

3. Charles Rose (NC).

On May 23, 1977,<sup>(1)</sup> the President included in a message to the Congress several executive communications dealing with the preservation of wildlife, including proposals for the establishment of national wilderness areas and the designation of several rivers as part of the Wild and Scenic Rivers System. The several legislative proposals were included as separate legislative proposals to implement a broad national policy affecting wildlife and the environment. The policy enunciated in the message fell within the jurisdiction of several committees;<sup>(2)</sup> hence the Speaker felt the appropriate reference was to the Committee of the Whole House on the state of the Union. The implementing proposals were referred as executive communications to the Committee on Interior and Insular Affairs, which had specific jurisdiction over the law giving the President the authority to designate waters as part of the Wild and Scenic Rivers System and Federal lands as part of the National Wilderness System.

1. 123 CONG. REC. 15910, 15915, 93d Cong. 1st Sess.
2. Before the 94th Congress, the Speaker could not refer a measure to more than one committee. See *House Rules and Manual* § 816 (2007).

PRESERVATION OF THE WILDERNESS, WILDLIFE, NATURAL AND HISTORICAL RESOURCES; EFFECTS OF POLLUTION, TOXIC CHEMICALS AND DAMAGE CAUSED BY DEMAND FOR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 95-160)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Union Calendar and ordered to be printed; and the accompanying papers were referred to the Committee on Interior and Insular Affairs.

*To the Congress of the United States:*

This message brings together a great variety of programs. It deals not only with ways to preserve the wilderness, wildlife, and natural and historical resources which are a beautiful and valued part of America's national heritage: it deals also with the effects of pollution, toxic chemicals, and the damage caused by the demand for energy. . . .

I am submitting new wilderness proposals for:

- Arches National Park, Utah
- Canyon Lands National Park, Utah[.] . . .

We must identify as quickly as possible the best remaining candidates for inclusion in the Wild and Scenic Rivers System before they are dammed, channeled, or damaged by unwise development along their banks. As a first step, therefore, I am proposing legislation to add segments of eight rivers, totaling 1303 miles, to the system:

- Bruneau River, Idaho;
- Pere Marquette River, Michigan[.]

***Referral of Messages Required by Law***

**§ 3.10 Consistent with section 4 of the War Powers Resolution,<sup>(1)</sup> requiring the President to submit reports to Congress when United States forces are introduced into certain hostile situations in the absence of a declaration of war, Presidents have customarily informed Congress of such a circumstance by an executive communication, which the Speaker usually refers to committee pursuant to the law but sometimes lays before the House.**

On Apr. 14, 1975,<sup>(2)</sup> Speaker Carl Albert, of Oklahoma, laid before the House a communication from President Gerald R. Ford, detailing the introduction of United States troops into Cambodia for the purpose of evacuating United States embassy personnel and others.

The message was laid before the House and referred as follows:

The SPEAKER laid before the House the following communication from the President of the United States; which was read and referred to the Com-

1. Pub. L. No. 93-148 (50 USC §§ 1541 *et seq.*).
2. 121 CONG. REC. 10065, 94th Cong. 1st Sess.

mittee on International Relations and ordered to be printed:

THE WHITE HOUSE,  
*Washington, April 12, 1975.*

The Honorable the SPEAKER  
*United States House of Representatives*  
*Washington, D.C. 20515*

DEAR MR. SPEAKER: As you and other members of Congress were advised, in view of circumstances in Cambodia, the United States had certain contingency plans to utilize United States Armed Forces to assure the safe evacuation of U.S. Nationals from that country. On Friday, 11 April 1975, the Khmer Communists forces had ruptured Government of the Khmer Republic (GKR) defensive lines to the north, northwest and east of Phnom Penh and were within mortar range of Pochentong Airfield and the outskirts of Phnom Penh. In view of this deteriorating military situation, and on the recommendations of the American Ambassador there, I ordered U.S. military forces to proceed with the planned evacuation out of consideration for the safety of U.S. citizens.

In accordance with my desire that the Congress be fully informed on this matter, and taking note of Section 4 of the War Powers Resolution (P.L. 93-148), I wish to report to you that the first elements of the U.S. forces entered Cambodian airspace at 8:34 p.m. EDT on 11 April. . . .

Sincerely,

GERALD R. FORD.

In recent years the Speaker has referred a President's communication regarding the War Powers

Resolution and ordered it printed without laying it before the House.<sup>(3)</sup>

**§ 3.11 A communication from the President, who was out of the country, in the form of a telegram (neither signed nor delivered by messenger from the White House) transmitting a report on the introduction of United States forces in a situation covered by the War Powers Resolution, was referred as an executive communication but not read to the House or printed as a House document.**

On Apr. 7, 1975,<sup>(1)</sup> the following referral was made:

Under clause 2 of rule XXIV [now XIV], executive communications were taken from the Speaker's table and referred as follows: . . .

676. A letter from the President of the United States, transmitting a report on participation of U.S. naval vessels in the evacuation of refugees in South Vietnam, pursuant to section 4(a) of the War Powers Resolution (Public Law 93-148); to the Committee on International Relations.

3. See, *e.g.*, 149 CONG. REC. 23224, 108th Cong. 1st Sess., Sept. 24, 2003 (H. Doc. No. 108-129); 137 CONG. REC. 1909, 102d Cong. 1st Sess., Jan. 18, 1991 (H. Doc. No. 102-30)
1. 121 CONG. REC. 9191, 94th Cong. 1st Sess.

### *Referral to Select Committee*

**§ 3.12 The House may refer a Presidential message to an ad hoc select committee created to consider the message, as well as subsequent communications and bills on that subject.**

The Speaker usually refers a Presidential message, delivered orally or in writing, to the Union Calendar or to an existing committee. But because of the comprehensive nature of the President's proposed National Energy Policy submitted in the 95th Congress, and to avoid giving jurisdictional primacy to any one standing committee, the Speaker did not refer the message on the evening of its delivery, but allowed the House to act, by resolution, the following day. The House then created a select committee of broad jurisdiction specifically to consider and report the energy message, as well as future communications and bills on the subjects addressed therein. The ad hoc select committee was authorized to receive and consider reports of other standing committees on the subject matter of the message.<sup>(1)</sup>

1. The Ad Hoc Committee on Energy reported H.R. 8444, the National Energy Act, on July 27, 1977. 123



On Apr. 20, 1977,<sup>(2)</sup> a joint session was convened to receive a message from the President in person:

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 196 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided. . . .

THE SPEAKER.<sup>(3)</sup> Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States. . . .

ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. President, Mr. Speaker, Members of the Congress, and distinguished guests:

The last time we met as a group was exactly three months ago today, on Inauguration Day. We've had a good beginning as partners in addressing our nation's problems.

But in the months ahead, we must work together even more closely to deal with the greatest domestic challenge that our nation will face in our lifetime. We must act now—together—to devise and to implement a comprehensive national energy plan to

1. CONG. REC. 25311, 95th Cong. 1st Sess. (H. Rept. No. 95-543).
2. 123 CONG. REC. 11480-83, 95th Cong. 1st Sess.
3. Thomas P. O'Neill, Jr. (MA).

cope with a crisis that otherwise could overwhelm us. . . .

. . . [I] am confident that together we will succeed. Thank you very much.

At 9 o'clock and 34 minutes p.m., the President, accompanied by the committee of escort, retired from the Hall of the House of Representatives. . . .

ADJOURNMENT

Mr. [Durwood] HALL [of Missouri]. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 42 minutes p.m.) the House adjourned until tomorrow, Thursday, April 21, 1977, at 11 o'clock a.m.

The next day, on Apr. 21, 1977,<sup>(4)</sup> the following proceedings occurred in the House:

AD HOC COMMITTEE ON ENERGY

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, pursuant to clause 5 of rule X,<sup>(5)</sup> I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 508

*Resolved*, (a) That pursuant to rule X, clause 5, the Speaker is authorized to establish an Ad Hoc Committee on Energy to consider and report to the House on the message of

4. 123 CONG. REC. 11550-56, 95th Cong. 1st Sess.
5. Now *House Rules and Manual* § 816 (2007).

the President dated April 20, 1977 (H. Doc. 95-128), on other messages or communications related thereto, and on any bill or resolution which the Speaker may sequentially refer thereto which the Speaker determines relates to the substance of the President's message: *Provided, however*, That this paragraph shall not preclude initial reference to the ad hoc committee of a bill or resolution incorporating the recommendations of the committees with subject-matter jurisdiction over the substance of the President's message.

(b) The ad hoc committee shall be composed of thirty-seven Members of the House appointed by the Speaker from those committees of the House which he determines have subject-matter jurisdiction over the substance of the President's message, and from such other committees as the Speaker may determine so as to insure the expeditious consideration and reporting of appropriate legislation. The Speaker shall designate one of the Members as chairman. . . .

THE SPEAKER. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, I yield myself such time as I may consume. This resolution authorizes the Speaker to appoint an ad hoc committee to receive the messages and the recommendations of the President of the United States with respect to the energy problems of this country.

The precedent is clear. Essential parts of this resolution follow precisely the language that was utilized in House Resolution 97 creating the Ad Hoc Select Committee on the Outer Continental Shelf which was agreed to on January 11 of this year.

The purpose of the ad hoc energy committee would be to draw together

an interdisciplinary group from various committees of regular jurisdiction in order to provide one general comprehensive overview. This device should facilitate an opportunity, heretofore lacking, for the House to work its will in achieving a comprehensive energy policy. It is not anticipated that the creation of this ad hoc committee would render any less effective any of those standing committees of the House which now possess jurisdiction over various facets of the energy problem.

It is anticipated that upon receipt from the President of specific legislative recommendations to carry out his energy plan, this ad hoc committee to be appointed by the Speaker might hold hearings and might make recommendations, but that the several components of the recommended legislation would be referred to the standing committees of the House according to their respective jurisdictions under the Rules of the House. Those committees then would be charged by the Speaker with the responsibility of holding hearings, considering the legislation, marking up sections of a bill, and returning those respective sections to the ad hoc committee. . . .

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### *Amendment of Motion to Refer*

#### **§ 3.13 An amendment to a motion to refer a message of the President to a committee is**

**in order when the motion for the previous question is rejected or when the Member offering the original motion yields for an amendment.**

On June 3, 1937,<sup>(1)</sup> Speaker William B. Bankhead, of Alabama, laid before the House a message from President Franklin D. Roosevelt. Following the reading, Mr. William M. Whittington, of Mississippi, moved that the message be referred to the Committee on Flood Control and ordered printed. Mr. Joseph J. Mansfield, of Texas, rose to propound a parliamentary inquiry. Mr. Whittington yielded in order that the Chair might entertain the inquiry, and the following proceedings ensued:

The SPEAKER. The gentleman from Texas propounds a parliamentary inquiry to the Chair as to whether the gentleman would be entitled to offer as a substitute for the motion made by the gentleman from Mississippi a motion to refer the President's message to the Committee on Rivers and Harbors.

The Chair, anticipating that this question might arise, has looked rather fully into the precedents in reference thereto and finds that on April 4, 1933, when Mr. Rainey was Speaker of the House, this identical proposition was presented.

At that time it will be recalled that a bill was pending with reference to

1. 81 CONG. REC. 5296-307, 75th Cong. 1st Sess.

the refinancing of farm-mortgage indebtedness. Two committees claimed jurisdiction of the subject matter of that bill, the committee on Banking and Currency and the Committee on Agriculture.

When the President's message was read the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. JONES], moved that the President's message be referred to the Committee on Agriculture. Thereupon the specific inquiry now propounded by the gentleman from Texas [Mr. MANSFIELD] was made.

The Chair reads the query and the answer of the Speaker:

MR. STEAGALL. Mr. Speaker, I desire at the proper time to submit a substitute motion that the message be referred to the Committee on Banking and Currency.

Mr. JONES said:

Mr. Speaker, I do not yield for that purpose.

The Speaker stated:

The gentleman from Texas does not yield. It is necessary to vote down the previous question before that motion will be in order.

The gentleman from Mississippi [Mr. WHITTINGTON] is entitled to 1 hour, and the Chair understands he has perfected an arrangement with the gentleman from Texas [MR. MANSFIELD] by which he will yield to the gentleman from Texas one-half of that time. At the conclusion of the debate of 1 hour the Chair assumes the gentleman from Mississippi will move the previous question on the motion referring the message to the Committee on Flood Control. If the previous question should be voted down, then the gentleman from Texas [Mr. MANSFIELD]

would have the right and privilege of offering an amendment to the motion to refer the message. . . .

Mr. [James M.] FITZPATRICK [of New York]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZPATRICK. Assuming the previous question is ordered we will then vote on whether the message shall or shall not be referred to the Committee on Flood Control?

The SPEAKER. If the previous question is ordered, the next vote will be on the motion to refer it to the Committee on Flood Control. If the previous question is not ordered, then it leaves to the determination of the House what course shall be taken with reference to the President's message.

The question was taken; and on a division (demanded by Mr. WHITTINGTON) there were—ayes 61, noes 166.

So the motion for the previous question was rejected.

Mr. MANSFIELD. Mr. Speaker, I now move that the message of the President be referred to the Committee on Rivers and Harbors, and on that motion I move the previous question.

Mr. Whittington then raised another parliamentary inquiry:

Mr. WHITTINGTON. Mr. Speaker, there is now pending the motion I made that the message of the President be referred to the Committee on Flood Control. It occurs to me the motion made by the gentleman from Texas [Mr. MANSFIELD] is improper, and that the proper motion would be to amend my motion, if the gentleman de-

sires that the message be referred to his committee. My point is there is a motion pending and an independent motion would not be in order.

The SPEAKER. The Chair, upon reconsideration, is of the opinion the proper procedure would be for the gentleman from Texas to offer an amendment to the pending motion, to the effect that the message of the President be referred to the Committee on Rivers and Harbors.

Mr. MANSFIELD. Mr. Speaker, I make that motion at this time.

The SPEAKER. The gentleman from Texas offers an amendment to the motion, which the Clerk will report.

The Clerk read as follows:

Mr. MANSFIELD moves, as an amendment to the motion made by the gentleman from Mississippi [Mr. WHITTINGTON], to refer the President's message to the Committee on Rivers and Harbors.

Mr. WHITTINGTON. Mr. Speaker, in view of the action of the House, I beg to say that that amendment is agreeable to me; and for the sake of the RECORD, I should like to have permission to withdraw the motion I made, and I ask unanimous consent so to do, in order that the gentleman may present his motion.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to withdraw his motion. Is there objection?

There was no objection.

The SPEAKER. The Chair will now recognize the gentleman from Texas to move that the President's message be referred to the Committee on Rivers and Harbors.

### *Change of Referral*

#### **§ 3.14 In one instance, the Speaker on his own initiative**

**changed the referral of a Presidential message on the day received.**

On Jan. 27, 1958,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, announced that he was going to change the referral of a Presidential message received and referred earlier that day:

The SPEAKER. After further examination of the President's message and the recommendations made therein, the Chair believes that the proper committee to which to refer the President's message is the Committee on Education and Labor instead of the Committee on Interstate and Foreign Commerce, because on the Science Foundation no new law is suggested, simply more appropriations. The other part of the President's message deals with [legislation on] education. Therefore the Chair is going to change the reference of the President's message and whatever bills are introduced on that subject, to the Committee on Education and Labor.

**§ 3.15 The House may change the Speaker's referral of a Presidential message by unanimous consent.**

On July 18, 1919,<sup>(1)</sup> a message was received from the President of the United States, and being read, was referred by Speaker Frederick

1. 104 CONG. REC. 1112, 85th Cong. 2d Sess.
1. 58 CONG. REC. 2852-54, 66th Cong. 1st Sess.

H. Gillett, of Massachusetts, to the Committee on Military Affairs. Later that day, upon agreeing to a unanimous-consent request made by the Speaker, the House re-referred a portion of the message to the Committee on Naval Affairs.

***Referral by Designated Speaker Pro Tempore***

**§ 3.16 When a designated Speaker pro tempore was presiding, a Presidential message was referred to committee and ordered printed only by unanimous consent.**

The proceedings of Jan. 24, 1968,<sup>(1)</sup> provide an exemplar of this earlier practice. On that day, Speaker John W. McCormack, of Massachusetts, laid before the House the following message from the President of the United States, which was read:

*To the Congress of the United States:*

In each of the past three years I have sent to the Congress a special message dealing with Civil Rights. This year I do so again, with feelings of both disappointment and pride[.] . . .

I ask the Congress to take another forward step this year—by adopting this legislation fundamental to the human rights and dignity of every American.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 24, 1968.*

1. 114 CONG. REC. 818-821, 90th Cong. 2d Sess.

Upon conclusion of the reading, and with a designated (that is, nonelected) Speaker pro tempore<sup>(2)</sup> in the chair, the message was, by unanimous consent, referred by the Speaker pro tempore to the Committee of the Whole House on the state of the Union and ordered to be printed.<sup>(3)</sup>

In the modern practice, and as a reflection of the nature of the transaction, designated Speakers pro tempore have exercised independently the responsibility of the Speaker for referrals in other areas that arise periodically but unpredictably during the business of the House.

***Referral of Presidential Message as Related to Unfinished Business***

**§ 3.17 Messages from the President may be read and referred before the House proceeds with unfinished business.**

On Oct. 19, 1966,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, laid before the House messages from the President which had been received on the

2. Carl Albert (OK).

3. See also, *e.g.*, 149 CONG. REC. 25070, 108th Cong. 1st Sess., Oct. 17, 2003.

1. 112 CONG. REC. 27640, 89th Cong. 2d Sess.

previous day. They were read and referred to the appropriate committee before the consideration of unfinished business from the previous day.

The SPEAKER laid before the House the following message from the President of the United States . . . which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

*To the Congress of the United States:*

I am transmitting the third Annual Report on Special International Exhibitions for the fiscal year 1965 pursuant to section 108(b) of the Mutual Educational and Cultural Exchange Act of 1961—Public Law 87-256. . . .

LYNDON B. JOHNSON.

Enclosures:

1. Letter of transmittal.
2. Report.

THE WHITE HOUSE, *October 18, 1966.*

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SEMIANNUAL REPORT ON THE NATION'S SPACE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 526)

The SPEAKER laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered printed, with illustrations.

*To the Congress of the United States:*

This is a report of a period—July 1 through December 31, 1965—characterized by outstanding progress in the Nation's space program. . . .

LYNDON B. JOHNSON.  
THE WHITE HOUSE, *October 19, 1966.*

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ANNOUNCEMENT BY THE  
SPEAKER—DISPOSING OF  
PENDING BUSINESS

The SPEAKER. The Chair will receive unanimous-consent requests, after the disposition of pending business.

The unfinished business is the vote on agreeing to the resolution (H. Res. 1062) certifying the report of the Committee on Un-American Activities as to the failures of Jeremiah Stamler to give testimony before a duly authorized subcommittee of said committee.

The Clerk read the title of the resolution.

***Referral of Presidential Nomination of Vice President***

**§ 3.18 Under the 25th Amendment, when the President submits a nomination to fill a vacancy in the office of Vice President, he does so by written message.**

Vice President Spiro Agnew submitted his resignation to the Secretary of State on Oct. 10, 1973.<sup>(1)</sup> On Saturday, Oct. 13,

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1. Under 3 USC § 20, the resignation of a President or Vice President is submitted to the Secretary of State.

President Richard M. Nixon nominated Representative Gerald R. Ford, of Michigan, who was then the Minority Leader of the House, to fill the vacancy in that office.<sup>(2)</sup> The House met<sup>(3)</sup> in order to receive the written message transmitting the nomination on the same day as the Senate. In the House, the Speaker referred the nomination to the standing committee with jurisdiction of matters relating to Presidential succession.

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

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NOMINATION OF VICE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-165)

The Speaker laid before the House the following message from the President of the United States; which was read and referred to the Committee on the Judiciary and ordered to be printed:

*To the Congress of the United States:*

- 
2. Pursuant to § 2 of the 25th Amendment to the Constitution, whenever there is a vacancy in the office of the Vice President, the President nominates a Vice President, who takes office upon confirmation by a majority vote of each House.
  3. 119 CONG. REC. 34032, 93d Cong. 1st Sess., Oct. 13, 1973.

Pursuant to the provisions of Section 2 of the Twenty-fifth Amendment to the Constitution of the United States, I hereby nominate Gerald R. Ford, of Michigan, to be the Vice President of the United States.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1973.*

*Parliamentarian's Note:* The 25th Amendment was ratified in 1967, and President Nixon's nomination of Gerald Ford was the first application of §2 of that Amendment. Therefore, most of the decisions concerning the nomination and the confirmation process—the order and manner of consideration of the nomination and the ceremony following the completion of congressional action—were of first impression. Although the details of the process are carried elsewhere in this work,<sup>(4)</sup> some of those decisions of first impression are noted here for the convenience of the reader.

The Senate acted first on the nomination on Dec. 27, 1973,<sup>(5)</sup> reflecting the traditional role of that body in considering nominations and the unique position of the Vice President as President of the Senate.

To preserve the independence of the deliberative process in the two

4. See Ch. 10 § 4.3, *supra*, and Ch. 13 § 22.1, *supra*.

5. 119 CONG. REC. 38212, 93d Cong. 1st Sess.

Houses, the House was not formally notified of the Senate confirmation until House action was completed.

The House voted on the nomination by adopting a House resolution<sup>(6)</sup> which was not handled as a privileged matter<sup>(7)</sup> but was voted on in the full House after debate in the Committee of the Whole under the terms of a special order-of-business resolution reported by the Committee on Rules.<sup>(8)</sup>

The oath of office was, at the express request of the new Vice President, administered during a joint meeting in the House Chamber.<sup>(9)</sup> The form of the ceremony

6. H. Res. 738, 119 CONG. REC. 39807–900, 93d Cong. 1st Sess., Dec. 6, 1973.

7. With respect to the issue of privilege of a resolution confirming the nomination, see dictum of Speaker Gillett on May 6, 1921, that aside from questions of considering vetoed bills and impeachment charges, conferral by the Constitution upon the House of the power to take certain actions, such as declarations of war and apportionments after decennial censuses, does not make those questions privileged for immediate consideration upon demand of any Member. 6 Cannon's Precedents § 48.

8. H. Res. 738, 119 CONG. REC. 39807–900, 93d Cong. 1st Sess., Dec. 6, 1973.

9. 119 CONG. REC. 39925–27, 93d Cong. 1st Sess., Dec. 6, 1973.



itself was the mutual decision of the leadership in the two Houses and the President.

**§ 3.19 A second nomination of a Vice President pursuant to the 25th Amendment was submitted to the Congress in 1974.**

With Vice President Ford becoming President upon the resignation of President Nixon, there was again a vacancy in the office of the Vice President. On Aug. 20, 1974,<sup>(1)</sup> President Ford nominated Nelson A. Rockefeller, of New York, to be Vice President.

The procedure followed in the House with respect to that nomination was similar to that used the year before with respect to the nomination of Gerald Ford.<sup>(2)</sup> The message transmitting the nomination was received by the House on Aug. 20, 1974, and was referred by the Speaker to the Committee on the Judiciary. After hearings before that committee and the reporting by that committee to the House of a resolution confirming the nomination, with an accompanying report,<sup>(3)</sup> the House

adopted a special order-of-business resolution providing for consideration of the confirmation resolution in the Committee of the Whole.<sup>(4)</sup> Pursuant to that special order-of-business resolution, the House considered and agreed to the confirmation resolution on Dec. 19, 1974.

The Senate, acting first on the nomination (as it had in the prior case of the Ford nomination), informed the House of its confirmation of the nomination on Dec. 19, following adoption by the House of a confirmation resolution that same day.<sup>(5)</sup>

Members of the House were invited to attend the swearing-in ceremonies held in the Senate Chamber later that same day.<sup>(6)</sup>

***Classified Material***

**§ 3.20 The President sometimes transmits to Congress classified material requiring special handling and processing in referral.**

On Jan. 26, 1970,<sup>(1)</sup> a message from the President, transmitting a

1. 120 CONG. REC. 29366, 93d Cong. 2d Sess.

2. See § 3.18, *supra*.

3. H. Res. 1511, confirming Nelson A. Rockefeller as Vice President of the United States, together with the report thereon, H. Rept. No. 93-1609.

4. See 120 CONG. REC. 41419-41517, 93d Cong. 2d Sess., Dec. 19, 1974 (H. Res. 1519, providing for consideration of H. Res. 1511).

5. *Id.* at p. 41517.

6. *Id.* at pp. 41181, 41182.

1. 116 CONG. REC. 1017, 1018, 91st Cong. 2d Sess.

copy of an amendment to an agreement regarding cooperation on the uses of atomic energy for mutual defense purposes, together with an accompanying envelope marked "Secret," were laid before the House.

*To the Congress of the United States:*

Pursuant to the Atomic Energy Act of 1954 as amended, I am submitting to the Congress an authoritative copy of an amendment to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended. The Amendment was signed at Washington on October 16, 1969. . . .

I am also transmitting a copy of the Secretary of State's letter to me accompanying authoritative copies of the signed Amendment, a copy of a joint letter from the Chairman of the Atomic Energy Commission and the Secretary of Defense recommending approval of this Amendment, and a copy of my memorandum in reply thereto, setting forth my approval.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1970.*

*Parliamentarian's Note:* The President's message was laid before the House and read and then referred to the Joint Committee on Atomic Energy, along with an accompanying classified envelope marked "Secret," which was not opened or read. After processing

the message, the bill clerk delivered the message and accompanying envelope to a staff member of the joint committee, who signed a receipt therefor.<sup>(9)</sup>

In the case of a classified executive communication that is received when the House is not in session, an employee in the Office of the Clerk who has an appropriate security clearance delivers the document to the appropriate committee and the referral is noted in the *Congressional Record*.

#### § 4. Joint Sessions to Receive Presidential Messages: In General

The President, under the Constitution,<sup>(1)</sup> has the duty from time to time to give to the Congress information on the state of the Union and to recommend the consideration of such measures as he considers necessary and expedient. Such "state of the Union" messages are, in modern practice, delivered in person, but may be transmitted in writing.<sup>(2)</sup> When the President has indicated an intention to address Congress in

<sup>9</sup> See also 108 CONG. REC. 9524, 87th Cong. 2d Sess., May 31, 1962.

<sup>1</sup> U.S. Const. art. II, § 3.

<sup>2</sup> See § 3.3, *supra*.

person, the two Houses provide by concurrent resolution for a joint session to receive the message. Such a resolution is held to be of the highest privilege.<sup>(3)</sup>

Topics that the President has covered in messages delivered in person to joint sessions of Congress, in addition to state of the Union and budgetary matters, have included the threat of war in the world,<sup>(4)</sup> a declaration of war on Japan,<sup>(5)</sup> the results of the Yalta Conference at the close of World War II hostilities,<sup>(6)</sup> the return of a bill regarding military pay,<sup>(7)</sup> a legislative proposal to settle strikes affecting the railroads and soft coal mining industries,<sup>(8)</sup> a legislative proposal for comprehensive health care reform,<sup>(9)</sup> the announcement of a Middle East peace agreement,<sup>(10)</sup>

3. 8 Cannon's Precedents § 3335.
4. 147 CONG. REC. 17455-57, 107th Cong. 1st Sess., Sept. 20, 2001; and 86 CONG. REC. 6242-44, 76th Cong. 3d Sess., May 16, 1940.
5. 87 CONG. REC. 9519-38, 77th Cong. 1st Sess., Dec. 8, 1941.
6. 91 CONG. REC. 1618-22, 79th Cong. 1st Sess., Mar. 1, 1945.
7. 79 CONG. REC. 7993-97, 74th Cong. 1st Sess., May 22, 1935.
8. 92 CONG. REC. 5752, 5753, 79th Cong. 2d Sess., May 25, 1946.
9. 139 CONG. REC. 22141-47, 103d Cong. 1st Sess., Sept. 22, 1993.
10. 124 CONG. REC. 29916, 29917, 95th Cong. 2d Sess., Sept. 18, 1978.

and the announcement of the end of military operations in the Persian Gulf region.<sup>(11)</sup>

### *Authorizing Resolutions*

#### **§ 4.1 A joint session of the two Houses for the purpose of receiving a message from the President is arranged by a concurrent resolution.**

On Jan. 7, 1959,<sup>(1)</sup> the House agreed to a concurrent resolution providing for a joint session for the purpose of receiving the President's message:

Mr. [John W.] MCCORMACK [of Massachusetts]. Mr. Speaker, I offer a resolution (H. Con. Res. 1) and ask for its immediate consideration.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring),* That the two Houses of Congress assemble in the hall of the House of Representatives on Friday, January 9, 1959, at 12:30 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The resolution was agreed to.

The Senate agreed to the concurrent resolution on the next day.<sup>(2)</sup>

11. 137 CONG. REC. 5139-42, 102d Cong. 1st Sess., Mar. 6, 1991.
1. 105 CONG. REC. 16, 86th Cong. 1st Sess.
2. See 105 CONG. REC. 144, 86th Cong. 1st Sess., Jan. 8, 1959.

**§ 4.2 A concurrent resolution providing for a joint session to receive a message from the President is privileged.**

On Sept. 8, 1971,<sup>(1)</sup> a privileged concurrent resolution was called up from the floor as follows:

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 395) and ask for its immediate consideration.<sup>(2)</sup>

The Clerk read the concurrent resolution as follows:

H. CON. RES. 395

*Resolved by the House of Representatives (the Senate concurring),* That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, September 9, 1971, at 12:30 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

***President May Suggest Date for Joint Session***

**§ 4.3 When at the beginning of a new Congress the House has completed its essential organizational business, it**

1. 117 CONG. REC. 30845, 92d Cong. 1st Sess.
2. In the Senate, such a measure is a question of high privilege. Riddick/Frumin, *Senate Procedure*, p. 892, S. Doc. No. 101-28 (1992).

**informs the President, by committee, that it has established a quorum and is ready to receive any message he may wish to transmit. The committee, when it reports back to the House, sometimes informs the House of the date on which the President desires to address a joint session.**

On Jan. 14, 1975,<sup>(1)</sup> for example, the Majority Leader, a member of the committee appointed to inform the President that the new House was prepared to proceed to business, reported and informed the House of the date on which the President was prepared to address a joint session.

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty. The President asked us to report that he will be pleased to deliver his message at 1 p.m., Wednesday, January 15, 1975, to a joint session of the two Houses.

JOINT SESSION OF CONGRESS—  
STATE OF THE UNION MESSAGE

Mr. O'NEILL. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 1)

1. 121 CONG. REC. 34, 94th Cong. 1st Sess.

and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1

*Resolved by the House of Representatives (the Senate concurring),* That the two Houses of Congress assemble in the Hall of the House of Representatives on January 15, 1975 at 1 o'clock p.m. for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

***Joint Session to Receive Veto Message Delivered in Person by the President***

**§ 4.4 On one occasion, the President delivered a veto message to a joint session of Congress.**

Although the Senate debated the right of the President to deliver a veto message in person,<sup>(1)</sup> President Franklin D. Roosevelt addressed a joint session on May 22, 1935, for that purpose.<sup>(2)</sup>

At 12 o'clock and 27 minutes p. m. the President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House and stood at the Clerk's desk, amid prolonged applause.

1. 79 CONG. REC. 7896-912, 74th Cong. 1st Sess., May 21, 1935.
2. *Id.* at pp. 7993, 7996.

The SPEAKER.<sup>(3)</sup> Senators and Representatives of the Seventy-fourth Congress, I have the distinguished honor and privilege of presenting to you the President of the United States. [Applause.]

VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES—ADJUSTED-SERVICE CERTIFICATES (H. DOC. NO. 197)

The PRESIDENT OF THE UNITED STATES. Mr. Speaker and Members of the House of Representatives, 2 days ago a number of gentlemen from the House of Representatives called upon me and with complete propriety presented their reasons for asking me to approve the House of Representatives bill providing for the immediate payment of adjusted-service certificates. In the same spirit of courtesy I am returning this bill today to the House of Representatives. . . .

As to the right and the propriety of the President in addressing the Congress in person, I am very certain that I have never in the past disagreed, and will never in the future disagree, with the Senate or the House of Representatives as to the constitutionality of the procedure. With your permission, I should like to continue from time to time to act as my own messenger. . . .

Therefore, Mr. Speaker, I return, without my approval, House of Representatives bill no. 3896, providing for the immediate payment to veterans of the 1945 face value of their adjusted-service certificates.

Thereupon (at 1 o'clock and 10 minutes p. m.) the President retired from the Hall of the House.

3. Joseph W. Byrns (TN).

At 1 o'clock and 12 minutes p.m., the Speaker announced that the joint session was dissolved.

Thereupon the Vice President and the Members of the Senate returned to their Chamber.

ACTION ON THE VETO MESSAGE OF  
THE PRESIDENT

The SPEAKER. The objections of the President will be entered at large on the Journal, and the message and the bill printed as a House document.

The question is, Will the House of Representatives, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

*Parliamentarian's Note:* The return of a bill in this manner was unusual as the message otherwise is delivered to the House originating the measure. The other House would be notified only following action by the first House. The House here properly waited until the dissolution of the joint session and the departure of the Senate before proceeding to the reconsideration of the bill.

## § 5. Joint Sessions to Receive Presidential Messages: Procedure

At the appointed hour for a joint session to receive the President, the Members of the Senate arrive and occupy the seats re-

served for them. The President of the Senate (the Vice President) sits to the right of the Speaker, but in the absence of the Vice President, the President pro tempore sits to the left of the Speaker. The Speaker presides.<sup>(1)</sup> Since the inception of television coverage in the House, the President almost always delivers his annual state of the Union message in the evening.<sup>(2)</sup>

### *Speaker's Declaration of Recess*

#### § 5.1 The Speaker declares a recess in connection with a joint session to receive a message in person from the President.

Under the authority of Rule I clause 12(a) to "suspend the business of the House for a short time when no question is pending before the House,"<sup>(1)</sup> the Chair declares a recess for the purpose of preparing the Chamber for a joint session to receive a message from

1. *House Rules and Manual* §169 (2007).
2. The first instance of a President delivering an annual message at an evening session occurred on Jan. 3, 1936. See 80 CONG. REC. 27-30, 74th Cong. 2d Sess.
1. *House Rules and Manual* §638 (2007).

the President, as seen in the proceedings of Jan. 29, 2002:<sup>(2)</sup>

The SPEAKER pro tempore.<sup>(3)</sup> Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 5 o'clock and 30 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

The proceedings of Jan. 7, 1959,<sup>(4)</sup> exemplify the grant of authority for the Speaker to declare a recess that was necessary before the adoption of Rule I clause 12(a) at the beginning of the 103d Congress.

On that date, following the adoption of a concurrent resolution providing for a joint session of the two Houses to receive a message from the President on Jan. 9, 1959,<sup>(5)</sup> the Speaker, Sam Rayburn, of Texas, was authorized by unanimous consent to declare a recess at any time on that date, as follows:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I ask unanimous consent that on Friday, January 9, 1959, it may be in order for

2. 148 CONG. REC. 329, 330, 107th Cong. 2d Sess.
3. John E. Sweeney (NY).
4. 105 CONG. REC. 16, 86th Cong. 1st Sess.
5. 80 CONG. REC. 9, 74th Cong. 2d Sess. (S. Con. Res. 25).

the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

### ***Ceremonial Procedure at Joint Session***

#### **§ 5.2 The two Houses follow established ceremonial procedures at a joint session to receive a message from the President.**

On Jan. 31, 2006,<sup>(1)</sup> the two Houses met in joint session to receive the President's annual state of the Union message. As part of the preparation for the joint session, the Chair announced the customary policy on floor privileges for the joint session. The Chair also announced that the practice of reserving seats by placard for the joint session would not be allowed and that Members could reserve seats only by their physical presence following a security sweep of the Chamber.

The proceedings were as follows:

#### **ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore.<sup>(2)</sup> The Chair desires to make an announcement.

1. 152 CONG. REC. 413-417, 109th Cong. 2d Sess.
2. Ray LaHood (IL).

After consultation among the Speaker, the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

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#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 5 o'clock and 22 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

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#### AFTER RECESS

The recess having expired, the House was called to order at 8 o'clock and 43 minutes p.m.

#### JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 77 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker<sup>(3)</sup> of the House presided.

The Deputy Sergeant at Arms,<sup>(4)</sup> Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker,<sup>(5)</sup> and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Missouri (Mr. BLUNT); . . .

The gentleman from South Carolina (Mr. CLYBURN).<sup>(6)</sup>

3. J. Dennis Hastert (IL).
4. Before the abolition of the office in 1995 (see *House Rules and Manual* §663a (2007)), the Doorkeeper announced all attendees. See, e.g., 105 CONG. REC. 32–36, 86th Cong. 1st Sess., Jan. 7, 1948.
5. In the absence of the Vice President (the President of the Senate), the Senate is represented on the Speaker's rostrum by its President pro tempore, who sits to the Speaker's left. See *House Rules and Manual* § 169 (2007).
6. The full House escort committee consisted of the Majority Leader, Roy Blunt (MO), the Republican Conference Chairman, Deborah Pryce



The VICE PRESIDENT.<sup>(7)</sup> The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Tennessee (Mr. FRIST); . . .

The Senator from New Jersey (Mr. MENENDEZ).

The Deputy Sergeant at Arms announced the Dean of the Diplomatic Corps. . . .

The Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.<sup>(8)</sup>

The Deputy Sergeant at Arms announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

(OH), the Rules Committee Chairman, David Dreier (CA), the Minority Leader, Nancy Pelosi (CA), the Minority Whip, Steny Hoyer (MD), and the Democratic Caucus Chairman, Jim Clyburn (SC). At the time of this joint session, the positions of Majority Whip and Democratic Caucus Vice Chairman were vacant.

7. Richard B. Cheney (WY).
8. Under an earlier practice, the entire diplomatic corps was announced. See, *e.g.*, 94 CONG. REC. 32, 80th Cong. 2d Sess., Jan. 7, 1948; 136 CONG. REC. 905, 101st Cong. 2d Sess., Jan. 31, 1990.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 7 minutes p.m., the Sergeant at Arms, the Honorable Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising).

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

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**THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES**

The PRESIDENT. Mr. Speaker, Vice President CHENEY, Members of Congress, members of the Supreme Court and Diplomatic Corps, distinguished guests and fellow citizens: . . .

May God bless America.

(Applause, the Members rising.)

At 10 o'clock and 5 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet; Chief Justice of the United States and Associate Justices of the Supreme Court;

The Dean of the Diplomatic Corps.

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#### JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 10 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

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#### MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. [Bob] GOODLATTE [of Virginia]. Mister Speaker, I move that the message of the President be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

The motion was agreed to.

#### *State of the Union and Budget as One Message*

#### **§ 5.3 The President has submitted his annual message on the state of the Union and his budget message in one communication.**

On Jan. 21, 1946,<sup>(1)</sup> President Harry S Truman submitted in

1. 92 CONG. REC. 136-155, 79th Cong. 2d Sess.

writing his annual message on the state of the Union. His comments on the budget were included in the same message.

#### *Messages in Writing Accompanying State of the Union Address*

#### **§ 5.4 On one occasion, the President delivered his state of the Union address to a joint session of Congress and delivered in writing a lengthy message carrying his legislative program in more detail than in the text read to the Members. On motion, the House ordered both texts printed as a single document and referred to the Union Calendar.**

For the state of the Union message delivered on Jan. 30, 1974,<sup>(1)</sup> President Richard M. Nixon delivered an abbreviated version in person and provided a longer version in writing. The delivered speech took about 40 minutes; the written text submitted under separate seal, was some 22,000 words in length.<sup>(2)</sup>

1. See 120 CONG. REC. 1465-85, 93d Cong. 2d Sess.

2. *Parliamentarian's Note*: At the time of this state of the Union message the House Committee on the Judiciary had commenced an impeachment inquiry.

The proceedings were as follows:

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 43 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 413 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided. . . .

The SPEAKER.<sup>(3)</sup> My colleagues of the Congress, I have the distinct privilege and the high personal honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-206)

The PRESIDENT. Mr. Speaker, Mr. President, my colleagues in the Congress, our distinguished guests, and my fellow Americans:

. . . Tonight, for the first time in 12 years, a President of the United States can report to the Congress on the state of a Union at peace with every nation of the world.

Because of this, in the 22,000-word message on the state of the Union that

3. Carl Albert (OK).

I have just handed to the Speaker of the House and the President of the Senate, I have been able to deal primarily with the problems of peace, with what we can do here at home in America for the American people, rather than with the problems of war. The measures I have outlined in this message set an agenda for truly significant progress for this Nation and the world in 1974. . . .

[Applause, the Members rising.]

The state of the Union message, referred to by the President, and submitted to the Congress, is, in its official text, as follows:

*To the Congress of the United States:*

We enter 1974 not at the beginning of an historical cycle, but in the middle of one. Beginnings have been made in many vital areas, beginnings which we now must build upon. New needs have arisen which we are in the process of addressing. Opportunities are coalescing which give us a chance to make historic progress toward a stable peace and expanding prosperity. . . .

I have full confidence that we will meet that responsibility.

RICHARD NIXON.

THE WHITE HOUSE, *January 30, 1974.*

At 9 o'clock and 48 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives. . . .

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 9 o'clock and 55 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

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REFERENCE OF PRESIDENT'S  
MESSAGE

Mr. [Charles] ROSE [of North Carolina]. Mr. Speaker, I move that the message of the President together with the accompanying documents be referred to the Committee of the Whole House on the state of the Union and ordered printed.

The motion was agreed to.

**§ 5.5 In the second session of the 96th Congress, the President transmitted his state of the Union speech in writing on the day before he delivered the address to a joint session of Congress.**

When the second session of the 96th Congress convened to conduct its organizational business, the Majority Leader, appointed by the Speaker to the select committee to notify the President that a quorum was assembled and that the House was ready to proceed to business, reported back to the House that the President wished to address a joint session of Congress on the state of the Union on the following day. His written speech was transmitted on Jan. 22, 1980,<sup>(1)</sup> and was read (in

1. 126 CONG. REC. 190-215, 96th Cong. 2d Sess.

brief), referred to the Union Calendar, and ordered printed. Both versions were thus printed as House documents.<sup>(2)</sup>

The written message was laid before the House and subsequent proceedings were as follows:

STATE OF THE UNION ADDRESS—  
MESSAGE FROM THE PRESIDENT OF THE UNITED STATES  
(H. DOC. NO. 96-250)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

*To the Congress of the United States:*

My State of the Union Address will be devoted to a discussion of the most important challenges facing our country as we enter the 1980's. . . .

We must move together into this decade with the strength which comes from realization of the dangers before us and from the confidence that together we can overcome them.

JIMMY CARTER.

THE WHITE HOUSE, *January 21, 1980.*

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REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, your committee

2. The address to the joint session was printed as H. Doc. No. 96-257. See 126 CONG. REC. 380-382, 96th Cong. 1st Sess., Jan. 22, 1980.

on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

The President asked us to report that he will be pleased to deliver his message at 9 p.m., Wednesday, January 23, 1980, to a joint session of the two Houses. . . .

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JOINT SESSION OF CONGRESS—  
STATE OF THE UNION ADDRESS

Mr. WRIGHT. Mr. Speaker I offer a concurrent resolution (H. Con. Res. 241) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 241

*Resolved by the House of Representatives (the Senate concurring)* That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, January 23, 1980, at 9 o'clock postmeridieum for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

***Consecutive Joint Sessions to Count Electoral Votes and Receive Presidential Message***

**§ 5.6 At the inception of the 79th Congress, immediately**

**after a joint session was held for the purpose of counting electoral votes, a second joint session was held to hear the President's annual message read by the Clerk.**

On Jan. 6, 1945,<sup>(1)</sup> a recess having expired, the House was called to order by the Speaker. The Senate entered the Hall, preceded by the Vice President and the Secretary of the Senate. The Vice President addressed the assembly as to the purpose of the joint session:

The VICE PRESIDENT.<sup>(2)</sup> Mr. Speaker and gentlemen of the Congress, the Senate and the House of Representatives, pursuant to the requirements of the Constitution and laws of the United States, have met in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President. . . .<sup>(3)</sup>

The tellers proceeded to read, count, and announce the electoral votes of the several States in alphabetical order. The Vice President then announced that the certificates of all the States had been opened and read, and that the tellers would make final ascertainment of the result and deliver it to the Vice President.

- 
1. 191 CONG. REC. 90-97, 79th Cong. 1st Sess.
  2. Henry A. Wallace (IA).
  3. Electoral College, see Ch. 10, *supra*.

This done, the Vice President dissolved the joint session, called pursuant to Senate Concurrent Resolution 1, and indicated that the Senate would remain in the House Chamber pursuant to Senate Concurrent Resolution 2, to receive a message in writing from the President of the United States. This message was communicated to the joint session by one of the President's secretaries. The Speaker laid the message before the joint session and it was read:

*To the Congress of the United States:*

In considering the state of the Union, the war, and the peace that is to follow, are naturally uppermost in the minds of all of us. . . .

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 6, 1945.*

Following the reading, the joint session was dissolved by the Speaker. The Senate retired from the Hall of the House, and the House was called to order by the Speaker.

## § 6. Letters From the President

### *Letter in Support of Bill*

§ 6.1 During debate in the Committee of the Whole, the Clerk, by unanimous consent, read a letter from the

**President to the Speaker in which the President expressed his support for the bill then under consideration.**

On Nov. 20, 1969,<sup>(1)</sup> while the House was sitting as the Committee of the Whole, the Speaker, John W. McCormack, of Massachusetts, rose to announce that he had just received a letter from the President relating to the legislation then under discussion.

The following proceedings ensued:

Mr. McCORMACK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have just received a letter from President Nixon. I understand the minority leader also received a letter. I received it a few minutes ago. It relates to the bill pending before the House. I would like to have the contents of the letter read to the House so that the Members will have in mind the views expressed by the President in his letter to me.

Mr. Chairman, I ask unanimous consent that the Clerk be authorized to read the letter of the President of the United States.

The CHAIRMAN.<sup>(2)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the letter as follows:

THE WHITE HOUSE,  
*Washington.*

1. 115 CONG. REC. 35192, 35193, 91st Cong. 1st Sess.
2. Charles M. Price (IL).

Hon. JOHN W. McCORMACK,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: . . .

. . . [I] hope that Congressional leaders will approach this year's decisions on foreign assistance with a full appreciation of the serious consequences of both the reductions so far and any deeper cuts that may be advocated. Such reductions will have virtually no effect on our actual expenditures in FY 1970 because of the lag in actually disbursing the funds, but would have an extremely serious impact on our leadership responsibilities in this important field. I therefore urge you to avoid or minimize further cuts in the bill now before the House.

Sincerely,

RICHARD NIXON.

Mr. McCORMACK. Mr. Chairman, the views of the President of the United States, without regard to political party or the political party of the President, are always worthy of consideration by the Members of this body.

***Letter Treated as Executive Communication***

**§ 6.2 A letter from the President to the Speaker, advocating certain legislative action, was laid before the House.**

On Nov. 12, 1969,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, laid before the House a

1. 115 CONG. REC. 33739, 91st Cong. 1st Sess.

letter from the President of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce and ordered to be printed.<sup>(2)</sup>

THE WHITE HOUSE,  
*Washington, D.C., November 6, 1969.*

Hon. JOHN W. McCORMACK,  
*Speaker of the House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Air transportation is a rapidly growing and vital part of the national economy. It is essential that we keep our air transportation system safe, economic and efficient. I have stressed many times my determination to take the steps necessary to maintain the safety and improve the effectiveness of the nation's air traffic control system. . . .

Since the continuing resolution has held the operation of the Department of Transportation so far in the fiscal year to the fiscal year 1969 level, no additional appropriations beyond the pending 1970 budget request will be required to support these additional 1,000 traffic controller positions.

I urgently request that the Congress approve this proposal.

Sincerely,

RICHARD NIXON.

2. See also 103 CONG. REC. 6019-21, 85th Cong. 1st Sess., Apr. 18, 1957 (letter from the President in response to a House resolution requesting him to indicate where certain budget reductions could be made was laid before the House by the Speaker, read, referred to committee, and ordered printed).

**§ 6.3 The Speaker laid before the House a letter from the President supporting a bill then pending before the House.**

On Sept. 14, 1970,<sup>(1)</sup> the Speaker laid before the House the following communication from the President of the United States. It was read and referred to the Committee on Banking and Currency and ordered to be printed.<sup>(2)</sup>

THE WHITE HOUSE,  
Washington, September 11, 1970.

Hon. JOHN W. McCORMACK,  
*Speaker of the House of Representatives,*  
Washington, D.C.

DEAR MR. SPEAKER: There is now pending before the House a bill of vital importance to the international economic and financial interests of the United States. H.R. 18306 authorizes increased U.S. participation in four multilateral financial institutions: . . .

This legislation has my full support. I believe that the national interest will be served by passage of H.R. 18306, and I strongly urge prompt and favorable action by the House of Representatives.

Sincerely,

RICHARD NIXON.

1. 116 CONG. REC. 31422, 91st Cong. 2d Sess.

2. But see § 2.2, *supra*.

***Enclosure and Reading of Communication From Foreign Head of State***

**§ 6.4 A letter from the President transmitting a communication from the Queen of Great Britain was read; the communication from the Queen was also read.**

On May 23, 1952,<sup>(1)</sup> the Speaker laid before the House a letter from the President, which was read. Also read was an enclosed letter from Her Majesty Queen Elizabeth II.

THE WHITE HOUSE,  
Washington, May 22, 1952.

Hon. SAM RAYBURN,  
*Speaker of the House of Representatives.*

MY DEAR MR. SPEAKER: I am transmitting herewith a copy of a letter I have received from Her Majesty Queen Elizabeth II, asking me to convey to the Members of the House of Representatives her deep appreciation for their sentiments of sympathy and their tribute to the memory of His late Majesty.

Very sincerely yours,  
HARRY TRUMAN.

BUCKINGHAM PALACE, May 7, 1952.  
THE PRESIDENT OF THE UNITED STATES  
OF AMERICA.

Mr. PRESIDENT: I have received your letter dated the 4th day of March, with

1. 98 CONG. REC. 5864, 82d Cong. 2d Sess.



which you sent to me the texts of resolutions directed respectively by the United States Senate to my governments in the United Kingdom of Great Britain and Northern Ireland and in the other countries of the Commonwealth and by the United States House of Representatives to my government in the United Kingdom.

In thanking you for your kindness in forwarding these resolutions and for the personal sympathy which you have expressed toward me in doing so, I request that you will be good enough to convey to the Senate and the House of Representatives my deep appreciation of the sentiments to which they have given expression and of their tributes to the memory of His late Majesty. . . .

Your sincere friend,  
ELIZABETH R.

***Letters Presenting Gifts to the House***

**§ 6.5 The Speaker laid before the House a letter from the President transmitting a historic object and suggesting that it might be exhibited in the House.**

On June 26, 1942,<sup>(1)</sup> the Speaker laid the following letter from President Franklin D. Roosevelt before the House:

The SPEAKER. The Chair lays before the House the following letter from the President of the United States:

THE WHITE HOUSE,  
*Washington, June 29, 1942.*

1. 88 CONG. REC. 5618, 5619, 77th Cong. 2d Sess.

Hon. SAM RAYBURN,  
*Speaker, House of Representatives,*  
*Washington, D. C.*

DEAR MR. SPEAKER: Early this year Mr. John Marshall Gamble of Santa Barbara, Calif., sent to me a very old silver ladle which belonged to Jonathan Dayton, Speaker of the House of Representatives from 1795 to 1799. I thought this might be a very interesting thing for you to have in the House of Representatives to exhibit with my compliments and those of Mr. Gamble. . . .

Very sincerely yours,  
FRANKLIN D. ROOSEVELT.

***Correction of Error in Presidential Message***

**§ 6.6 The Speaker laid before the House a communication to the Speaker from the Secretary to the President in which the Secretary to the President set forth a correction to a Presidential message transmitted to the House earlier that day.**

On June 29, 1946,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, laid before the House the following communication:<sup>(2)</sup>

THE WHITE HOUSE,  
*Washington, June 23, 1942*

1. 92 CONG. REC. 8014, 8015, 79th Cong. 2d Sess.
2. The House has allowed the President to withdraw certain papers inadvertently included with a written message. See 5 Hinds' Precedents § 6651.

Memorandum for the Speaker:

On page 10 of the Message of the President returning to the House of Representatives today, without approval, H.R. 6042, "An act to amend the Emergency Price Control Act of

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On one occasion, the President submitted a message withdrawing proposed rescissions of budget authority submitted under § 1012 of the Impoundment Control Act of 1974 by the previous administration. See 127 CONG. REC. 2219, 97th Cong. 1st Sess., Feb. 17, 1981 (H. Doc. No. 97-19, printed 127 CONG. REC. 2170, Feb. 16, 1981).

1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes," the date October 1-15, 1946 appears incorrectly in the next to the last paragraph. This date should read October 1-15, 1941 (instead of 1946).

Will you kindly have the official copy and the RECORD corrected accordingly?

CHARLES G. ROSS,

*Secretary to the President*

The SPEAKER. Without objection, the correction will be made.

There was no objection.

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## CHAPTER 36

# *Ceremonies and Awards*

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**Ch. 36**

DESCHLER-BROWN-JOHNSON PRECEDENTS

§26. Vice Presidential Swearing-in Ceremonies

## *Ceremonies and Awards*

### § 1. Scope

This chapter presents a broad sampling of the types of celebrations, ceremonies, and awards in which the House participates.<sup>(1)</sup> Ceremonies concerned with joint sessions of Congress to receive Presidential messages, such as the state of the Union address, are included in the chapter on Presidential communications.<sup>(2)</sup> Joint sessions to count the electoral vote are detailed elsewhere.<sup>(3)</sup> Although this chapter does include examples of memorial services for various individuals, the reader is encouraged to consult the chapter on Death for a complete discussion on the House procedure for ceremonies related to the death of individuals.<sup>(4)</sup> Receptions at the White House, pa-

1. The reader is encouraged to consult Ch. 24, *supra*, generally. For information on the ban on commemorative bills, see Rule XII clause 5, *House Rules and Manual* § 823 (2007); and *House Practice* Ch. 6 § 23 (2003). For information on the ban on naming public works after sitting Members, see Rule XXI clause 6, *House Rules and Manual* § 1068a (2007). See also § 22.6, *infra*.
2. See Ch. 35, *supra*.
3. See Ch. 10, *supra*.
4. See Ch. 38, *infra*.

rades, balls, and the like, are not included here. For a detailed examination of the uses of the House facilities and Capitol grounds, the reader is referred elsewhere.<sup>(5)</sup>

### § 2. Commemorative Occasions

The House has marked a number of important national anniversaries and notable events with ceremonies and observations. Among these have been ceremonies commemorating events in American history, such as the anniversaries of the Constitution<sup>(1)</sup> and the First Congress;<sup>(2)</sup> commemorations marking historically significant dates of other nations;<sup>(3)</sup> observances of a religious nature;<sup>(4)</sup> observances of Pan American Day and Flag Day;<sup>(5)</sup> and ceremonies commemorating Presidents.<sup>(6)</sup>

On two occasions Congress has engaged in ceremonial functions

5. See Ch. 4, *supra*.
1. See § 4.5, *infra*.
2. See §§ 4.1–4.4, *infra*.
3. See § 5, *infra*.
4. See § 6, *infra*.
5. See §§ 7 and 8, *infra*.
6. See § 9, *infra*.

outside the seat of government to mark significant events in the Nation's history. The first occurred in 1987, when it participated in a ceremony in Philadelphia, Pennsylvania, to commemorate the bicentennial of the Constitution;<sup>(7)</sup> the second occurred in 2002 when it held a ceremonial meeting in Federal Hall in New York to mark the terrorist attacks of Sept. 11, 2001.<sup>(8)</sup>

The 104th Congress added a prohibition against commemorative legislation within the House rules.<sup>(9)</sup> The rule prohibits the introduction of any bill or resolution or amendment if it establishes a commemoration. The rule defines a commemoration as a "remembrance, celebration, or recognition for any purpose through the designation of a specified period of time."

This prohibition, does not apply to measures that do not specify a specific date in the resolving clause.<sup>(10)</sup> For example, a resolution may declare in its resolving clause support for the goals and ideas of such a commemoration.<sup>(11)</sup>

7. See § 4.5, *infra*.

8. See § 16.4, *infra*.

9. Rule XII clause 5, *House Rules and Manual* §823 (2007). Prior to the 106th Congress, this rule was found under former clause 2(b) of Rule XXII.

10. See §§ 2.1, *infra*.

11. *Id.*

The ban on commemoratives was waived in 2001 for the designation of Patriot Day.<sup>(12)</sup>

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**§ 2.1 Form of resolution, averring in its preamble the meaning of a specified week of celebration, and declaring in its resolving clause support for the goals and ideas of such a week; and containing a request that the President proclaim that the people should celebrate those goals and ideas, without specifying a date for such celebrations or otherwise "designating a specified period of time" within the meaning of Rule XII clause 5<sup>(1)</sup> (proscribing "commemoratives").**

On Sept. 22, 1999,<sup>(2)</sup> Mr. Doug Ose, of California, asked for unanimous consent that the Committee on Government Reform be discharged from further consideration of House Resolution 293. The proceedings were as follows:

12. See §§ 3.1, 3.2, *infra*.

1. *House Rules and Manual* §823 (2007).

2. 146 CONG. REC. 22269, 22270, 22273, 106th Cong., 1st Sess.

SENSE OF THE HOUSE IN SUPPORT OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. OSE. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 293), expressing the sense of the House of Representatives in support of “National Historically Black Colleges and Universities Week,” and ask for its immediate consideration in the House.

The SPEAKER pro tempore.<sup>(3)</sup> Is there objection to the request of the gentleman from California?

Mr. [Elijah] CUMMINGS [of Maryland]. Mr. Speaker, reserving the right to object, under my reservation, I yield to the gentleman from California (Mr. OSE) to explain the bill . . .

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 293

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many under-

privileged students to attain their full potential through higher education;

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition; and

Whereas Senate Resolution 178 would designate the week beginning September 19, 1999, as “National Historically Black Colleges and Universities Week”: Now, therefore be it

*Resolved,*

The the House of Representatives—  
(1) supports the goals and ideas of National Historically Black Colleges and Universities Week; and

(2) requests that the President issue a proclamation calling on the people of the United States and interested groups to conduct appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

The resolution was agreed to.

A motion to reconsider was laid on the table.

*Parliamentarian’s Note:* It was important that the identification of the week beginning Sept. 19, 1999, was confined to the preamble.

**§ 3. —Federal Holidays**

Holidays are a subject within the jurisdiction of the Committee on Oversight and Government Reform.<sup>(1)</sup> They were formerly within the jurisdiction of the Committee on Post Office and Civil Service,

1. Rule X clause 1(m)(5), *House Rules and Manual* § 732 (2007).

3. John Cooksey (LA).

and prior to that, the Committee on the Judiciary.<sup>(2)</sup>

The following demonstrate examples of how the House observes and commemorates certain Federal holidays.

Adjournments and recesses by the House over holidays are discussed elsewhere in this volume.<sup>(3)</sup>

*United We Stand Day*

**§ 3.1 The House by unanimous consent waived the prohibition in Rule XII clause 5(a)<sup>(1)</sup> against introduction of a measure expressing or establishing a commemoration for a measure described by sponsor and title (or paraphrase thereof).**

On Oct. 24, 2001,<sup>(2)</sup> the following took place:

AUTHORIZING INTRODUCTION OF JOINT RESOLUTION DESIGNATING SEPTEMBER 11 AS UNITED WE STAND REMEMBRANCE DAY

Mr. [David] DREIER [of California] (during the Special Order of Mr.

2. *Id.* at §§ 729, 730.  
3. See Chs. 39, 40, *infra*.  
1. *House Rules and Manual* §823 (2007).  
2. 147 CONG. REC. 20545, 107th Cong. 1st Sess. See also § 2 *supra*.  
*Parliamentarian's Note:* This marked the first instance of waiver of the commemorative rule since its inception in the 104th Congress.

PALLONE). Mr. Speaker, I ask unanimous consent that, notwithstanding the provisions of clause 5 of rule XII, Representative FOSSELLA of New York be authorized to introduce a joint resolution to amend title 36, United States Code, to designate September 11 as United We Stand Remembrance Day.

The SPEAKER pro tempore (Mr. OSBORNE).<sup>(3)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER ON THURSDAY, OCTOBER 25, 2001, CONSIDERATION OF JOINT RESOLUTION DESIGNATING SEPTEMBER 11 AS UNITED WE STAND REMEMBRANCE DAY

Mr. DREIER (during the Special Order of Mr. PALLONE). Mr. Speaker, I ask unanimous consent that it be in order at any time on Thursday, October 25, 2001, without intervention of any point of order to consider in the House the joint resolution introduced by Representative Fossella of New York pursuant to the previous order of the House (to amend title 36, United States Code, to designate September 11 as United We Stand Remembrance Day); that the joint resolution be considered as read for amendment; that the joint resolution be debatable for 1 hour equally divided and controlled by the chairman and ranking member of the Committee on Government Reform; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

3. Tom Osborne (NE).



The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

**§ 3.2 The House by unanimous consent modified two previous orders waiving the prohibition in Rule XII clause 5(a)<sup>(1)</sup> against the introduction of a measure expressing or establishing a commemoration for measure described by sponsor and title (or paraphrase thereof); and the consideration of that measure, to apply each of them instead to a new draft that warranted a materially different title.<sup>(2)</sup>**

On Oct. 25, 2001,<sup>(3)</sup> the following took place:

1. *House Rules and Manual* § 823 (2007).
2. *Parliamentarian's Note*: The House had granted unanimous consent for Rep. Vito Fossella (NY) to introduce a joint resolution that was expected to designate a "United We Stand Remembrance Day". See § 3.1, *supra*. It later was discovered that the companion Senate measure (S. J. Res. 29) designated the day as "Patriot Day". Because the designation of the day actually appeared in the title (or paraphrase thereof) by which joint resolution was described in the order of the House, Rep. Fossella needed a modified order of the House to introduce a joint resolution that conformed to that of the Senate.
3. 147 CONG. REC. 20652–59, 107th Cong. 1st. Sess.

APPLYING SPECIAL ORDERS OF OCTOBER 24, 2001 RELATING TO "UNITED WE STAND REMEMBRANCE DAY" TO HOUSE JOINT RESOLUTION 71

Mr. [Steven] LATOURETTE [of Ohio]. Mr. Speaker, I ask unanimous consent that the special orders of the House of October 24, 2001, relating to the United We Stand Remembrance Day be applied to House Joint Resolution 71.

The SPEAKER pro tempore.<sup>(4)</sup> Is there objection to the request of the gentleman from Ohio?

There was no objection.

DESIGNATING SEPTEMBER 11 AS PATRIOT DAY

Mr. LATOURETTE. Mr. Speaker, pursuant to the order of the House of October 24, 2001, I call up the joint resolution (H.J. Res. 71) amending title 36, United States Code, to designate September 11 as Patriot Day, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 71 is as follows:

H.J. RES. 71

Whereas on September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.;

Whereas the fourth hijacked aircraft crashed in southwestern Pennsylvania after passengers tried to take control of the aircraft in order to prevent the hijackers from crashing the aircraft into an important symbol of democracy and freedom;

4. John Shimkus (IL).

Whereas these attacks were by far the deadliest terrorist attacks ever launched against the United States, killing thousands of innocent people; and

Whereas in the aftermath of the attacks the people of the United States stood united in providing support for those in need: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SEC. 1. DESIGNATION OF SEPTEMBER 11 AS PATRIOT DAY.**

(a) DESIGNATION.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following new section:

**“§ 144. Patriot Day**

“(a) DESIGNATION.—September 11 is Patriot Day.

“(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on—

“(1) State and local governments and the people of the United States to observe Patriot Day with appropriate programs and activities;

“(2) all departments, agencies, and instrumentalities of the United States and interested organizations and individuals to display the flag of the United States at halfstaff on Patriot Day in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States that occurred on September 11, 2001; and

“(3) the people of the United States to observe a moment of silence on Patriot Day in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States that occurred on September 11, 2001.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title 36, United States Code, is amended by adding at the end the following new item:

“144. Patriot Day.”.

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, October 24, 2001, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

## *Veterans’ Day*

**§ 3.3 Under a previous order of the House, the Speaker recognized a majority and minority member of the Committee on Veterans’ Affairs for special-order speeches in commemoration of Veterans’ Day.**

On Nov. 11, 1983,<sup>(1)</sup> the following proceedings took place:

**IN COMMEMORATION OF  
VETERANS DAY**

The SPEAKER.<sup>(2)</sup> Under a previous order of the House, the gentleman from California (Mr. EDWARDS) will be recognized for 30 minutes, and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. EDWARDS).

Mr. [Don] EDWARDS of California. Mr. Speaker, my colleague from Mississippi, the chairman of the Committee on Veterans’ Affairs, G.V. (SONNY) MONTGOMERY, would have liked to have been here on this special day for all Americans to express his feelings on the meaning of the Veterans Day observance, but his schedule mandated that he return to his district . . .

I hope you will join with me on this Veterans Day as we display our pride in and our respect for American’s most select group of citizens—our veterans.

1. 129 CONG. REC. 32289, 98th Cong. 1st Sess.
2. Thomas P. O’Neill, Jr. (MA).

It is a day to face our past and make it work for a future of security and peace.

**§ 3.4 The House, by unanimous consent, authorized the Speaker to send on its behalf an appropriate message to General John J. Pershing on the 27th anniversary of Armistice Day.**

On Nov. 12, 1945,<sup>(1)</sup> the following proceedings occurred:

The SPEAKER.<sup>(2)</sup> The Chair recognizes the gentleman from Massachusetts [Mr. McCORMACK].

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, the gentleman from North Carolina [Mr. BULWINKLE] conferred with me a few minutes ago and made a suggestion which aroused my immediate interest and favorable response, as the result of which I conferred with the Speaker and our distinguished colleague from Michigan [Mr. MICHENER], the acting minority leader on the floor at the present time. Today is Armistice Day. On November 11, 1918, the actual Armistice Day of World War I took place. During that war our land forces were led by a man whose name will occupy the foremost pages in history. Through the divine province of God he is still with us. He was the commander in chief of the Army of the United States during World War I, which he led with such fine judgment and valor so as to bring about the great victory that came

1. 91 CONG. REC. 10610, 79th Cong. 1st Sess.
2. Sam Rayburn (TX).

to our country in that war. It is only proper and fitting, the Speaker and the distinguished acting minority leader agreeing, that the House of Representatives should on this day convey to that great American, that great warrior of World War I, our profound feeling of respect and admiration that this body holds for him, which expression would be symbolic and representative of the feelings of Americans throughout the entire country.

I therefore ask unanimous consent that the Speaker be authorized to send to that great military leader of the last war, that great American, Gen. John J. Pershing, an appropriate message from the House of Representatives.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

**§ 3.5 Instance when the House, on a unanimous-consent request of a Member, stood in silence on Armistice Day (now Veterans' Day) in memory of those who lost their lives in World War II.<sup>(1)</sup>**

On Nov. 11, 1940,<sup>(2)</sup> the House, acting on the unanimous consent request of a Member, stood in silence for one minute on Armistice Day in memory of those who lost their lives in the First World War.

Mrs. [Edith Nourse] ROGERS of Massachusetts. Mr. Speaker, reserving

1. H.R. 7786 (Pub. L. No. 83-380) changed the name of Armistice Day to Veterans Day. See 99 CONG. REC. 3245, 83d Cong. 2d Sess., Mar. 15, 1954.
2. 86 CONG. REC. 13613, 76th Cong. 3d Sess.

the right to object, and I do not intend to object, but I would like to ask the majority leader and the Speaker if the House would stand in silence for a moment. Today is Armistice Day. Twenty-two years ago the armistice was signed. I wish, out of memory to those men and women who fought a great crusade in order that the world might be safe for democracy, they might know that we are standing doing honor to them today. They lost their ultimate goal for the time being, but out of all the horror and filth that is war their courage, their infinite gentleness, and great heroism have kindled a grimmer determination among millions of people all over the world today to fight for democracy. Mr. Speaker, their sacrifice was not in vain. I earnestly wish that the House might stand in silence for 1 minute, and I make that unanimous-consent request.

The SPEAKER.<sup>(3)</sup> If the gentleman will withhold that until the other unanimous-consent request is disposed of.

Mrs. ROGERS of Massachusetts. Yes, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I renew my unanimous-consent request now.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### ARMISTICE DAY

The Members of the House rose and stood in silence for 1 minute.

3. Sam Rayburn (TX).

### *Washington's Birthday*

#### § 3.6 The Speaker, pursuant to unanimous-consent agreement, designated a Member to read Washington's Farewell Address.<sup>(1)</sup>

On Feb. 18, 1963,<sup>(2)</sup> the Speaker recognized Mr. Carl Albert, of

1. The House has read the Farewell Address to coincide with Washington's Birthday. See 5 Hinds' Precedents §§ 7070–7075 and 8 Cannon's Precedents §§ 3531–3534 for early examples of reading the address and observances of Washington's Birthday.

The House discontinued the practice of reading of Washington's farewell address after 1979 and began marking the occasion by the appointment of Members to participate in the wreath-laying ceremony held each Feb. 22 on the grounds of the Washington Monument. It became customary for the House to authorize the appointment of two Members by the Speaker, one upon the recommendation of the minority leader. See, e.g., 135 CONG. REC. 2225, 101st Cong. 1st Sess., Feb. 21, 1989; and 130 CONG. REC. 2760, 98th Cong. 2d Sess., Feb. 21, 1984. However, in one instance three Members were authorized and appointed (see 135 CONG. REC. 1873, 101st Cong. 2d Sess., Feb. 20, 1990), and in another case two Members were authorized and only one was ultimately appointed (see 148 CONG. REC. 1887, 107th Cong. 2d Sess., Feb. 26, 2002).

The wreath laying ceremony has not occurred in regular use since 2003.

2. 109 CONG. REC. 2455, 88th Cong. 1st Sess.

Oklahoma, for a unanimous-consent request:

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that on Thursday, February 21, 1963, Washington's Farewell Address may be read by a Member to be designated by the Speaker.

The SPEAKER.<sup>(3)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. Pursuant to the special order agreed to today, the Chair designates the gentleman from Utah [Mr. BURTON] to read Washington's Farewell Address immediately following the approval of the Journal on February 21, 1963.

On Feb. 21, 1963,<sup>(4)</sup> Speaker John W. McCormack, of Massachusetts, recognized Rep. Lawrence J. Burton, of Utah, to read Washington's farewell address.

The SPEAKER. Pursuant to the order of the House of February 18, 1963, the Chair recognizes the gentleman from Utah [Mr. BURTON] to

3. John W. McCormack (MA).

4. 109 CONG. REC. 2671, 88th Cong. 1st Sess. For other examples of the reading of Washington's Farewell Address see 112 CONG. REC. 3647-51, 89th Cong. 2d Sess., Feb. 22, 1966 (instance in which the Speaker received messages from the Senate and President before the recognition of a Member to read the address); 111 CONG. REC. 3291-95, 89th Cong. 1st Sess., Feb. 22, 1965; and 105 CONG. REC. 2825-29, 86th Cong. 1st Sess., Feb. 23, 1959.

read George Washington's Farewell Address.

Mr. BURTON read the farewell address[.] . . .

*Parliamentarian's Note:* No extensions of remarks or insertions in the *Congressional Record* were permitted prior to the reading of the address. The Speaker recognized Members for one-minute speeches immediately following the reading of the address.

### *Independence Day*

**§ 3.7 A Member, designated by the Speaker, read the Declaration of Independence at a meeting of the House on July 4, 1951, the 175th anniversary of the Declaration.**

On July 4, 1951,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, announced that a Member would read the Declaration of Independence:

The SPEAKER. This being the one hundred and seventy-fifth anniversary of the signing and adoption of the Declaration of Independence, the Chair recognizes the gentleman from Pennsylvania [Mr. LIND] to read the Declaration of Independence.

Mr. [James F.] LIND [of Pennsylvania]. When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and

1. 97 CONG. REC. 7611, 7612, 82d Cong. 1st Sess.

equal station to which the laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

#### § 4. —Patriotic Observances

##### *Anniversary of the First Congress*

**§ 4.1 By unanimous consent, the House considered a concurrent resolution providing for the participation of Members of the House and the Senate in ceremonies in New York City commemorating the bicentennial anniversary of government under the U.S. Constitution at its original seat of government.**

On Apr. 18, 1989,<sup>(1)</sup> Rep. Corinne C. (Lindy) Boggs, of Louisiana, asked unanimous consent to consider a concurrent resolution, as follows:

Mrs. BOGGS. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 96) providing for participation by delegations of Members of both Houses of Congress in ceremonies to be held in April 1989 in New York City marking the 200th anniversaries of the imple-

1. 135 CONG. REC. 6834, 101st Cong. 1st Sess.

mentation of the Constitution as the form of government of the United States, the convening of the First Congress, the inauguration of President George Washington, and the proposal of the Bill of Rights as the first 10 amendments to the Constitution, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentlewoman from Louisiana?

There was no objection.

The Clerk read the concurrent resolution, as follows:

##### H. CON. RES. 96

Whereas the Constitution officially became the form of government of the United States on March 4, 1789;

Whereas the First Congress convened in New York City on March 4, 1789;

Whereas New York City served as the first capital of the United States;

Whereas George Washington was inaugurated as the first President of the United States in New York City on April 30, 1789;

Whereas while meeting in New York City, the first Congress passed legislation creating the executive departments of the Federal Government and the Federal court system; and

Whereas while meeting in New York City, the first Congress, under the leadership of Representative James Madison of Virginia, framed and proposed to the States the ten constitutional amendments known today as the Bill of Rights: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),*

2. James C. Wright, Jr. (TX).

That (a) the Speaker of the House of Representatives and the President pro tempore of the Senate, in consultation with the Minority Leaders and the Bicentennial Committee Chairmen of their respective Houses, are authorized and directed to appoint Members of their respective Houses to serve on a delegation of Members of the Congress, which will take part in ceremonies to be held in New York City in April 1989 commemorating the 200th anniversaries of the implementation of the Constitution as the form of government of the United States, the convening of the First Congress, the inauguration of George Washington as the first President of the United States, and the proposal of the Bill of Rights as the first ten amendments to the Constitution, and shall invite the President to join the delegation in participating in the ceremonies.

(b) The specific planning of the ceremonies described in subsection (a) shall be coordinated directly with the Historian of the Senate, under the jurisdiction of the Secretary of the Senate, and the Historian of the House of Representatives, under the jurisdiction of the Speaker of the House of Representatives.

Mrs. BOGGS (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentlewoman from Louisiana?

There was no objection.

The SPEAKER. The gentlewoman from Louisiana [Mrs. BOGGS] is recognized for 1 hour.

Mrs. BOGGS. Mr. Speaker, this resolution provides for the participation by delegations from the House and the Senate in the ceremonies scheduled to

be held in New York City the last weekend in April to celebrate the 200th anniversary of the inauguration of George Washington as the Nation's first President and the implementation of our Government under the terms of the Constitution.

The resolution empowers the Speaker of the House and the President pro tempore of the Senate, in consultation with the Republican leadership and the House and Senate Bicentennial Commissions, to designate delegations to participate in the New York City ceremonies later this month. Responsibility for coordinating this effort is vested with the House and Senate Historians.

Legislation with virtually the same effect, with only a slight difference in wording, passed the House and Senate last year as House Concurrent Resolution 115. There were 162 House cosponsors and the vote in the House was 421 to 0. We must revisit this matter again this year because the delegation was not appointed during the 100th Congress, therefore the 101st Congress must give its approval.

I do not know how many of you watched television, heard the radio or saw the newspapers, but on Sunday there began a reenactment of George Washington's journey to the Federal Hall in New York City for his inauguration. It began at Mount Vernon and traveled through Alexandria and Georgetown last Sunday and Monday. The reenactment will conclude with the oath-taking in New York City on Sunday, April 30, and in related festivities sponsored by the New York Commission, there will be fireworks, concerts, and a tall ships flotilla.

Mr. Speaker, this resolution has been cleared with the Committee on

Post Office and Civil Service and with the Republican leadership, and I ask unanimous consent for its approval.

The SPEAKER. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 4.2 A joint meeting commemorated the 200th anniversary of the commencement of the First Congress of the United States under the Constitution.**

On Feb. 23, 1989,<sup>(1)</sup> Speaker James C. Wright, Jr., of Texas, was authorized, by unanimous consent, to declare recesses on Mar. 2, 1989, for the purpose of celebrating the 200th anniversary of the commencement of the First Congress of the United States under the Constitution.

On Mar. 2, 1989,<sup>(2)</sup> the following proceedings took place:

The SPEAKER. Pursuant to the order of the House of Thursday, February 23, 1989, the Chair declares the House in recess subject to the call of the Chair, which will be at 10 a.m.

Accordingly (at 9 o'clock and 32 minutes a.m.), the House stood in recess subject to the call of the Chair at 10 a.m.

1. 135 CONG. REC. 2611, 101st Cong. 1st Sess.

2. *Id.* at pp. 3210–18.

□ 1158

**JOINT MEETING OF THE 101ST CONGRESS IN COMMEMORATION OF THE BICENTENNIAL OF THE U.S. CONGRESS**

During the recess, the following proceedings took place in commemoration of the Bicentennial of the U.S. Congress.

The U.S. Army Band, under the direction of Col. Eugene W. Allen, leader and conductor, Maj. C. Benjamin DuBose, conducting, entered the door to the left of the Speaker, took the positions assigned to them, and presented a prelude concert.

The honored guests entered the door to the right of the Speaker and took the positions assigned to them.

The Doorkeeper, Hon. James P. Molloy, announced the President pro tempore and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The U.S. Army Band, under the direction of Col. Eugene W. Allen, leader and conductor, and Maj. C. Benjamin DuBose, presented a prelude concert.

The SPEAKER. The joint meeting to commemorate the Bicentennial of the U.S. Congress will come to order.

The Doorkeeper announced the flag of the United States.

The flag was carried into the Chamber by the joint Armed Forces color guard accompanied by the 3d U.S. Infantry Fife and Drum Corps.

The national anthem was presented by the U.S. Army Band.

The color guard saluted the Speaker, faced about, and saluted the House.



The SPEAKER. The color guard will post the colors.

The flag was posted, and the Members were seated.

The SPEAKER. The invocation will be given by the Reverend James David Ford, Chaplain of the House of Representatives.

The Chaplain, Rev. James David Ford, D.D., offered the . . . invocation[.] . . .

The Doorkeeper announced the House and Senate Journals of the First Federal Congress, and they were carried by the Clerk of the House and the Secretary of the Senate and placed in the well.

The Doorkeeper announced the mace of the House and the gavel of the Senate, and they were carried by the House and Senate Sergeants at Arms and placed in the well.

The SPEAKER. The Chair recognizes the gentlewoman from Louisiana, the Honorable LINDY BOGGS, Chairman of the Commission of the Bicentenary of the House of Representatives.<sup>(3)</sup> [Applause.]

Mrs. BOGGS. . . .

It is my great pleasure to introduce to you Senator ROBERT C. BYRD, the President pro tempore of the Senate and the Chairman of the Senate Bicentennial Commission[.] . . .

Senator BYRD [of West Virginia].  
Mr. Speaker, Mrs. BOGGS, Members of

3. H. Res. 83 established the Commission on the Bicentary of the House of Representatives. See 135 CONG. REC. 2508, 2509, 101st Cong. 1st Sess., Feb. 22, 1989. The Commission expired at the end of the 101st Congress.

the 101st Congress, fellow citizens, as Chairman of the Senate Commission on the Bicentennial, it is a privilege and an honor for me to address this joint meeting commemorating the beginning of the First Congress on March 4, 1789. . . .

The PRESIDENT pro tempore<sup>(4)</sup> (presiding). The Chair recognizes the Speaker of the U.S. House of Representatives, Mr. JIM WRIGHT. [Applause.] . . .

The PRESIDENT pro tempore. The Chair recognizes the Senator from Maine, the Honorable GEORGE MITCHELL, the majority leader of the U.S. Senate. [Applause.] . . .

The SPEAKER. The Chair recognizes the gentleman from Washington, the Honorable THOMAS S. FOLEY, majority leader of the U.S. House of Representatives. [Applause.] . . .

The SPEAKER. The U.S. Army Band will now perform America the Beautiful.

The U.S. Army Band presented a musical interlude.

The SPEAKER. The Chair recognizes the distinguished gentleman from Illinois, the Honorable ROBERT H. MICHEL, minority leader of the U.S. House of Representatives. [Applause.]

Mr. MICHEL. . . .

Mr. Speaker, ladies and gentlemen, it is my pleasure to introduce the Poet Laureate of the United States, Howard Nemerov. [Applause.] . . .

The SPEAKER. The Chair recognizes the Senator from Kansas, the Honorable BOB DOLE, minority leader of the U.S. Senate. [Applause.]

Mr. DOLE. . . .

4. John C. Stennis (MS).

Now I have the pleasure of introducing an outstanding American, a very special guest speaker, David McCullough. David is well known to us in the Senate, who debated the Panama Canal, the Panama Canal treaties of 1978. A dog-eared copy of his book on the creation of the Panama Canal, "The Path Between the Seas," rested on the table in the well of the Senate and was consulted extensively by those on both sides of that heated issue. That book won the National Book Award for history. His most recent book, a biography of Theodore Roosevelt entitled "Mornings on Horseback" won the American Book Award. He is a narrator of the forthcoming CBS documentary produced in honor of the congressional bicentennial.

I am honored and proud to present David McCullough. [Applause.] . . .

The SPEAKER. It is my privilege to present soloists of the U.S. Army Band, Sfc. Will Shead and Sfc. Evelyn Yount, who will perform a patriotic note.

Sfc. Will Shead and Sfc. Evelyn Yount presented a musical interlude.

The SPEAKER. The Chair at this time would like to recognize Mr. Anthony Frank, the Postmaster General of the United States, who will introduce to Members the special congressional postage stamps that will be issued in commemoration of the bicentennial of Congress. [Applause.] . . .

The SPEAKER. The Chair at this time would like to recognize the Honorable Nicholas Brady, Secretary of the Department of the Treasury, who will introduce to us the special congressional coins that will be issued in commemoration of the Bicentennial of Congress. [Applause.] . . .

The SPEAKER. The stamp and coin designs will be available for viewing in the Speaker's lobby after today's ceremony.

Now we will rise for the benediction which will be spoken by the Reverend Richard C. Halverson, Chaplain of the Senate.

The Chaplain of the Senate, Rev. Richard C. Halverson, L.I.D., D.D., offered the . . . benediction[.] . . .

The SPEAKER. Members and guests will remain standing for the retirement of the colors.

The color guard retired the colors.

The SPEAKER. The Chair declares the joint meeting dissolved. The House will continue in recess until approximately 12 noon.

The honored guests, and the Members of the Senate retired from the Chamber.

At 11 o'clock and 44 minutes a.m., the proceedings in commemoration of the Bicentennial of the U.S. Congress were concluded.

#### § 4.3 Proceedings had in the House commemorating the 168th anniversary of the institution of the Congress under the Constitution.

On Mar. 4, 1957,<sup>(1)</sup> the proceedings in the House commemorating the 168th anniversary of Congress and the bicentennial of Alexander Hamilton's birth were held as follows:

The SPEAKER.<sup>(2)</sup> Under the previous order of the House, the gentleman from New York [Mr. COUDERT] is recognized for 60 minutes.

1. 103 CONG. REC. 3034-40, 85th Cong. 1st Sess.
2. Sam Rayburn (TX).

Mr. [Wayne N.] ASPINALL [of Colorado]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ASPINALL. Is not the Consent Calendar in order at this time?

The SPEAKER. Not before this recognition. This was made the special order of business at this time.

GENERAL LEAVE TO EXTEND

Mr. [Frederic Rene] COUDERT [of New York]. Mr. Speaker, I ask unanimous consent that immediately following the remarks of Members who participate in this proceeding, all Members be permitted to extend their remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There is no objection.

Mr. COUDERT. Mr. Speaker, today is the birthday of this ancient and honorable body. One hundred and sixty-eight years ago today the House of Representatives began life under the Constitution of the United States in New York City. The day before, New York City rang down the curtain on the old Government under the Articles of Confederation by a salute of 13 guns and rang up the curtain on the new Government the next morning by a salute of 11 guns. Members will recall that neither Rhode Island nor North Carolina were represented in the early days of the first Congress. Similar celebrations ringing out the old and ringing in the new were held in the cities of the Nation.

The 83d Congress established a Commission to prepare plans and a

program for signaling the bicentennial of Alexander Hamilton. . . .

Mr. [Peter W.] RODINO [Jr., of New York]. Mr. Speaker, today the 168th anniversary of the institution of the Congress of the United States under the Constitution, is a great moment in our history. It is therefore appropriate that we should pause to commemorate the occasion and pay tribute to the men whose wisdom, purpose and courage brought about our unique system of constitutional government. . . .

Mr. COUDERT. Mr. Speaker, permit me to express on behalf of the Hamilton Commission, which includes another distinguished descendant of Hamilton, our appreciation of the arrangements made possible by the Speaker, the majority leader, and the minority leader for this commemorative hour.

**§ 4.4 Proceedings in commemoration of the 150th anniversary of the commencement of the First Congress of the United States under the Constitution held in the House Chamber in joint session.**

On Mar. 4, 1939,<sup>(1)</sup> the following proceedings occurred:

The VICE PRESIDENT.<sup>(2)</sup> Under the terms of House Concurrent Resolution No. 4,<sup>(3)</sup> heretofore agreed to by the Senate, today at 12 o'clock noon the

1. 84 CONG. REC. 2245-52, 76th Cong. 1st Sess.
2. John N. Garner (TX).
3. See 84 CONG. REC. 974, 76th Cong. 1st Sess., Jan. 31, 1939.

Senate is to participate in a joint session of the two Houses for the purpose of commemorating the one hundred and fiftieth anniversary of the meeting of the First Congress of the United States. As the time from now until 12 o'clock will be required to enable the Senate to reach the Hall of the House of Representatives, the Chair suggests, if it is agreeable, that the Senate now proceed in a body to the Chamber of the other House. . . .

The Senate will now proceed to the Hall of the House of Representatives.

The Senate, preceded by its Sergeant at Arms (Chesley W. Journey), the Vice President, and the President pro tempore, proceeded to the Hall of the House of Representatives. . . .

At 12 o'clock and 5 minutes p.m., the Doorkeeper, Mr. Joseph J. Sinnott, announced the Vice President of the United States and the Members of the Senate.

The Members of the House rose.

The Senate, the Vice President, and the President pro tempore, preceded by its Chief Clerk, Mr. John C. Crockett, and Sergeant at Arms, Col. Chesley W. Journey, entered the Chamber.

The Vice President took the chair to the right of the Speaker, and the Members of the Senate took the seats reserved for them.

Whereupon, the Speaker relinquished the gavel to the Vice President, who, as the Presiding Officer of the Joint Session of the two Houses, called the meeting to order.

The Doorkeeper announced the following guests of honor, who were escorted to the seats assigned to them:

The Chief Justice of the United States and the Associate Justices of

the Supreme Court of the United States.

The Ambassadors, the Ministers, and the Chargé d'Affaires of Foreign Governments.

The Chief of Staff of the United States Army, the Chief of Naval Operations of the United States Navy, the Major General Commandant of the United States Marine Corps, and the Commandant of the United States Coast Guard.

The Commissioners of the District of Columbia.

The members of the President's Cabinet.

At 12 o'clock and 16 minutes p.m., the Doorkeeper announced the President of the United States, accompanied by the Joint Congressional Committee on Arrangements of the Senate and House, who was escorted to a seat on the Speaker's rostrum.

Miss Gladys Swarthout sang "America."

The VICE PRESIDENT. The Chair recognizes the gentleman from New York, Mr. BLOOM, a member of the Joint Committee on Arrangements, to read the concurrent resolution providing for the assembling of the two Houses of Congress in the Hall of the House of Representatives on this day for the purpose of holding fitting and proper exercises in commemoration of the One Hundred and Fiftieth Anniversary of the Commencement of the First Congress of the United States under the Constitution.

Mr. [Sol] BLOOM [of New York]. On February 1, 1939, the following concurrent resolution was adopted by the Congress [reading]:

*Resolved by the House of Representatives (the Senate concurring),*

That in commemoration of the one hundred fiftieth anniversary of the First Congress of the United States under the Constitution, begun and held at the city of New York on Wednesday, the 4th of March 1789, the two Houses of Congress shall assemble in the Hall of the House of Representatives at 12 o'clock p.m., on Saturday, March 4, 1939.

That a joint committee consisting of five Members of the House of Representatives and five Members of the Senate shall be appointed by the Speaker of the House of Representatives and the President of the Senate, respectively, which is empowered to make suitable arrangements for fitting and proper exercises for the joint session of Congress herein authorized.

That invitations to attend the exercises be extended to the President of the United States and the members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the General of the Armies, the Chief of Staff of the Army, the Chief of Naval Operations, the Major General Commandant of the Marine Corps, and the Commandant of the Coast Guard, and such other persons as the Joint Committee on Arrangements shall deem proper.

That the President of the United States is hereby invited to address the American people at the joint session of the Congress in commemoration of the one hundred fiftieth anniversary of the First Congress of the United States under the Constitution.

Adopted February 1, 1939.

Mr. BLOOM. Ladies and gentlemen, I have the honor to present the Speaker of the House of Representatives, Mr. WILLIAM B. BANKHEAD.<sup>(4)</sup>

4. William B. Bankhead (AL).

ADDRESS OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES HON. WILLIAM B. BANKHEAD

Mr. President, Mr. Vice President, gentleman of the Supreme Court, Members of the Senate and House of Representatives, gentlemen of the Diplomatic Corps, ladies, and gentlemen: . . .

One hundred and fifty years ago this day there assembled in the city of New York the First Congress of the United States of America under its newly adopted Constitution. The mere statement of that incident carries only a reflection of the years that have passed, but in terms of what that occasion meant there has been no more arresting episode in the history of modern civilization. The properties of this occasion forbid even a casual review on my part of the historical background of the event we are convened to celebrate. . . .

To my brethren in both branches of Congress this should be embraced as an occasion of rededication to the best interests of our Republic. Despite the limitations of our judgments and intellects—because, forsooth, at no time nor under any administration, have we infallibly measured up to the full needs of the hour—nevertheless, we are the emissaries of our constituencies and the symbols of representative government. May we this day find the grace to renew the prayer of Daniel Webster, deposited in the cornerstone of this wing of the Capitol on July 4, 1851:

If, therefore, it shall be hereafter the will of God that this structure shall fall from its base, that its foundation be upturned, and this deposit brought to the eyes of men, be it then known, that, on this day, the

Union of the United States of America stands firm, that their Constitution still exists unimpaired, and with all its original usefulness and glory; growing every day stronger and stronger in the affections of the great body of the American people, and attracting more and more the admiration of the world. And all here assembled, whether belonging to public life or to private life, with hearts devoutly thankful to Almighty God for the preservation of the liberty and happiness of the country, unite in sincere and fervent prayers that this deposit, and the walls and arches, the domes and towers, the columns and entablatures now to be erected over it may endure forever!

God save the United States of America!

The VICE PRESIDENT. The Chair recognizes the gentleman from Texas, Mr. RAYBURN.

Mr. [Sam] RAYBURN [of Texas]. It is a privilege at this time to present the President pro tempore of the Senate of the United States, Mr. KEY PITTMAN.<sup>(5)</sup>

ADDRESS OF THE PRESIDENT PRO TEMPORE OF THE SENATE HON. KEY PITTMAN

Mr. President, Mr. Vice President, Mr. Speaker, gentlemen of the Supreme Court, Members of the House of Representatives and the United States Senate, gentlemen of the Diplomatic Corps, ladies, and gentlemen:

This in my opinion is the most remarkable and happiest birthday ever celebrated on behalf of a parliamentary body. This celebration is honored by the President of the United States and by the Chief Justice of the United States as heads of the other two great

independent departments of our Government, the commanders in chief of every branch of our military service, and the diplomatic corps of the world. . . .

The VICE PRESIDENT. The Chair recognizes the Senator from Kentucky, Mr. BARKLEY.

Mr. [Alben W.] BARKLEY [of Kentucky]. Mr. President, since the 4th day of March 1789 there have been 8,124 men and women who have served in the House of Representatives. One thousand three hundred and eighty-four men and women have served in the United States Senate. The number of those who have served in both Houses is 461. The total number of persons who have served in the Cabinets of all the Presidents is 313. The number of individuals who have served as Governors of the various States is 1,558. There have been 42 Speakers of the House of Representatives; 32 different persons have served as Vice Presidents, of whom 6 have succeeded to the Presidency by virtue of the death of the President; 31 individuals have served as President. On the Supreme Court there have been 70 Associate Justices and 11 Chief Justices of the United States. . . .

I present to you the Chief Justice of the United States.

ADDRESS OF THE CHIEF JUSTICE OF THE UNITED STATES HON. CHARLES E. HUGHES

Mr. President, Mr. Vice President, Mr. Speaker, Members of the Senate and House of Representatives, gentlemen of the Diplomatic Corps, ladies, and gentlemen:

I thank you, Senator BARKLEY, from the depths of my heart for your very generous words.

5. Key Pittman (NV).

The most significant fact in connection with this anniversary is that after 150 years, notwithstanding expansion of territory, enormous increase in population and profound economic changes, despite direct attack and subversive influences, there is every indication that the vastly preponderant sentiment of the American people is that our form of government shall be preserved. . . .

The VICE PRESIDENT. Ladies and gentlemen, the President of the United States.

ADDRESS OF THE PRESIDENT OF THE UNITED STATES HON. FRANKLIN D. ROOSEVELT

Mr. Vice President, Mr. Speaker, gentlemen of the Supreme Court, Members of the Senate and the House of Representatives, gentlemen of the Diplomatic Corps, ladies, and gentleman:

We near the end of a 3-year commemoration of the founding of the Government of the United States. It has been aptly suggested that its successful organizing should rank as the eighth wonder of the world—for surely the evolution of permanent substance out of nebulous chaos justifies us in the use of superlatives. . . .

Here in this great Hall are assembled the present members of the Government of the United States of America—the Congress, the Supreme Court, and the Executive. Our fathers rightly believe that this Government which they set up would seek as a whole to act as a whole for the good governing of the Nation. It is in the same spirit that we are met here today, 150 years later, to carry on their task. May God continue to guide our steps.

Miss Gladys Swarthout and Mr. John Charles Thomas sang “The Star-Spangled Banner.”

#### BENEDICTION

Rev. ZeBarney Thorne Phillips, D.D., LL.D., Chaplain of the Senate, pronounced the benediction[.]. . .

The VICE PRESIDENT. The Joint Session of the Congress which assembled for the purpose of holding fitting and proper exercises in commemoration of the One Hundred and Fiftieth Anniversary of the Commencement of the First Congress of the United States under the Constitution is now dissolved.

Thereupon,

The Joint Congressional Committee on Arrangements escorted the President of the United States and the members of his cabinet from the Hall of the House.

The Doorkeeper escorted the other invited guests of honor from the Hall of the House in the following order:

The Chief Justice of the United States and the Associate Justices of the Supreme Court;

The Ambassadors, the Ministers, and the Chargés d’Affaires of foreign governments;

The Chief of Staff of the United States Army; the Chief of Naval Operations of the United States Navy; the Major General Commandant of the United States Marine Corps; and the Commandant of the United States Coast Guard;

The Commissioners of the District of Columbia.

The SPEAKER resumed the chair.

The SPEAKER. Without objection, the proceedings in the House today

will be included in the Record of this date.

There was no objection.

ADJOURNMENT

The SPEAKER. Without objection, the House will stand adjourned until 12 o'clock on Monday.

There was no objection.

Accordingly (at 1 o'clock and 48 minutes p.m.) the House adjourned until Monday, March 6, 1939, at 12 o'clock noon.

*Anniversary of the Constitution*

**§ 4.5 The House agreed to a concurrent resolution, considered by unanimous consent, providing for the attendance of Members and Senators at a special ceremony to be held in Philadelphia, Pennsylvania, in honor of the Bicentennial of the Constitution and in commemoration of the Great Compromise of the Constitutional Convention.**

On May 28, 1987,<sup>(1)</sup> the House agreed to the following:

PROVIDING FOR PROCEDURES  
IN HONOR OF THE BICENTENNIAL  
OF THE CONSTITUTION

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 131) pro-

1. 105 CONG. REC. 14031-34, 100th Cong. 1st Sess.

viding for the attendance of Representatives, Senators, and other appropriate persons at a special ceremony and related events to be held in Philadelphia, PA, in honor of the bicentennial of the Constitution and in commemoration of the Great Compromise of the Constitutional Convention, and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore.<sup>(2)</sup> The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 131

*Resolved by the House of Representatives (the Senate concurring),* That (a) the Speaker of the House of Representatives and the President pro tempore of the Senate, acting jointly, shall designate, from among the Representatives and Senators from each State, one official delegate to represent the Congress at a special ceremony to be held on Thursday, July, 16, 1987, in Philadelphia, Pennsylvania, in honor of the bicentennial of the Constitution and in commemoration of the Great Compromise of the Constitutional Convention.

(b) The official delegates designated under subsection (a) shall be led by the Speaker, the majority leader, and the minority leader of the House of Representatives, and by the majority leader and the minority leader of the Senate, who shall also be official delegates.

(c) Each designation under subsection (a) shall be made upon the recommendation of the Representatives and Senators of the State involved, acting jointly. Such recommendation shall be delivered to

2. John Murtha (PA).



the Speaker of the House of Representatives and the President pro tempore of the Senate not later than fourteen days after the date on which this resolution is agreed to.

SEC. 2. The Speaker of the House of Representatives (in consultation with the majority leader and the minority leader of the House of Representatives), with respect to the House of Representatives, and the President pro tempore of the Senate (in consultation with the majority leader and the minority leader of the Senate), with respect to the Senate, may designate additional Representatives, Senators, and other appropriate persons to participate in events related to the special ceremony.

SEC. 3. On behalf of the Congress, the Representatives and Senators from Pennsylvania (acting jointly and in cooperation with the Commission on the U.S. House of Representatives Bicentenary, the U.S. Senate Bicentennial Commission, the officers of the House of Representatives, and the officers of the Senate) may make arrangements with the sponsors of the special ceremony and related events for participation by the official delegates and other persons designated under this resolution.

SEC. 4. Amounts necessary to carry out this resolution with respect to the House of Representatives shall be available as provided by law. There shall be available from the contingent fund of the Senate such amounts as may be necessary to carry out this resolution with respect to the Senate.

Mr. FOLEY (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Washington?

There was no objection. . . .

The SPEAKER pro tempore. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.<sup>(3)</sup>

This concurrent resolution represents a greatly scaled-down version of Congressional participation in the Philadelphia celebration of the bicentennial. The original plans called for each House to convene and actually conduct business there, but the logistics (especially the cost and security involved) became prohibitive.

**§ 4.6 By unanimous consent, the House considered a concurrent resolution, reported from the Committee on Public Works and Transportation, authorizing a public ceremony to be conducted on the west lawn of the Capitol.**

3. *Parliamentarian's Note*: This occasion marked the first time that the Congress engaged in ceremonial functions outside the seat of government. The second instance was the ceremonial meeting that took place in Federal Hall, New York, New York following the terrorist attacks of Sept. 11, 2001. See § 16.4, *supra*.

On Aug. 6, 1987,<sup>(1)</sup> the House considered House Concurrent Resolution 161, authorizing a ceremony in honor of the Bicentennial of the U.S. Constitution. The proceedings were as follows:

CELEBRATION OF CITIZENSHIP CEREMONY

Mr. [James] HOWARD [of New Jersey]. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 161) authorizing a public ceremony on the west lawn of the Capitol in honor of the bicentennial of the U.S. Constitution.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from New Jersey? . . .

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 161

*Resolved by the House of Representatives (the Senate concurring),*

SECTION 1. AUTHORIZATION TO CONDUCT A CEREMONY ON THE UNITED STATES CAPITOL GROUNDS.

On September 16, 1987, the Commission on the Bicentennial of the United States Constitution may conduct a ceremony, entitled "Celebration of Citizenship," on the West Terraces and Lawns of the United States Capitol to honor the Bicentennial of the United States Constitution. For the purposes of this resolution, the Commission on the Bicentennial of the United States Constitution is authorized to erect upon the United States Capitol Grounds, subject to the approval of the Architect of the Capitol, such stands,

1. 133 CONG. REC. 22719, 22720, 100th Cong. 1st Sess.
2. Brian Joseph Donnelly (MA).

stages, sound amplification devices and other related structures and equipment as may be required for the conduct of the ceremony.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATION.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

On Sept. 16, 1987,<sup>(3)</sup> the Speaker<sup>(4)</sup> was authorized to declare a recess on a subsequent day for a ceremony on the west terrace of the Capitol in honor of the Bicentennial of the U.S. Constitution. The announcement was as follows:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Let the Chair announce that the Celebration of Citizenship which will be observed on the west front of the Capitol commencing at 1 o'clock will last for approximately 1 hour. The latter half of that time will be nationally televised. This is an occurrence for the purpose of observing the 200th anniversary of the Constitution. Therefore, it will be the purpose of the Chair to declare a recess at approximately 12:45 in order that Members may take the seats reserved for Members of the Congress on the west front for this ceremony commemorating the 200th anniversary of our Constitution.

3. 133 CONG. REC. 24057, 100th Cong. 1st Sess.
4. James C. Wright, Jr. (TX).

We would then expect to be back in session at approximately 2:15.

### ***1976 Bicentennial Celebration***

#### **§ 4.7 Resolution reported from the Committee on Rules providing for consideration in the House of a concurrent resolution not reported from that committee; after adoption, the Committee on Rules also discharged a similar Senate concurrent resolution from consideration in the House.**

On June 23, 1975,<sup>(1)</sup> the following took place:

Mr. [Gillis W.] LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 555 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 555

*Resolved*, That upon adoption of this resolution it shall be in order to consider the concurrent resolution (H. Con. Res. 292) to provide for the appointment of a Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States of America in the House. After the adoption of H. Con. Res. 292, the Committee on Rules shall be discharged from the further consideration of the Senate concurrent resolution, S. Con. Res. 44, and it shall then be in order to consider

1. 121 CONG. REC. 20261-64, 94th Cong. 1st Sess.

said Senate concurrent resolution in the House.

The SPEAKER pro tempore.<sup>(2)</sup> The gentleman from Louisiana is recognized for 1 hour. . . .

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Concurrent Resolution 292 and ask that it be considered in the House.

The Clerk read the concurrent resolution, as follows:

#### H. CON. RES. 292

Whereas the Congress has represented the people of the United States since the First Continental Congress met in Carpenter's Hall in Philadelphia from September 5 to October 26, 1774; and . . .

SEC. 5. The expenses of the joint committee shall be paid from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the joint committee. . . .

The SPEAKER pro tempore. The gentleman from Louisiana is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield myself 5 minutes. . . .

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the concurrent resolution.

2. John J. McFall (CA).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LONG of Louisiana. Mr. Speaker, pursuant to the rule, I call up the Senate concurrent resolution (S. Con. Res. 44) and ask for its immediate consideration.

MOTION OFFERED BY MR. LONG OF  
LOUISIANA

Mr. LONG of Louisiana. Mr. Speaker, I offer a motion.

The Clerk read as follows:

*Resolved*, by the House of Representatives (the Senate concurring) That the Congress should play a significant and substantive role in honoring the Nation's two hundredth anniversary and in assisting the American Revolution Bicentennial Administration.

SEC. 2. (a) There is hereby established a joint congressional committee to be known as the Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States of America (herein referred to as the "joint committee"). . . .

SEC. 5. The expenses of the joint committee shall be paid from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the joint committee.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 292) was laid on the table.

### ***Magna Carta Loan for Bicentennial Celebration***

**§ 4.8 By unanimous consent, the House considered a concurrent resolution expressing the appreciation of the Congress to the Parliament of the United Kingdom for the loan to the United States of the Magna Carta of 1215 A.D.**

On Oct. 22, 1975,<sup>(1)</sup> the following proceedings took place:

LOAN OF THE MAGNA CARTA TO  
THE UNITED STATES FOR THE  
BICENTENNIAL CELEBRATION

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, on behalf of the minority leader and myself, I offer a concurrent resolution (H. Con. Res. 458) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 458

Whereas, The historic document known as the Magna Carta of 1215 A.D. represents an essential link in the long chain of constitutional instruments; and

Whereas, American colonists brought with them from England the traditions of free government and the principle that all persons stand as equals before the law, concepts which had been embodied in the Magna Carta, and they regarded them as their birthright and incorporated them in their colonial charters and constitutions; and

1. 121 CONG. REC. 33674, 33675, 94th Cong. 1st Sess.

Whereas, In drafting the Constitution and the Bill of Rights of the United States, our founding fathers sought to guarantee to the people of these United States the freedom of the church, an independent judiciary, the right to a speedy trial, and the concept of due process of law, which principles were clearly derived from the Magna Carta; and

Whereas, In recognition of the Bicentennial celebrations of the United States of America, the House of Lords and the House of Commons of the Parliament of the United Kingdom of Great Britain and Northern Ireland have unanimously adopted motions respectfully praying that Her Majesty, the Queen, direct that an original copy of the Magna Carta be loaned to the people of the United States, to be held by their representative, the Congress of the United States, for a period of one year; and

Whereas, This loan has been authorized by Her Majesty, The Queen, in order that this historic document may be displayed in the Capitol, enclosed in a showcase donated by the United Kingdom for that purpose; Therefore be it

*Resolved by the House of Representatives (the Senate concurring),* That the Congress of the United States recognizes that it is natural that men should value the original documents which guarantee their rights, and thus hereby expresses its sincere gratitude to Her Majesty, The Queen, the Parliament and the people of the United Kingdom for their loan to this Nation of the Magna Carta, a document of historic and symbolic significance to the peoples of both our Nations, and believes that its temporary residence here in the country of its philosophical descendants, the Declaration of Independence, the Constitution and the Bill of Rights, will contribute an important historical perspective to the Bicentennial celebration, and be it further

*Resolved,* That the showcase donated to the United States by the United Kingdom to be used to display the Magna Carta may be placed in the rotunda of the United States Capitol, and the Architect of the Capitol is hereby authorized to make the necessary arrangements therefor, including the payment of all necessary expenses incurred in connection with the installation, maintenance, and protection thereof; and be it further

*Resolved,* That the Secretary of State is requested to transmit a copy of these resolutions to the Parliament of the United Kingdom of Great Britain and Northern Ireland.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 4.9 Instance where the House rejected a Senate concurrent resolution authorizing appointment of a joint House-Senate delegation to go to the United Kingdom at the invitation of the British Parliament to accept the loan of an original copy of the Magna Carta.**

On Mar. 9, 1976,<sup>(1)</sup> the following proceedings occurred:

2. Carl Albert (OK).

1. 122 CONG. REC. 5847, 5848, 94th Cong. 2d Sess.

PROVIDING FOR DELEGATION  
OF MEMBERS OF CONGRESS  
TO GO TO UNITED KINGDOM  
TO ACCEPT LOAN OF AN  
ORIGINAL COPY OF THE  
MAGNA CARTA

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 98) to provide for a delegation of Members of Congress to go to the United Kingdom for purposes of accepting a loan of an original copy of the Magna Carta, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Massachusetts?

Mr. [Robert E.] BAUMAN [of Maryland]. Mr. Speaker, reserving the right to object, earlier I objected to the consideration of this Senate concurrent resolution on today. I am fully aware, of course, that an objection would do nothing more than send the Senate concurrent resolution to the Committee on Rules, where a rule will be obtained and this resolution brought to the floor for a vote.

I do not personally support sending such a congressional delegation at taxpayers' expense for this purpose, and I will vote against it, but I do not object to the consideration of the Senate concurrent resolution at this time.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 98

Whereas, in recognition of the Bicentennial celebrations of the United States of America, the House of Lords and the House of Commons of the Parliament of the United Kingdom of Great Britain and Northern Ireland have unanimously adopted motions respectfully praying that Her Majesty, the Queen, direct that an original copy of the Magna Carta be placed on loan to the people of the United States for a period of one year; and

Whereas, this loan has now been graciously authorized by Her Majesty, the Queen, and, by concurrent resolution of the United States Congress, this historic document of freedom and of the abiding principles of law will now be displayed in the Rotunda of the United States Capitol, there to be contained within a showcase to be donated by the United Kingdom for such purpose: now, therefore, be it

*Resolved, by the Senate (the House of Representatives concurring),* That (a) a delegation of Members of Congress shall be appointed to proceed at the invitation of the two Houses of Parliament, to the United Kingdom, there to attend the presentation of the Magna Carta, under suitable auspices, to the people of the United States, to be held in the custody of their representative, the Congress of the United States, for a period of one year;

(b) the delegation shall consist of the Speaker of the House of Representatives and not to exceed twenty-four additional Members appointed as follows:

(1) Twelve appointed by the Speaker of the House of Representatives.

2. Carl Albert (OK).

(2) Twelve appointed by the President of the Senate on the recommendation of the Majority and Minority Leaders.

(3) The Speaker shall be the Chairman of the delegation and the Majority Leader of the Senate shall be the Vice Chairman.

SEC. 2. There are authorized to be paid from the contingent fund of the Senate on vouchers approved by the Chairman and Vice Chairman, such amounts as the Chairman and Vice Chairman of the delegation jointly shall determine to be necessary (one half of such expenditures shall be reimbursed by the House of Representatives and such reimbursement is hereby authorized):

(1) for the expenses of the delegation, including expenses of staff members designated by the Chairman and Vice Chairman, respectively to assist the delegation;

(2) for the reimbursement of any department or agency of the Federal Government for expenses incurred by it on behalf of the delegation and expenses incurred in connection with the functions of the delegation in the United Kingdom;

(3) for payment of expenses in connection with the display of the Magna Carta in the United States Capitol, including those expenses associated with delegations invited from the Government of the United Kingdom or other nations in connection with joint Bicentennial ceremonies at the Capitol.

SEC. 3. All authority for such expenditures shall expire at the close of business on December 31, 1976.

The SPEAKER. The question is on the Senate concurrent resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. [Steven D.] SYMMS (of Idaho). Mr. Speaker, I object to the vote on the ground that a quorum is not present

and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent members.

The vote was taken by electronic device, and there were, yeas 167, nays 219, answered "present" 1, not voting 45, as follows:

[Roll No. 97] . . .

So the Senate concurrent resolution was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will notify the Senate of the action of the House.<sup>(3)</sup>

**§ 4.10 The Speaker announced from the Chair the program to be held in the Capitol Rotunda prior to convening of the House on a subsequent day to receive a copy of the Magna Carta from a delegation from the British Parliament.**

On June 1, 1976,<sup>(1)</sup> the Speaker<sup>(2)</sup> made the following announcement:

3. See 122 CONG. REC. 6776-94, 94th Cong. 2d Sess., Mar. 17, 1976, where the House vacated proceedings and agreed to S. Con. Res. 98, as amended.
1. 122 CONG. REC. 16018, 16019, 94th Cong. 2d Sess.
2. Carl Albert (OK).

ANNOUNCEMENT BY THE  
SPEAKER

The SPEAKER. A historic Bicentennial ceremony will take place in the rotunda of the Capitol on Thursday, June 3, 1976, when the Magna Carta is formally accepted by the Congress from the Parliament of the United Kingdom of Great Britain and Northern Ireland. Members are advised that they should assemble in the Hall of the House promptly at 10 a.m. on Thursday, June 3, 1976, in order to proceed in a body to the rotunda for the ceremony. The procession to the rotunda will be led by leadership representing both sides of the aisle and senior Members of the House, with other Members following in order of their relative seniority in the House. . . .

Without objection, the order of proceedings will be included at this point in the RECORD:

## ORDER OF PROCEEDINGS

Musical Program by the United States Air Force Orchestra to begin at 10:15 a.m.

Arrival of The Senate.

Arrival of the House of Representatives.

Procession of The American Delegation.

Procession of The British Delegation.

Arrival of The Lord Chancellor, The Speaker, The Lord Privy Seal, and The Marquess of Lothian.

Greetings by The Vice President, The Speaker, The Senate Majority Leader, The House Majority Leader, The Senate Minority Leader, and The House Minority Leader.

Playing of the British and American National Anthems by the United States Marine Band.

Procession of Congressional and Parliamentary Leaders led by the

Senate and House Sergeants at Arms.

The Honorable Carl Albert.

The Rt. Hon. Lord Elwyn-Jones, Q.C.

The Rt. Hon. George Thomas, M.P.

Mr. John Watheston.

Brigadier N. E. V. Short.

The Honorable Nelson Rockefeller.

The Honorable Mike Mansfield.

The Rt. Hon. Lord Shepherd.

The Marquess of Lothian.

The Honorable Hugh Scott.

The Honorable Thomas P. O'Neill, Jr.

The Honorable John Rhodes.

Welcome by the Honorable Hugh Scott, The Minority Leader of the Senate.

Invocation by the Reverend Edward L. R. Elson, Chaplain of The Senate.

"Ballad of Magna Carta" performed by United States Air Force Orchestra and Chorus.

Remarks by The Honorable Hugh Scott.

Posting of the British Military Detail: The Grenadier Guards, The Coldstream Guards, The Scots Guards, The Irish Guards, and The Welsh Guards.

Presentation of Magna Carta by The Rt. Hon. Lord Elwyn-Jones, Q.C., The Lord Chancellor.

Opening of Presentation Case by the British Military Detail.

Acceptance of Magna Carta by The Honorable Carl Albert, The Speaker of the House of Representatives.

Posting of the American Military Detail: The United States Army, The United States Marine Corps, The United States Navy, The United States Air Force, and The United States Coast Guard.

Benediction by The Reverend Edward G. Latch, Chaplain of The House of Representatives.



The British and American Delegations will view Magna Carta, followed by Members of the Senate and House of Representatives and Guests.

Those who do not wish to view the Magna Carta at the end of the ceremony may exit through the north and south rotunda doors.

**§ 4.11 By unanimous consent, the proceedings had in the British Parliament, when the Magna Carta was presented on loan to the congressional delegation in Westminster Hall and in the Capitol Rotunda, were printed in the *Congressional Record*.**

On June 3, 1976,<sup>(1)</sup> the following proceedings occurred:

PRINTING OF PROCEEDINGS OF THURSDAY, MAY 27, 1976, IN WESTMINSTER HALL AND OF TODAY IN THE ROTUNDA DURING ACCEPTANCE OF MAGNA CARTA

Mr. [John J.] McFALL [of California]. Mr. Speaker, I ask unanimous consent that the proceedings on Thursday, May 27, 1976, in Westminster Hall and the proceedings of today in the rotunda during acceptance of the Magna Carta be printed in the RECORD.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

1. 122 CONG. REC. 16492, 94th Cong. 2d Sess.
2. Carl Albert (OK).

In the Senate, on June 3, 1976, the following transcript was printed in the *Congressional Record*:<sup>(3)</sup>

RECESS UNTIL 2:13 P.M.

Mr. [Michael J.] MANSFIELD [of Montana]. Now, Mr. President, under the previous order I ask that the Senate stand in recess for 15 minutes for the purpose of introducing the parliamentary delegation from the United Kingdom visiting here for the purpose of allowing us to retain the original copy of the Magna Carta for the rest of this Bicentennial Year, and also for the purpose of allowing those of us who wish to do so, and I believe that will include all of us, to shake hands with our distinguished guests, the time not to exceed 15 minutes.

There being no objection, the Senate, at 1:58 p.m., recessed until 2:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FANNIN).

(During the recess, the following proceedings occurred:)

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, and if Senators will take their seats temporarily, I would like to welcome, on behalf of the Senate, the delegation from the Parliament of the United Kingdom and their associates.

This delegation, which the distinguished Republican leader and I met with in England, is over in this country as our guests. It is here for the presentation of the original copy of the Magna Carta, to emphasize the link between our respective countries based

3. See 122 CONG. REC. 16473-75, 94th Cong. 2d Sess.

on two of the greatest documents in the world insofar as the rights of people are concerned, the Magna Carta and the Declaration of Independence.

Their hospitality has been extraordinary; we hope that, in some small way, we have been able to repay them.

I would like at this time to introduce the members of the delegation of the United Kingdom and their associates. I would suggest that their wives rise at the time of the announcement of the names of their husbands.

The Rt. Hon. Lord Elwyn-Jones, Q.C., Lord Chancellor, accompanied by Lady Elwyn-Jones.

The Rt. Hon. George Thomas, M.P., Speaker.

The Rt. Hon. Michael Foot, M.P., Lord President of the Council (who I believe is absent due to official business of the Council.) . . .

And finally, one of the real spark plugs in this gathering, Brigadier P.S. Ward, C.B.E., Secretary of the Parliamentary Bicentenary Committee.

[Applause, Senators rising.]

Thereupon the distinguished visitors were greeted by Senators in the well of the Chamber.

(This concludes proceedings that occurred during the recess.)

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#### MAGNA CARTA

Mr. [John G.] TOWER [of Texas]. Mr. President, a British visitor to this country once observed that the United States is a virtual museum of British legal and political institutions; in fact, Mr. President, we owe a great deal to the constitutions of Clarendon, the Magna Carta, and the English Bill of Rights of 1688.

I think never have I seen a more persuasive sense of history in this Capitol than was the case this morning with the very moving presentation of the Magna Carta by our British friends and the acceptance by the Speaker.

I, therefore, Mr. President, ask unanimous consent that there be printed in the RECORD the remarks made by Senator HUGH SCOTT, as the keynote, the presentation speech made by the Lord Chancellor, Lord Elwyn-Jones, and the acceptance speech made by the Speaker of the House of Representatives, Congressman ALBERT.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### REMARKS BY U.S. SENATOR HUGH SCOTT

Another distinguished British observer, Lord Bryce, visited the United States during the time of our centennial celebration. He observed that Americans love all that is old and established. He explained our evident pride in our history and government by reference to the deeply-rooted instincts of our British heritage "that practical shrewdness which recognizes the vale of permanence and solidity in institutions." . . .

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#### ADDRESS BY THE LORD CHANCELLOR, LORD ELWYN-JONES

It is my honour and pleasure first to bring to this great Assembly of representatives of the American people the greetings and abundant good wishes of my fellow Parliamentarians and of the people of the United Kingdom. . . .

#### REMARKS BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, CARL ALBERT

We meet here today to complete what was begun in such warm good

will ten days ago. The Members of Parliament of the United Kingdom welcomed my colleagues and me then at Westminster Hall, the most historic structure in Britain. . . .

I salute this friendship. I salute the generosity of the British peoples, their sovereign and their government. I thank them for giving Americans the opportunity to view, during the coming year, an original copy of Magna Carta and the superb replica and the showcase of gold, silver and enamel that will find their permanent home here.

**§ 4.12 The Speaker, pursuant to authority previously granted, declared a recess to allow members to attend a ceremony in the Rotunda in connection with the return of a copy of the Magna Carta to Great Britain.**

On June 10, 1977,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> was authorized to declare a recess subject to the call of the Chair:

AUTHORIZING SPEAKER OR  
SPEAKER PRO TEMPORE TO  
DECLARE RECESS ON MON-  
DAY NEXT PERMITTING MEM-  
BERS TO ATTEND CEREMONY  
IN CONNECTION WITH RE-  
TURN OF THE MAGNA CARTA  
TO THE BRITISH PEOPLE

Mrs. [Shirley] CHISHOLM [of New York]. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Monday, June 13, 1977, for the Speaker or the Speaker pro tempore to

1. 123 CONG. REC. 18408, 95th Cong. 1st Sess.
2. James C. Wright, Jr. (TX).

declare a recess subject to the call of the Chair, for the purpose of permitting Members to attend a ceremony in the rotunda of the Capitol. There will be a short ceremony at about 3 p.m. in connection with the return of the Magna Carta to the British people who so graciously loaned it for our Bicentennial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

On June 13, 1977,<sup>(3)</sup> pursuant to authority previously granted, the Speaker declared a recess to allow Members to attend the ceremony in the Rotunda of the Capitol in connection with the return of a copy of the Magna Carta to Great Britain:

RECESS

The SPEAKER.<sup>(4)</sup> Pursuant to the order of the House of June 10, 1977, the Chair declares the House in recess until the hour of 3:30 p.m., for the purpose of allowing Members to attend the ceremonies at approximately 3 p.m. in the rotunda of the Capitol in connection with the return of the Magna Carta.

Accordingly (at 2 o'clock and 47 minutes p.m.), the House stood in recess until 3:30 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the

3. 123 CONG. REC. 18579, 18580, 95th Cong. 1st Sess.
4. Thomas P. O'Neill, Jr. (MA).

Speaker at 3 o'clock and 30 minutes p.m.

## § 5. —Patriotic Observances Of Another Country

### § 5.1 Concurrent resolution extending best wishes of Congress to the Norwegian parliament on occasion of the 150th anniversary of the Norwegian constitution.

On May 14, 1964,<sup>(1)</sup> Donald Fraser of Minnesota, offered the following concurrent resolution.

#### THE 150TH ANNIVERSARY OF NORWEGIAN CONSTITUTION

Mr. FRASER. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 302) and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the concurrent resolution, as follows:

Whereas one hundred and fifty years ago, on May 17, 1814, the Norwegian Constitution was adopted at Eidsvoll, Norway; and

Whereas through the years the Kingdom of Norway has dem-

onstrated its firm dedication to the high ideals of representative democracy, individual freedom, and social justice; and

Whereas the peoples of Norway and the United States are joined in warm and binding friendship bred of common purpose and shared ancestry; and

Whereas the Congress of the United States recognizes the significant contributions made by Norway to the achievement of closer cooperation among the countries in the Atlantic partnership: Therefore be it

*Resolved by the House of Representatives (the Senate concurring),* That the congratulations and best wishes of Congress of the United States are hereby cordially extended to the Norwegian Storting, upon the occasion of the one hundred and fiftieth anniversary of the adoption of the Norwegian Constitution.

SEC. 2. The Clerk of the House shall transmit a copy of this resolution, through the Department of State, to the President of the Norwegian Storting.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

### § 5.2 Unanimous-consent request providing a one-hour period as the second order of business for the purpose of observing the 42d anniversary of Lithuanian independence.

On Jan. 18, 1960,<sup>(1)</sup> the following proceedings occurred:

Mr. [William T.] MURPHY [of Illinois]. Mr. Speaker, I ask unanimous

1. 110 CONG. REC. 10962, 88th Cong. 2d Sess.

2. John W. McCormack (MA).

1. 106 CONG. REC. 670, 86th Cong. 2d Sess.

consent that on February 16, on the occasion of the 42d observance of the independence of Lithuania, that after the reading and approval of the Journal, and prior to any legislative business for that day, I may have permission to address the House for 1 hour and to yield time to other Members.

The SPEAKER.<sup>(2)</sup> Without objection, it is so ordered.

There was no objection.

**§ 5.3 Form of concurrent resolution providing for a joint session to commemorate the 50th anniversary of the liberation of Cuba.**

On Apr. 19, 1948,<sup>(3)</sup> the President of the United States<sup>(4)</sup> addressed the joint session of Congress commemorating the 50th anniversary of the liberation of Cuba. The proceedings were as follows:

2. Sam Rayburn (TX).
3. 94 CONG. REC. 4568-70, 80th Cong. 2d Sess.
4. Harry S Truman (MO).

JOINT SESSION OF THE HOUSE AND SENATE (HELD PURSUANT TO THE PROVISIONS OF H. CON. RES. 184)

COMMEMORATION CEREMONY UPON THE OCCASION OF THE FIFTIETH ANNIVERSARY OF THE LIBERATION OF CUBA, 1898-1948, AT A JOINT SESSION OF CONGRESS IN THE HOUSE OF REPRESENTATIVES AT 12 O'CLOCK NOON, WASHINGTON, D.C., APRIL 19, 1948

THE JOINT COMMITTEE ON ARRANGEMENTS

EDWARD MARTIN, CHAIRMAN

For the Senate: EDWARD MARTIN, of Pennsylvania; C. WAYLAND BROOKS, of Illinois; TOM CONNALLY, of Texas; THEODORE FRANCIS GREEN, of Rhode Island.

For the House: EARL C. MICHENER, of Michigan; JAMES E. VAN ZANDT, of Pennsylvania; BERNARD W. KEARNEY, of New York; THOMAS J. LANE, of Massachusetts.

THE PROGRAM FOR THE JOINT SESSION

Prelude.....United States Marine Band Orchestra (Maj. William F. Santelmann, leader)

Presiding officer.....The Speaker Hon. JOSEPH W. MARTIN, JR.

Medlay of songs of the Spanish-American War period.

Presenting the colors.

Invocation.....Rev. James Shera Montgomery, D. D., the Chaplain of the House of Representatives.

Reading of joint resolution.....The Honorable EDWARD MARTIN, Chairman, Joint Committee on Arrangements.

The national anthem of the Republic of Cuba.....Miss Emma Otero Address.....The President of the Unites States

Response.....His Excellency Guillermo Belt, Ambassador of Cuba.

The national anthem of the United States.....Miss Hollace Shaw, Columbia Concerts

Benediction.....Very Rev. Ignatius Smith, O. P., dean of School of Philosophy, Catholic University.

Retiring of the colors.

The SPEAKER of the House of Representatives presided. . . .

#### INVOCATION

Rev. James Shera Montgomery, D. D., the Chaplain of the House of Representatives, offered the . . . invocation[.] . . .

#### READING OF THE JOINT RESOLUTION

The SPEAKER.<sup>(5)</sup> The Chair recognizes the Honorable Edwin Martin, Senator from the State of Pennsylvania and chairman of the Joint Committee on Arrangements.

Senator MARTIN. Mr. President, Mr. Speaker, Mr. President pro tempore, Mr. Ambassador, distinguished guests:

*Resolved by the Senate (the House of Representatives concurring), That in commemoration of the fiftieth anniversary of the victory over Spain, resulting in the liberation of Cuba, the two Houses of Congress shall assemble in the Hall of the House of Representatives at 1 o'clock in the afternoon, on Monday, April 19, 1948.*

That the joint committee created by House Concurrent Resolution 108, Eightieth Congress, is empowered to make suitable arrangements for fitting and proper exercises for the joint session of Congress herein authorized.

That invitations to attend the exercises be extended to the President

of the United States and the members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the General of the Armies, the Chief of Staff to the Commander in Chief, the Chief of Staff, United States Army, the Chief of Naval Operations, the Chief of Staff, United States Air Force, the Commandant of the Marine Corps, and the Commandant of the Coast Guard, and such other persons as the joint committee shall deem proper.

That the President of the United States is hereby invited to address the American people at the joint session of the Congress in commemoration of the fiftieth anniversary of the victory over Spain.

#### MEDLEY OF SONGS

The Marine Band Orchestra played a medley of songs.

#### PRESENTATION OF THE PRESIDENT OF THE UNITED STATES

The SPEAKER. I have the honor to present the President of the United States. [Applause, the Members rising.]

#### ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

The PRESIDENT. Mr. Speaker, Mr. President pro tempore, Mr. Ambassador, Mr. Chairman, Members of the Congress, and distinguished guests, it is eminently fitting that we should assemble here today to pay solemn tribute to the heroic champions of human freedom who brought about the liberation of Cuba. The commemoration of half a century of Cuban independence recalls the valor of the Cuban patriots and American soldiers and sailors who

5. Joseph W. Martin, Jr. (MA).

gave liberally of their strength and their blood that Cuba might be free. From that chapter in man's age-old struggle for freedom we can draw inspiration for the hard tasks that confront us in our own time. . . .

Let us avail ourselves of this occasion to refresh our faith in freedom and to rededicate this Nation and ourselves to the principles of liberty, justice, and peace. [Applause, the Members rising.]

PRESENTATION OF THE AMBASSADOR OF CUBA

The SPEAKER. I have the honor to present His Excellency Guillermo Belt, Ambassador Extraordinary and Plenipotentiary of Cuba. [Applause, the Members rising.]

ADDRESS OF RESPONSE BY THE AMBASSADOR OF CUBA

His Excellency GUILLERMO BELT, Ambassador Extraordinary and Plenipotentiary of Cuba. Mr. President, Mr. President pro tempore of the Senate, Mr. Speaker, Members of the Congress, distinguished guests, it is with the deepest emotion that I appear before the Congress of the United States on the fiftieth anniversary of the joint resolution to express once more the undying gratitude, the warm affection, and the sincere friendship of my people for the American people. [Applause.] . . .

THE NATIONAL ANTHEM OF THE UNITED STATES

Miss Hollace Shaw, accompanied by the Marine Band Orchestra, sang the national anthem of the United States.

BENEDICTION

Very Rev. Ignatius Smith, O. P., dean of the school of philosophy of the

Catholic University, pronounced the . . . benediction[.] . . .

RETIREMENT

The SPEAKER. The colors of the United States and the Republic of Cuba will be retired. . . .

JOINT SESSION DISSOLVED

The SPEAKER. The purposes of the joint session having been accomplished, the Chair declares the joint session of the two Houses now dissolved.

Thereupon, at 12 o'clock and 40 minutes p. m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

PROCEEDINGS OF JOINT SESSION ORDERED PRINTED

The SPEAKER. Without objection, the proceedings of the joint session will be printed as part of the RECORD of the day.

There was no objection.

**§ 6. —Religious Observances**

*National Day of Reconciliation*

**§ 6.1 The House suspended the rules and agreed to an unreported concurrent resolution (discharged from the Committee on House Administration) authorizing use of the House Chamber for an assembly of House and Senate**

**Members and Chaplains to “seek the blessings of Providence.”<sup>(1)</sup>**

*Parliamentarian’s Note:* The adoption of the following resolution is a historical anomaly, as the House has traditionally shunted ceremonies of a religious nature from the Chamber itself.<sup>(2)</sup>

1. For other examples of ceremonies of a religious nature that have been held in the Capitol Rotunda, see 147 CONG. REC. 16761, 16762, 107th Cong. 1st Sess., Sept. 12, 2001 (H. Con. Res. 223, permitting use of Capitol Rotunda for prayer vigil in memory of those who lost their lives in the events of Sept. 11, 2001), and 104 CONG. REC. 4621, 4622, 104th Cong. 2d Sess., Mar. 13, 1996 (S. Con. Res. 45, authorizing use of Capitol Rotunda for presentation of the Congressional Gold Medal to Reverend and Mrs. Billy Graham). See also § 6.2, *infra*.
2. On Nov. 19, 1804, the House adopted the following resolution: “That, in future, no person shall be permitted to perform divine service in the chamber occupied by the House of Representatives, unless with the consent of the Speaker.” H. Jour., 8th Cong., p. 17. The House in 1828 ordered that the Chamber should be used only for legislative business and religious services on Sundays. 5 Hinds’ Precedents §7270. In 1880, the House adopted what is now Rule IV, which provides that the “Hall of the House shall be used only for the legislative business of the House . . . except when the House agrees to

On Oct. 23, 2001,<sup>(3)</sup> Mr. John T. Doolittle, of California moved to suspend the rules and agree to a concurrent resolution, as follows:

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 184) providing for a National Day of Reconciliation, as amended.

The Clerk read as follows:

H. CON. RES. 184

*Resolved by the House of Representatives (the Senate concurring),* That on a day of reconciliation selected jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, and with the Chaplain of the House of Representatives and the Chaplain of the Senate in attendance—

(1) the two Houses of the Congress shall assemble in the Hall of the House of Representatives at a time when the two Houses are not in session; and

(2) during this assembly, the Members of the two Houses may gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all people of the United States, thereby assisting the Nation to realize its potential as the champion of hope, the vindicator of the defenseless, and the guardian of freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

take part of any ceremonies therein.” See Rule IV clause 1, *House Rules and Manual* § 677 (2007).

3. 147 CONG. REC. 20388–90, 107th Cong. 1st Sess.



Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a resolution that calls for the two Houses of Congress to assemble in this Chamber at a time when the House and the Senate are not in session and that during this assembly the Members of the two Houses may gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all people of the United States, thereby assisting the Nation to realize its potential as a champion of hope, the vindicator of the defenseless, and the guardian of freedom. . . .

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the author of the resolution.

Mr. [Tom] DELAY. Mr. Speaker, I thank the gentleman for yielding me time; and I thank my good friend from California for bringing this resolution to the floor. This is a resolution that is coauthored by me and the gentleman from Ohio (Mr. HALL). . . .

We have heard suggestions that other spaces within the Capitol would be more fitting and appropriate venues than the House Chamber. I could not disagree more strongly. Please let me explain why.

Our House Chamber is the symbolic heart of American democracy. It is right here that we do our work. It is here that decisions bearing heavily on our destiny are decided. It is here that all three branches of our government assemble during moments of great national gravity. . . .

Members should also know that this resolution raises no constitutional bar-

riers. It has been vetted thoroughly and poses no challenges to law.

To alleviate another concern, Members should know that we intend the entire scope of the Day of Reconciliation to occur without TV broadcast. Members should have no fear that this format could breach their privacy. Privacy in worship will be respected by this gathering because it will not be recorded. It is a chance for America's leaders to approach God.

We know we have all fallen short of our potential. We know that our Nation has also failed to achieve all that it could. Members can take a firm step toward realizing those twin objectives by supporting this resolution.

Remember, all we ask is that willing Members be permitted to gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all the people of the United States, thereby assisting the Nation to realize its potential as the champion of hope, the vindicator of the defenseless, and the guardian of freedom.

□ 1545

A national day of reconciliation will be good for each of us as elected officials and men and women, but it will be even better for America. It is time to come together, and I believe that this resolution will be an immeasurable help in solidifying our country.

So, Mr. Speaker, for that reason I ask Members to support the resolution.

Mr. DOOLITTLE. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Ohio (Mr. HALL).

Mr. [Tony P.] HALL of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time. . . .

The fact that this is being done when we are not in session I think is important. That means the cameras are not on us. That means the press is not here. So we are not doing it for pious reasons; we are doing it because we sincerely hope that Members will come here on their own in a voluntary way and humbly ask God for guidance and wisdom to do what we should be doing, not only as representatives of this country in our districts, but, what do You want us to do? . . .

I think this is what this resolution is all about. This is the reason why I went in on it. The only stipulation I made with the gentleman from Texas (Mr. DELAY) was that we do it privately, to not do it in front of the TV cameras. We do not do it in public. We do not do it to bring publicity to ourselves. That is the worst kind of thing to do. I think this legislation addresses that.

For that reason, I support it and I hope the whole body supports it. . . .

Mr. DOOLITTLE. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip and a cosponsor of this resolution.

Mr. [Roy] BLUNT [of Missouri]. Mr. Speaker, I thank the gentleman for yielding me this time. . . .

Our Nation has a strong background in faith and worship by government officials. It is a background that other speakers, including the gentleman from Ohio (Mr. HALL), have already talked about. George Washington established a day of thanksgiving and prayer as the first President. Every President since President Kennedy has said a prayer just outside the doors of

this Chamber before entering the House to give the State of the Union address. The House Chaplain opens every session of Congress with a morning prayer. Above the podium, Mr. Speaker, are engraved the words, "In God We Trust." During the Civil War, President Lincoln set aside several days of national mourning and prayer. In the 1950s and in the 1980s, Congress passed resolutions providing for national days of prayer; and later, those resolutions became public laws. . . .

Mr. DOOLITTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore.<sup>(4)</sup> Are there further requests for time? If not the question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 184, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

**§ 6.2 The House, by unanimous consent, agreed to a Senate concurrent resolution authorizing use of the Rotunda for an "assembly" of House and Senate Members and Chaplains for a National Day of Reconciliation to "seek the blessings of Providence."<sup>(1)</sup>**

4. James V. Hansen (UT).

1. *Parliamentarian's Note*: The Senate balked at the idea of using the

On Nov. 16, 2001,<sup>(2)</sup> the following events occurred:

PROVIDING FOR USE OF ROTUNDA OF CAPITOL FOR A NATIONAL DAY OF RECONCILIATION

Mr. [Thomas] REYNOLDS [of New York]. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 83) providing for a National Day of Reconciliation, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore.<sup>(3)</sup> Is there objection to the request of the gentleman from New York?

There was no objection.<sup>(4)</sup>

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 83

*Resolved by the Senate (the House of Representatives concurring),*

SECTION 1. USE OF ROTUNDA OF THE CAPITOL.

The rotunda of the Capitol is authorized to be used at any time on November 27, 2001, or December 4, 2001, for a National Day of Reconciliation where—

(1) the 2 Houses of Congress shall assemble in the rotunda with the Chaplain of the House of Representatives and the Chaplain of the Senate in attendance; and

House Chamber for this ceremony as put forward in the House companion, H. Con. Res. 184. See § 6.1, *supra*.

2. 147 CONG. REC. 22910, 22911, 107th Cong. 1st Sess.
3. Vito Fossella (NY).
4. No subsequent printings of the private ceremony that was held on Dec. 4, 2001, were placed in the *Congressional Record*.

(2) during this assembly, the Members of the 2 Houses may gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all people of the United States, thereby assisting the Nation to realize its potential as—

- (A) the champion of hope;
- (B) the vindicator of the defenseless; and
- (C) the guardian of freedom.

SEC. 2. PHYSICAL PREPARATIONS FOR THE ASSEMBLY.

Physical preparations for the assembly shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

*Easter*

§ 6.3 Program of Easter Service held on the Capitol steps.

On Apr. 22, 1943,<sup>(1)</sup> Mr. Karl E. Mundt, of South Dakota, addressed the House regarding the nonsectarian Easter service which was to be held on Sunday, Apr. 25, 1943. This service, while not an official function of the House, was announced in the House. The program for that Easter service is included below, following Mr. Mundt's remarks.

Mr. MUNDT. Mr. Speaker, next Sunday morning, April 25, for the first time in the history of this Government, an Easter morning service will be held on the main steps of the Capitol. These services are being sponsored by a committee of Senators and Representatives and the Capitol Fellowship Forum. I take this opportunity of inviting all Members of Congress and their families who will be in town on Easter to

1. 89 CONG. REC. 3707, 78th Cong. 1st Sess.

join us in these services which are also open to the public. They are to be strictly nonsectarian in character.

Through the cooperation of the Speaker, the wartime ban with respect to holding large public gatherings on the Capitol Grounds during this crisis has been modified for this occasion. The services will begin at 8:30, and Capt. Robert D. Workman, the Chief of Navy Chaplains, will be the principal speaker. The Navy Band will play a musical prelude beginning at 8 o'clock. We hope this special service will help in its small way to demonstrate that what has become of necessity, the wartime capital of the world is also the best and most unselfish hope of all humanity that this conflict will be followed by an era of peace, good will, and Christian brotherly love.

I ask unanimous consent, to include the program with my remarks.

The SPEAKER.<sup>(2)</sup> Is there objection? There was no objection.

PROGRAM

EASTER SERVICES

*United States Capitol Steps, 8:30 Sunday morning, April. 25, 1943*

(Congressman KARL E. MUNDT, of South Dakota, presiding)

Musical prelude.....United States Navy Band

Lt. Charles Brendler, director  
America.....Entire assembly  
Invocation...Capt. John F. B. Carruthers,  
C. S. M. F.

Chairman, Christian Commission  
Statement of purpose.....George H. Kendall

President, Capitol Fellowship Forum  
A Toast to the Flag.....The Telephone Glee Club

Robert Davidson, director; words by John Jay Daly

The American's Creed.....Entire assembly  
Led by John Page, eldest son of the author of the Creed

2. Sam Rayburn (TX).

Address.....Capt. Robert D. Workman  
Chief of Navy Chaplains  
Boston Commandery (Carter).....United States Navy Band  
Gloria in Excelsis (Mozart).....The Telephone Glee Club  
Benediction.....Glenn E. Wagner  
President, Washington Bible Institute  
The Star-Spangled Banner.....Entire assembly  
Musical postlude.....United States Navy Band

## § 7. —Pan American Day

Pan American Day is the day, annually designated in mid-April, when the respective legislatures of the American republics express solidarity and extend felicitations to one another. It was first observed on Apr. 24, 1890, in conjunction with the formation of the Pan American Union. The House discontinued these observances after 1973.

### *Resolutions to Designate Date*

**§ 7.1 A resolution designating a day for the celebration of Pan American Day in the House was submitted from the floor and considered by unanimous consent and was not introduced through the hopper and referred to committee.**

On Mar. 5, 1969,<sup>(1)</sup> Mr. Dante B. Fascell, of Florida, was recognized to submit a resolution from the floor designating the date of a Pan American Day celebration.

Mr. FASCELL. Mr. Speaker, I offer a resolution (H. Res. 295) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 295

*Resolved*, That the House of Representatives hereby designates Monday, April 14, 1969, for the celebration of Pan-American Day, on which day, after the reading of the Journal remarks appropriate to such occasion may occur.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.<sup>(3)</sup>

### ***1966 Pan American Day***

#### **§ 7.2 A resolution providing for the celebration in the House of Pan American Day was referred to the Committee on Foreign Affairs.**

On Mar. 3, 1966,<sup>(1)</sup> a resolution designating a day for the com-

1. 115 CONG. REC. 5369, 91st Cong. 1st Sess.
2. John W. McCormack (MA).
3. See 115 CONG. REC. 8883-91, 91st Cong. 1st Sess., Apr. 14, 1969, for proceedings.
1. 112 CONG. REC. 4885-87, 89th Cong. 2d Sess.

memoration of Pan American Day was referred to committee, as follows:

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows: . . .

By Mr. SELDEN:

H. Res. 754. Resolution designating Thursday, April 7, 1966, for the celebration of Pan American Day; to the Committee on Foreign Affairs.

On Mar. 15, 1966,<sup>(2)</sup> the Speaker<sup>(3)</sup> recognized Mr. Armistead I. Selden, of Alabama, for purposes of calling up a resolution designating a day for commemoration of Pan American Day:

Mr. SELDEN. Mr. Speaker, I call up the House Resolution 754 and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

*Parliamentarian's Note:* Resolutions setting a date for the celebration of Pan American Day were normally called up by unanimous consent, without reference to a committee. The resolution was normally submitted and called up by the Chair, Subcommittee on Inter-American Affairs, Committee on Foreign Affairs.

2. 112 CONG. REC. 5786, 89th Cong. 2d Sess.
3. John W. McCormack (MA).

## H. RES. 754

*Resolved*, That the House of Representatives hereby designates Thursday, April 7, 1966, for the celebration of Pan-American Day, on which day, after the reading of the Journal, remarks appropriate to such occasion may occur.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### § 7.3 A resolution was adopted by the House on Pan American Day.

On Apr. 7, 1966,<sup>(1)</sup> Pan American Day, the following proceedings occurred in the House:

#### ANNIVERSARY OF FOUNDING OF PAN AMERICAN UNION

The SPEAKER.<sup>(2)</sup> Pursuant to House Resolution 754, this day has been designated as Pan American Day.

The Chair recognizes the gentleman from Alabama [Mr. SELDEN].

Mr. [Armistead I.] SELDEN [Jr., of Alabama]. Mr. Speaker, I call up House Resolution 785 and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 785

Whereas April 14, 1966, marks the seventy-sixth anniversary of the

Union of American Republics now known as the Organization of American States; and

Whereas Congress has recognized that the historic, economic, political, and geographic relationships among the American Republics are unique and of special significance; and

Whereas the Organization of American States serves as an institution for maintaining the peace and security of the Western Hemisphere, for promoting economic progress and improvements in the welfare and level of living of all the peoples of the region, and for strengthening principles of individual liberty, free institutions, and genuine independence in the hemisphere; and

Whereas achievement of the goals expressed in the Charter of the Organization of American States through inter-American cooperation affords the most meaningful barrier to threats to individual liberties and national independence emanating from forces inimical to the principles and concepts held by the American Republics; and

Whereas the American Republics are currently engaged in seeking ways to fortify the inter-American system of cooperation in order to consolidate the gains of the past and to create dynamic and vigorous institutions to meet present and future exigencies: Now, therefore, be it

*Resolved*, That in honor of the founding of the Pan American Union, the House of Representatives of the United States extends to the other Republics of the Western Hemisphere and to the citizens of those Republics its most cordial greetings and its fervent hope that the deliberations going forward during this year will strengthen the inter-American system for the years ahead.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

1. 112 CONG. REC. 7994-8001, 89th Cong. 2d Sess.

2. John W. McCormack (MA).

There was no objection.

The SPEAKER. The gentleman from Alabama [Mr. SELDEN] is recognized for 1 hour.

Mr. SELDEN. Mr. Speaker, April 14 marks the 76th anniversary of the establishment of the first concrete step in the formation of an inter-American system of solidarity and cooperation, now known as the Organization of American States.

It has become customary for the House of Representatives to commemorate the anniversary of that most enduring of international organizations. I have always believed that this annual tribute should be more than mere ritual. Rather, it should be a time for stocktaking.<sup>(3)</sup> . . .

## § 8. —Flag Day; Pause for Pledge Commemoration

The 14th day of June of each year is designated by statute as

3. *Parliamentarian's Note:* In this case the resolution regarding the commemoration of Pan American Day was introduced in advance of the designated date and referred to the Committee on Foreign Affairs. When the committee met to consider the resolution, it approved the preamble and text by voice vote. The committee did not, however, order the resolution reported to the House; thus, when Rep. Selden, chairman of the Subcommittee on Inter-American Affairs called up the resolution by unanimous consent, he discharged the committee from further consideration. See Ch. 17 § 37.9.

“Flag Day.”<sup>(1)</sup> On June 2, 1949, the House agreed to House Joint Resolution 170<sup>(2)</sup> which designated each June 14 as Flag Day.

### *Pause for the Pledge Commemoration*

§ 8.1 Although clause 1, paragraph 3 of Rule XXIV<sup>(1)</sup> requires the Pledge of Allegiance to the Flag to be led immediately after the Speaker's approval of the Journal each day, the House may, by unanimous consent, permit a second Pledge of Allegiance at a subsequent time.

On June 14, 1995,<sup>(2)</sup> the following proceedings took place:

#### PAUSE FOR THE PLEDGE

(Mr. CARDIN asked and was given permission to address the House for 1 minute.)

Mr. [Benjamin L.] CARDIN [of Maryland].<sup>(3)</sup> Mr. Speaker, I take this

1. 36 USC § 110.
2. See 95 CONG. REC. 7166, 81st Cong. 1st Sess.
1. Now Rule XIV clause 1, *House Rules and Manual* § 869 (2007).
2. 141 CONG. REC. 15964, 104th Cong. 1st Sess.
3. *Parliamentarian's Note:* This recognition was granted to Rep. Cardin, in whose district the National Anthem originated, despite the fact that it was nearly 7:20 p.m.

time, and at the permission of the Speaker, to lead the House in the pledge of allegiance at this time of the day, and let me explain why, if I might.

Mr. Speaker, as you are well aware, today is Flag Day and this week is National Flag Week. Each year the National Flag Day Foundation, located in my district, participates in the Pause for the Pledge at Fort McHenry, the birthplace of the Star Spangled Banner at 7 o'clock in the evening on June 14th.

The National Flag Day Foundation encourages all Americans to join in the 7 o'clock Pause for the Pledge and this grassroots concept of national unity started in Baltimore in 1980. And I might point out that Presidents have joined in this pause.

Due to the voting of the House today, I am unable to be at Fort McHenry to participate in the ceremony. Therefore, I would request that the Members of the House join me and their fellow citizens in a Pause for the Pledge. If I could ask everyone to please rise and to face the flag.

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#### PLEDGE OF ALLEGIANCE

The CHAIRMAN.<sup>(4)</sup> Without objection, the gentleman from Maryland [Mr. CARDIN] will lead the House in the Pledge of Allegiance to the flag on this very special occasion.

There was no objection.

Mr. CARDIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the

4. Bill Emerson (MO).

Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### *Recess to Observe Flag Day*

#### **§ 8.2 The Speaker was authorized to declare a recess for Flag Day so that the House might observe Flag Day with appropriate ceremonies.**

On May 25, 1967,<sup>(1)</sup> the Speaker appointed an informal committee to make arrangements for an appropriate Flag Day program. The proceedings occurred as follows:

#### FLAG DAY—AUTHORITY FOR SPEAKER TO DECLARE A RECESS ON JUNE 14, 1967

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, June 14 will mark the 190th anniversary of Flag Day. On Saturday, June 14, 1777, the Continental Congress adopted a resolution providing:

That the flag of the thirteen United States be thirteen stripes, alternate red and white: That the Union be thirteen stars, white in a blue field, representing a new constellation.<sup>(3)</sup>

1. 113 CONG. REC. 14058, 90th Cong. 1st Sess.
2. John W. McCormack (MA).
3. See *Journals of the Continental Congress*, Vol. VIII, p. 464.



During the ensuing 189 years, that blue field has been buttressed by 37 additional stars and the American flag has truly become the symbol of liberty.

During the war-torn year of 1917, President Wilson issued the first Presidential proclamation calling upon the entire Nation to hold appropriate ceremonies on June 14 to honor our flag. For many years our now deceased colleague, Louis C. Rabaut, provided the inspiration and impetus for Flag Day ceremonies in this Chamber.

In these troubled days, I believe it important that this House, on June 14, should again give honor to our stars and stripes and to the principles our flag represents.

Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, June 14, 1967, for the Speaker to declare a recess for the purpose of observing and commemorating Flag Day in such manner as the Speaker may deem appropriate and proper.

Mr. [M. G. (Gene)] SNYDER [of Kentucky]. Mr. Speaker, will the gentleman yield to me?

Mr. ALBERT. I yield to the gentleman.

Mr. SNYDER. I appreciate the comments of the distinguished gentleman, and I hope the gentleman will not think it is presumptuous on my part to suggest to the leadership that a very appropriate action on the part of the House on that day might be the passage of one of the antiflag-desecration bills now pending before Congress.

Mr. ALBERT. I thank the gentleman for his suggestion, and I suggest that he take it up with the appropriate committee.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ALBERT]?

There was no objection.

The SPEAKER. The Chair may state for the information of the Members of the House that after consultation with the distinguished minority leader the Chair has informally designated the following Members to constitute a committee to make the necessary arrangements for appropriate exercises in accordance with the unanimous consent agreement just adopted:

The gentleman from Texas [Mr. BROOKS], the gentleman from Alabama [Mr. NICHOLS], the gentleman from Indiana [Mr. ROUDEBUSH], and the gentleman from Missouri [Mr. HALL].

On June 12, 1967,<sup>(4)</sup> a display of historical American flags in Statuary Hall, arranged in connection with the observance of Flag Day by the House, was brought to the attention of the House by the chairman of the informal committee to plan ceremonies appropriate to the occasion. The proceedings were as follows:

#### DISPLAY IN STATUARY HALL OF HISTORICAL AMERICAN FLAGS

Mr. [Jack] BROOKS [of Texas]. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

4. See 113 CONG. REC. 15484, 90th Cong. 1st Sess.

Mr. Speaker, in conjunction with the celebration of Flag Week, we have on display in Statuary Hall a grouping of historical American flags. The 46 flags which are now on display have been brought here through the courtesy of our colleague, George A. Goodling, of Pennsylvania.

These flags trace the history of our Nation from 1600 to the present. They include all of our official flags, numerous flags of liberty which appeared in our country before the Revolution, and also some original Army and Navy standards. The Hanover, Pa., Historical Society Patriotic Order of the Sons of America prepared and planned the exhibit. Mr. Wilford C. Clausen, of Hanover, established the grouping.

I urge all my colleagues to take the opportunity to visit this interesting exhibit which is part of our effort to honor our flag.

### ***Flag Day on Saturday; Mid-week Observance***

#### **§ 8.3 Where Flag Day fell on a Saturday, the House designated the preceding Thursday as the date for its observance.**

On May 28, 1969,<sup>(1)</sup> the Speaker<sup>(2)</sup> was authorized to declare a recess, subject to the call of the Chair, for the purpose of com-

1. 115 CONG. REC. 14161, 91st Cong. 1st Sess. See § 8.4, *infra*, for the ceremonies.

2. John W. McCormack (MA).

memorating Flag Day in the House Chamber:

#### **FLAG DAY CEREMONIES**

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, the 192d anniversary of Flag Day will be celebrated on Saturday, June 14, 1969. . . .

Mr. Speaker, because I believe it important that the House of Representatives continue this tradition, to again give honor to our Stars and Stripes and to the principles which our flag symbolizes, I ask unanimous consent that it may be in order at any time on Thursday, June 12, 1969, for the Speaker to declare a recess for the purpose of observing and commemorating Flag Day in such manner as the Speaker may deem appropriate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. The Chair may state for the information of the Members of the House that after consultation with the distinguished minority leader the Chair has informally designated the following Members to constitute a committee to make the necessary arrangements for appropriate ceremonies in accordance with the unanimous-consent agreement just adopted: The gentleman from Texas, Mr. BROOKS; the gentleman from Alabama, Mr. NICHOLS; the gentleman from Indiana, Mr. ROUDEBUSH; and the gentleman from Missouri, Mr. HALL.

### ***Flag Day Ceremonies***

#### **§ 8.4 The House stood in recess to commemorate Flag Day.**

On June 12, 1969,<sup>(1)</sup> the House conducted ceremonies to honor the flag. Following the ceremonies on the floor of the House, the Speaker expressed thanks, on behalf of all Members of the House, to the ad hoc committee which made the arrangements for the celebration. The Majority Leader obtained permission for the printing in the *Record* of ceremonies held during the recess and for all Members to revise and extend remarks on Flag Day.

FLAG DAY

During the recess the following proceedings took place in honor of the United States Flag, the Speaker of the House of Representatives presiding:

FLAG DAY OF U.S. HOUSE OF REPRESENTATIVES, JUNE 12, 1969

The United States Marine Band, directed by First Lieutenant Jack T. Kline, and the United States Air Force "Singing Sergeants," entered the door to the left of the Speaker and took the positions assigned to them.

The honored guests, officers, and men of the First Cavalry Division (Airmobile), entered the door to the right of the Speaker and took the positions assigned to them.

The Air Force "Singing Sergeants," directed by Capt. Robert B. Kuzminski, presented *Prayer for our Country*.

The Doorkeeper (Honorable William M. Miller) announced *The Flag of the United States*.

1. 115 CONG. REC. 15745-51, 91st Cong. 1st Sess.

[Applause, the Members rising.]

The Marine Band played *The Stars and Stripes Forever*.

The Flag was carried into the Chamber by Colorbearer and a guard from each of the branches of the Armed Forces[.] . . .

The Color Guard saluted the Speaker, faced about, and saluted the House.

The Flag was posted and the Members were seated.

Mr. [Jack] BROOKS of Texas, accompanied by the Honorable W. Pat Jennings, Clerk of the House of Representatives, took his place at the Speaker's rostrum.

The SPEAKER.<sup>(2)</sup> The Chair recognizes the distinguished gentleman from Texas, Mr. BROOKS.

Mr. BROOKS. Mr. Speaker, the distinguished gentleman from Missouri, Mr. HALL, will now lead the Members and our guests in the *Pledge of Allegiance to the Flag*.

The Honorable DURWARD HALL led the Members and guests in the *Pledge of Allegiance to the Flag*.

Mr. BROOKS. Mr. Speaker, at this time I would like to express my appreciation to the other members of your Flag Day Committee, the Honorable BILL NICHOLS of Alabama, the Honorable DURWARD HALL of Missouri, and the Honorable RICHARD ROUDEBUSH of Indiana, for their hard work and dedicated efforts. . . .

Mr. BROOKS. Mr. Speaker, Flag Day, 1969, is a day for all Americans to reaffirm their commitment to the principles of democracy, liberty, and human dignity. . . .

May our Flag continue to strike a responsive chord in the hearts of free

2. John W. McCormack (MA).

men everywhere and offer hope, opportunity and promise to those who strive for the highest goals.

[Applause.]

Mr. BROOKS. The Members and guests will please rise to join with the "Singing Sergeants," accompanied by the Marine Band, in singing *the National Anthem*. Will everyone please remain standing while the Color are retired from the Chamber?

The Members rose and sang *The National Anthem*, accompanied by the Marine Band and the Air Force "Singing Sergeants."

The Colors were retired from the Chamber, the Marine Band playing *The National Emblem March*.

The Air Force "Singing Sergeants" retired from the Chamber, the Marine Band playing the Armed Forces Medley.

The Marine Band retired from the Chamber. . . .

At 12 o'clock and 32 minutes p.m., the proceedings in honor of the United States Flag were concluded.

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#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 33 minutes p.m.

The SPEAKER. The Chair, on behalf of the House, desires to express our thanks to the chairman and the members of the committee for arranging, preparing and conducting the splendid exercises today, and also to express the thanks of the House to all who participated in the exercises. . . .

#### PERMISSION TO PRINT PROCEEDINGS HAD DURING THE RECESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

### § 9. —Presidential

The following represent a sampling of commemorative occasions for an anniversary of a Presidential birth,<sup>(1)</sup> death,<sup>(2)</sup> inauguration,<sup>(3)</sup> or memorial dedication.<sup>(4)</sup>

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#### § 9.1 By unanimous consent, the Speaker was authorized to declare recesses for the purpose of a joint meeting to commemorate the 100th anniversary of President Eisenhower's birth.

On Mar. 22, 1990,<sup>(1)</sup> the following proceedings occurred in the House:

1. See §§ 9.1, 9.3, 9.4, 9.8, *infra*.
  2. See § 9.2, *infra*. For observances related to the death of Presidents in office, see also 5 Hinds' Precedents §§ 7176–7180, 8 Cannon's Precedents § 3575. See also Ch. 38, *infra*.
  3. See §§ 9.5–9.7, *infra*.
  4. See § 9.9, *infra*.
1. 136 CONG. REC. 5019, 101st Cong. 2d Sess.

PERMISSION FOR THE SPEAKER  
TO DECLARE RECESSES AT  
ANY TIME ON TUESDAY,  
MARCH 27, 1990

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses at any time on Tuesday, March 27, 1990, for the purpose of a joint meeting to commemorate the 100th anniversary of the birth of Dwight D. Eisenhower.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Missouri?

There was no objection.

On Mar. 27, 1990,<sup>(3)</sup> during the recess, the following proceedings took place during the joint meeting to commemorate the anniversary of 100th anniversary of President Eisenhower's birth:

RECESS

The SPEAKER.<sup>(4)</sup> Pursuant to the order of the House of Thursday, March 22, 1990, the House will stand in recess subject to the call of the Chair.

The House is now in recess.

Accordingly (at 9 o'clock and 1 minute a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE 101ST  
CONGRESS IN COMMEMORA-  
TION OF THE 100TH ANNIVER-  
SARY OF THE BIRTH OF  
DWIGHT DAVID EISENHOWER

During the recess the following proceedings took place in honor of the

2. Ted Weiss (NY).
3. 136 CONG. REC. 5435-42, 101st Cong. 2d Sess.
4. Thomas S. Foley (WA).

100th anniversary of the birth of Dwight David Eisenhower, the Speaker of the House of Representatives presiding.

The Doorkeeper, the Honorable James T. Molloy, announced the Members of the U.S. Senate, preceded by the President pro tempore (Mr. [David] PRYOR [of Arkansas]), who entered the Hall of the House of Representatives, taking the seats reserved for them.

The SPEAKER. In accordance with the provisions of Senate Joint Resolution 237, the joint meeting to commemorate the 100th anniversary of the birth of Dwight D. Eisenhower will come to order. . . .

The Chaplain of the U.S. House of Representatives, Rev. James David Ford, D.D., delivered the . . . invocation[.] . . .

The SPEAKER. The Chair recognizes the Honorable BOB DOLE of Kansas, Republican leader of the Senate and Chairman of the Dwight David Eisenhower Centennial Commission.

Senator DOLE. Good morning. On behalf of the National Eisenhower Centennial Commission, it is my privilege to welcome you to ceremonies honoring a great American hero—who just happens to be the favorite son of Kansans everywhere. Throughout this centennial year, Dwight Eisenhower is being recalled as a historical giant—the architect of Operations Overlord and the statesman behind Atoms for Peace. But for the millions the world over who “still like Ike,” he remains a reassuring symbol of the extraordinary qualities that lie within seemingly ordinary people. . . .

The SPEAKER. We are honored to have today members of the Eisenhower

family, the general's son, John Eisenhower, his grandson, David Eisenhower, and his granddaughters, Barbara Ann Eisenhower, Susan Eisenhower, and Mary Jane Atwater, together with numerous great-grandchildren.

Will they please rise and be acknowledged?

[Applause.]

We are also honored to have with us today many members of the Eisenhower administration and associates of the late President. Will they kindly rise and be recognized. . . .

The Chair now recognizes Walter Cronkite, distinguished television journalist, who conducted numerous interviews with the late President Eisenhower. . . .

The SPEAKER. Among those who served in the Eisenhower administration who are present today, the Chair would like to recognize the presence of the former Chief Justice of the United States, Warren Burger, the former Attorney General of the United States, Herbert Brownell, and the former Secretary of State, Secretary Rogers.

[Applause.]

The Chair recognizes Mr. Winston S. Churchill, Member of Parliament, and grandson of the late Sir Winston Churchill, former Prime Minister of Great Britain. . . .

The SPEAKER. The Chair recognizes the gentleman from the 19th District of Pennsylvania, the Honorable WILLIAM F. GOODLING, whose district is the site of the Eisenhower farm, and late President's retirement home, and now a historic landmark. . . .

The SPEAKER. The Chair recognizes the gentleman from the First

District of Kansas, the Honorable PAT ROBERTS, in whose district is Abilene, the childhood home of the late President Eisenhower and site of the Dwight David Eisenhower Center. . . .

The SPEAKER. The benediction will be given by the Reverend Edward L.R. Elson, former Chaplain of the U.S. Senate.

The former Chaplain of the Senate, the Reverend Edward L.R. Elson, offered the . . . benediction[.] . . .

The SPEAKER. Members and guests will remain standing for the retirement of colors.

The colors were retired from the Chamber.

The SPEAKER. Members and guests, please remain standing and join in singing "God Bless America."

The U.S. Army Band and the U.S. Military Academy Glee Club rendered "God Bless America."

The SPEAKER. At this time the Members of the Senate will retire.

The Members of the Senate retired from the Chamber.

The SPEAKER. The purposes for the joint meeting having been fulfilled, the joint meeting is dissolved, and the House will remain in recess until 1 p.m.

The honored guests retired from the Chamber.

At 11 o'clock and 43 minutes a.m., the proceedings in commemoration of the centennial of President Dwight D. Eisenhower were concluded.

### *John F. Kennedy*

**§ 9.2 Consideration under suspension of the rules of a concurrent resolution authorizing a civic group to use the**

**Capitol Rotunda to honor President Kennedy as the founder of the Peace Corps on the 25th anniversary of his death.**

On Oct. 3, 1988,<sup>(1)</sup> the following proceedings took place:

Ms. [Mary Rose] OAKAR [of Ohio]. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 137) to provide the use of the rotunda of the Capitol in honor of John F. Kennedy.

The Clerk read as follows:

S. CON. RES. 137

*Resolved by the Senate (the House of Representatives concurring),* That permission is conferred on the National Council of Returned Peace Corps Volunteers to use the Rotunda of the Capitol, from 12:00 noon, November 21, 1988, until 12:00 noon, November 22, 1988, for a vigil of readings from personal Peace Corps Journals by Returned Peace Corps Volunteers in honor of John F. Kennedy, the founder of the Peace Corps, on the 25th anniversary of his death.

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the rule, a second is not required on this motion.

1. 134 CONG. REC. 27839, 27840, 100th Cong. 2d Sess. See also 129 CONG. REC. 32198, 98th Cong. 1st Sess., Nov. 10, 1983 (H. Con. Res. 214, authorizing use of the Rotunda to commemorate the 20th anniversary of the death of President Kennedy).
2. Charles E. Bennett (FL).

**Harry S Truman**

**§ 9.3 The Speaker pro tempore, on behalf of the Speaker, announced the designation of a day certain for a joint meeting to commemorate the 100th anniversary of the birth of Harry S Truman pursuant to a concurrent resolution authorizing the Speaker to make such a designation.**

On Apr. 26, 1984,<sup>(1)</sup> the following proceedings occurred in the House:

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON TUESDAY, MAY 8, 1984, FOR JOINT MEETING TO COMMEMORATE 100TH ANNIVERSARY OF THE BIRTH OF HARRY S. TRUMAN

Mr. [THOMAS S.] FOLEY [of Washington]. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess subject to the call of the Chair on Tuesday, May 8, 1984, for the purpose of a joint meeting to commemorate the 100th anniversary of the birth of Harry S. Truman.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Washington?

There was no objection.

On May 8, 1984,<sup>(3)</sup> the following proceedings then occurred:

1. 130 CONG. REC. 10205, 98th Cong. 2d Sess.
2. George E. Brown, Jr. (CA).
3. 130 CONG. REC. 11327-33, 98th Cong. 2d Sess.

## THE JOURNAL

The SPEAKER.<sup>(4)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## RECESS

The SPEAKER. Pursuant to the order of the House of April 26, 1984, the Chair declares the House in recess until 10:05 a.m.

Accordingly (at 9 o'clock and 2 minutes a.m.), the House stood in recess until 10:05 a.m.

□ 1000

JOINT MEETING OF THE HOUSE  
AND SENATE HELD PURSUANT  
TO THE PROVISIONS OF  
HOUSE CONCURRENT RESO-  
LUTION 126 IN COMMEMORA-  
TION OF THE 100TH ANNIVER-  
SARY OF THE BIRTH OF  
HARRY S. TRUMAN

During the recess the following proceedings took place in honor of the 100th anniversary of the birth of Harry S. Truman, the Speaker of the House presiding.

The U.S. Army Band and Chorus (Pershing's Own), under the direction of Col. Eugene W. Allen, leader and commander, entered the door to the left of the Speaker, took the positions assigned to them, and presented a prelude concert.

The honored guests, Margaret Truman Daniel, E. Clifton Daniel, and

4. Thomas P. O'Neill, Jr. (MA).

their four sons, Clifton, William, Harrison, and Thomas entered the door to the right of the Speaker, and took the positions assigned to them.

The Doorkeeper, the Honorable James T. Malloy, announced the President pro tempore (Mr. THURMOND) and the Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The SPEAKER. In accordance with House Concurrent Resolution 126, the joint meeting to commemorate the 100th anniversary of the birth of Harry S. Truman will come to order.

The Doorkeeper will announce the colors.

The Doorkeeper announced the colors of the United States.

The SPEAKER. The Members will rise.

The Members rose, and the colors were carried to the Chamber by the Joint Armed Forces Color Guard.

The National Anthem was presented by the U.S. Army Band and Chorus.

The Color Guard saluted the Speaker, faced about, and saluted the House.

The SPEAKER. The invocation will be given by the Reverend James David Ford, Chaplain of the House of Representatives.

The Chaplain, Rev. James David Ford, D.D., offered the . . . invocation[.] . . .



The SPEAKER. The Chair recognizes the gentleman from the Fourth District of Missouri, the Honorable IKE SKELTON, chairman of the Joint Committee on Arrangements. . . .

The SPEAKER. We are honored to have with us today the Truman family: In addition to Margaret Truman Daniel, E. Clifton Daniel, and their four sons, Clifton, William, Harrison, and Thomas.

Will they kindly rise and be acknowledged?

[Applause.]

□ 1020

The SPEAKER. We are also honored to have with us today many associates and Cabinet members of the late President; the Honorable John Snyder, Secretary of the Treasury; Mrs. Oscar Chapman, widow of the Secretary of the Interior, the Honorable Charles Brannan, Secretary of Agriculture; Gov. Averell Harriman, Secretary of Commerce and Ambassador to Russia and Great Britain; the Honorable Elmer Staats, Deputy Director of the Budget and Comptroller General.

We also have many members of the late President's personal staff: The Honorable David Stow; Gen. Donald Dawson, the Honorable George Else; the Honorable Roger Tubby; and the Honorable Philip Nash.

Will all of them please rise. [Applause.]

America had called upon Harry Truman's leadership as early as 1918 when he commanded Battery D of the 129th Field Artillery in France during the First World War.

The U.S. Army Band and Chorus will pay tribute to Captain Truman's

military service with a medley of World War I songs, the "Over There Fantasie."

(The "Over There Fantasie" was presented by the U.S. Army Band and Chorus.)

The SPEAKER. The Chair recognizes the gentleman from the Fifth District of Missouri, the Honorable ALAN WHEAT, who currently represents the hometown of the late President Truman. . . .

□ 1120

The SPEAKER. The Chair recognizes the daughter of the late President Truman, Margaret Truman Daniel.

[Applause.] . . .

The SPEAKER. The Chair recognizes the Honorable MARK HATFIELD, a Senator from Oregon, vice chairman of the Joint Committee on Arrangements.

[Applause.] . . .

The U.S. Army Chorus reentered the Chamber, and the colors were brought to the well of the House.

The SPEAKER. The benediction will be given by Rev. Richard C. Halverson, Chaplain of the Senate.

The Chaplain of the Senate, the Reverend Richard C. Halverson, D.D., LL.D., offered the . . . benediction[.] . . .

The U.S. Army Chorus, accompanied by the Members and guests, rendered "God Bless America," and the colors were retired by the Joint Armed Forces Color Guard.

The SPEAKER. On behalf of the Congress, the Chair would like to particularly thank, and the Congress appreciates, the chairman, IKE SKELTON, for the beautiful job that he has done,

and the Chair thanks all who have participated.

The Chair declares the joint meeting dissolved.

The House will continue in recess until the hour of 1 o'clock.

The honored guests, the Members of the U.S. Senate, and the members of the President's Cabinet retired from the Chamber.

At 11 o'clock and 40 minutes a.m., the proceedings in commemoration of the 100th anniversary of the birth of Harry S. Truman were concluded.

### ***Centennial of Birth of Franklin Delano Roosevelt***

#### **§ 9.4 A joint meeting commemorated the 100th anniversary of the birth of Franklin Delano Roosevelt.**

On Jan. 25, 1982,<sup>(1)</sup> Speaker Thomas P. O'Neill, Jr., of Massachusetts, announced that pursuant to the authority granted him in House Concurrent Resolution 220, he would designate the date of Jan. 28, 1982, as the day for the joint meeting to commemorate the 100th anniversary of the birth of Franklin Delano Roosevelt.

On Jan. 28, 1982,<sup>(2)</sup> the Speaker declared the House in recess sub-

1. 128 CONG. REC. 62, 97th Cong. 2d Sess.
2. 128 CONG. REC. at pp. 273-278, 97th Cong. 2d Sess. See also 92 CONG. REC. 8056-58, 79th Cong. 2d Sess., July 1, 1946 (proceedings of joint

ject to the call of the Chair. The following proceedings occurred:

#### RECESS

The SPEAKER. Pursuant to the order of the House of January 25, 1982, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

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#### JOINT MEETING OF THE 97TH CONGRESS IN COMMEMORATION OF THE 100TH ANNIVERSARY OF THE BIRTH OF FRANKLIN DELANO ROOSEVELT

During the recess the following proceedings took place in honor of the 100th anniversary of the birth of Franklin Delano Roosevelt, the Speaker of the House of Representatives presiding.

The U.S. Army Band (Pershing's Own), under the direction of Col. Eugene W. Allen, leader and commander, entered the door to the left of the Speaker, took the positions assigned to them, and presented a prelude concert.

The honored guests, the Honorable James Roosevelt, Mr. Elliott Roosevelt, Mrs. John Roosevelt, and grandchildren and great-grandchildren of the late President Franklin Delano Roosevelt, entered the door to the right of the Speaker and took the positions assigned to them.

The Doorkeeper, Hon. James P. Molloy, announced the Vice President

session to hold memorial services in honor of former President Roosevelt).

and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The SPEAKER. In accordance with House Concurrent Resolution 220, the joint meeting to commemorate the 100th anniversary of the birth of Franklin Delano Roosevelt will come to order. . . .

The SPEAKER. In closing, please remain standing and join the Midshipmen Glee Club in singing "God Bless America."

The U.S. Naval Academy Midshipmen Glee Club, accompanied by the Members and guests, rendered "God Bless America."

The SPEAKER. The Chair declares the joint meeting dissolved.

The honored guests, the members of the President's Cabinet, and the ambassadors, ministers, and charges d'affaires of foreign governments retired from the Chamber.

At 12 o'clock and 28 minutes p.m., the proceedings in commemoration of

the 100th anniversary of the birth of Franklin Delano Roosevelt were concluded. . . .

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PRINTING OF PROCEEDINGS  
HAD DURING RECESS

Mr. [Richard] BOLLING [of Missouri]. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER PRO TEMPORE.<sup>(3)</sup> Is there objection to the request from the gentleman from Missouri?

There was no objection.

*Anniversary of Theodore Roosevelt's Inauguration*

**§ 9.5 Form of unanimous-consent request providing a one-hour period as the first order of business for the purpose of paying tributes to the memory of Theodore Roosevelt on the 53d anniversary of his inauguration as President.**

On Feb. 26, 1958,<sup>(1)</sup> a unanimous-consent request was offered for time to be set aside on Mar. 4, 1958,<sup>(2)</sup> or a tribute to the memory of the late Theodore Roosevelt on the 53d anniversary of his inauguration.

Mr. [Leo W.] O'BRIEN of New York. Mr. Speaker, I ask unanimous consent

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3. John P. Murtha (PA).

1. 104 CONG. REC. 2926, 85th Cong. 2d Sess.

2. *Id.* at pp. 3388-92.

that on Tuesday, March 4, immediately after the reading of the Journal, 1 hour be reserved for tributes to the memory of the late Theodore Roosevelt, whose 53d inauguration anniversary will be observed on that date.

The SPEAKER.<sup>(3)</sup> Is there objection to the request of the gentleman from New York?

There was no objection.

### *Lincoln Inaugural*

#### **§ 9.6 A ceremony commemorating the 100th anniversary of Lincoln's second inauguration was held on the East Front of the Capitol.**

On Mar. 4, 1965,<sup>(1)</sup> Mr. Melvin Price, of Illinois, made the following announcement regarding the noontime ceremonies to commemorate the centennial of the second inauguration of President Lincoln:

COMMEMORATION OF THE  
100TH ANNIVERSARY OF THE  
2D INAUGURATION OF ABRAHAM  
LINCOLN

Mr. PRICE. I ask unanimous consent to address the House for 1 minute.

3. Sam Rayburn (TX).

1. 111 CONG. REC. 4206, 4240-45, 89th Cong. 1st Sess. See also 105 CONG. REC. 1209, 1210, 86th Cong. 1st Sess., Jan. 27, 1959 (H. Con. Res. 57, providing for arrangements to be made for a joint meeting celebrating the 150th birthday of Abraham Lincoln).

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, as the majority leader stated, at noon ceremonies will begin in commemoration of the 100th anniversary of the 2d inauguration of Abraham Lincoln. I hope all Members will have the opportunity to attend that ceremony at the east front of the Capitol. I urge the Members to encourage their office force to attend this ceremony. Not only are the Members of Congress invited to attend the ceremony, but the public as well.

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#### PROCEEDINGS IN CONNECTION WITH THE 100TH ANNIVERSARY OF THE 2D INAUGURATION OF ABRAHAM LINCOLN

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the proceedings in connection with the commemoration of the 100th anniversary of the 2d inauguration of Abraham Lincoln be printed in full in the body of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. [Leslie C.] ARENDS [of Illinois]. Mr. Speaker, reserving the right to object, will the membership of the House attend the ceremonies or are we going as individuals?

The SPEAKER. The Chair would say that the Members will attend individually.

Mr. ARENDS. I thank the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

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2. John W. McCormack (MA).

There was no objection. . . .

ANNOUNCEMENT

The SPEAKER. As the Members of the House know, shortly the ceremony in commemoration of the 100th anniversary of the 2d inauguration of Abraham Lincoln will take place on the east front steps of the Capitol. As the House is about to adjourn, Members may attend the exercises individually and of course, all Members are invited to attend. . . .

ADJOURNMENT

Mr. [Gillis W.] LONG of Louisiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 33 minutes a.m.), the House adjourned until tomorrow, Friday, March 5, 1965, at 12 o'clock noon.

COMMEMORATION CEREMONY OF THE 100TH ANNIVERSARY OF THE 2D INAUGURATION OF ABRAHAM LINCOLN, 1865-1965, MARCH 4, 1965, ON THE EAST FRONT OF THE CAPITOL, CITY OF WASHINGTON, HON. MELVIN PRICE, CHAIRMAN

Mr. PRICE. Ladies and gentlemen, that was, as always, an excellent and an appropriate performance by the U.S. Marine Band, under the conductorship of Lt. Col. Albert F. Schoepper. We will now open this part of the program commemorating the second inauguration of President Abra-

ham Lincoln, 100 years ago, with the invocation by the Reverend Bernard Braskamp, Chaplain of the House of Representatives.

INVOCATION BY DR. BERNARD BRASKAMP, CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

Psalm 112: 6: *The righteous shall be in everlasting remembrance.* . . .

Mr. PRICE. Ladies and gentlemen, the commemoration is ended.<sup>(3)</sup>

**§ 9.7 A joint resolution which provided for a ceremony to commemorate the 100th anniversary of Lincoln's second inaugural.**

On June 23, 1964,<sup>(1)</sup> Mr. Ray J. Madden, of Indiana, offered, by unanimous consent, a joint resolution regarding the 100th anniversary of Lincoln's second inaugural.

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent for the immediate consideration of House Joint Resolution 925, which would create a joint committee to commemorate the 100th

3. The ceremony included a reenactment of Abraham Lincoln's inauguration by actors.

For instances in which the Gettysburg Address was read by Members of Congress on the anniversary of the original address, see 91 CONG. REC. 10808, 79th Cong. 1st Sess., Nov. 19, 1945, and 87 CONG. REC. 9007, 77th Cong. 1st Sess., Nov. 19, 1941.

1. 110 CONG. REC. 14699, 14700, 88th Cong. 2d Sess.

anniversary of the second inaugural of Abraham Lincoln.

The Clerk read the House joint resolution, as follows:

Whereas March 4, 1965, will be the one hundredth anniversary of the second inauguration of Abraham Lincoln as President of the United States; and

Whereas President Lincoln in his inaugural address looked to the end of a great fratricidal struggle and spoke, "with malice toward none and charity for all," of "a just and lasting peace among ourselves and with all nations"; and

Whereas, in the administration he had completed, Abraham Lincoln had preserved the Union of the States, protected the Constitution of the United States, and demonstrated to all men everywhere the success of the American experiment in popular government; and

Whereas the previous actions of the Congress in observing the one hundred and fiftieth anniversary of the birth of this unique American and the one hundredth anniversary of his first inauguration as President had a vast and dramatic impact upon the people of this Nation and throughout the world; and

Whereas these observances advanced the appreciation and understanding of the history and heritage of this Nation; and

Whereas today a part of the aspirations which Abraham Lincoln held for the people of the United States has been achieved: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That on Wednesday, March 4 next, the one hundredth anniversary of Abraham Lincoln's second inauguration shall be commemorated by such observance as may be determined by the committee on arrangements in cooperation with the Na-

tional Civil War Centennial Commission, the Civil War Centennial Commission of the District of Columbia, and the Lincoln Group of the District of Columbia.

Immediately upon passage of this resolution, the President of the Senate shall appoint four Members of the Senate and the Speaker of the House shall appoint four Members of the House of Representatives jointly to constitute a committee on arrangements.

Immediately upon passage of this resolution and after the Members of the Senate and House have been appointed, the Speaker shall direct the committee on arrangements to meet and select a chairman from one of their own group and such other officers as will be appropriate and needed who will immediately proceed to plan in cooperation with the National Civil War Centennial Commission, the Civil War Centennial Commission of the District of Columbia, and the Lincoln Group of the District of Columbia, an appropriate ceremony, issue invitations to the President of the United States, the Vice President of the United States, Secretaries of departments, heads of independent agencies, offices, and commissions, the Chief Justice and Associate Justices of the Supreme Court, the diplomatic corps, assistant heads of departments, Commissioners of the District of Columbia, members of the Lincoln Group of the District of Columbia, centennial commissions from the various States, Civil War roundtables, State and local historical and patriotic societies, and such other students and scholars in the field of history as may have a special interest in the occasion, organize a reenactment of Mr. Lincoln's first inauguration on the eastern portico of the Capitol, select a speaker and other participants, prepare and publish a program and submit a report not later than June 1, 1965.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Indiana [Mr. MADDEN]?

Mr. MADDEN. Mr. Speaker, this House joint resolution creates a joint committee to commemorate the 100th anniversary of the second inaugural of Abraham Lincoln. March 4, 1965, will be the 100th anniversary of the second inauguration of the martyred President. In 1960 a resolution commemorating the first anniversary was enacted and the ceremony on March 4, 1961, extended to millions of people throughout the United States a reminder of historical facts concerning the great contribution Abraham Lincoln made to the Nation and the world.

This resolution will set up another commemoration of his accomplishments which will expand the appreciation and understanding of the history and heritage of the Nation during the period this great man was our leader.

There will be a special joint committee made up of four Members from the Senate and four Members from the House, and they in turn will select a chairman of the special committee to supervise this historical occasion.

This celebration and ceremony will take place on the East Portico of the Capitol on March 4, of next year.

Mr. Speaker, there are two technical and grammatical amendments to be considered. I yield to the gentleman from Iowa [Mr. SCHWENGEL] to offer those amendments.

Mr. [Frederick D.] SCHWENGEL [of Iowa]. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

2. John W. McCormack (MA).

Page 2, line 10, strike out "Immediately upon" and insert in lieu thereof "Upon".

Page 2, line 15, strike out "Immediately upon" and insert in lieu thereof "Upon".

Page 3, strike out line 2 and insert in lieu thereof the following: "the committee on arrangements shall".

The amendment was agreed to. . . .

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time, and passed.

A motion to reconsider was laid on the table.<sup>(3)</sup>

### *Anniversary of Jefferson's Birth*

#### **§ 9.8 Thomas Jefferson's first inaugural address was read to the House by a Member designated by the Speaker pursuant to a special order.**

On Apr. 14, 1948,<sup>(1)</sup> Mr. Carl Albert, of Oklahoma, was recognized to read Jefferson's first inaugural address:

The SPEAKER.<sup>(2)</sup> Pursuant to the order of the House of Monday, April 12, 1948, the Chair appoints the gentleman from Oklahoma [Mr. ALBERT]

3. *Parliamentarian's Note*: The Committee on Rules reported H.J. Res. 925 on Mar. 21, 1964 (H. Rept. No. 88-1421).
1. 94 CONG. REC. 4433, 4434, 80th Cong. 2d Sess.
2. Joseph W. Martin, Jr. (MA).

to read Jefferson's first inaugural address.

The Chair recognizes the gentleman from Oklahoma [Mr. ALBERT].

Mr. Albert read Jefferson's first inaugural address[.](<sup>3</sup>) . . .

On Apr. 14, 1947,<sup>(4)</sup> Mr. John E. Rankin, of Mississippi, was recognized to read Thomas Jefferson's first inaugural address:

The SPEAKER.<sup>(5)</sup> Pursuant to the order of the House, the Chair recognizes the gentleman from Mississippi [Mr. RANKIN] to read Thomas Jefferson's first inaugural address.<sup>(6)</sup>

**§ 9.9 Instance where the House agreed to meet at 2:30 p.m. instead of the usual noon meeting so that Members could attend dedication exercises of the Thomas Jefferson Memorial.**

On Apr. 10, 1943,<sup>(1)</sup> the following proceedings occurred on the floor of the House:

3. *Parliamentarian's Note*: The reading took 18 minutes.
4. 93 CONG. REC. 3347, 3348, 80th Cong. 1st Sess.
5. Joseph W. Martin, Jr. (MA).
6. See 93 CONG. REC. 3072, 80th Cong. 1st Sess., Apr. 2, 1947, where unanimous consent was granted that Jefferson's first inaugural address be read prior to the legislative program of Apr. 14, 1947, because Jefferson's birthday fell on Sunday, Apr. 13.
1. 89 CONG. REC. 3258, 78th Cong. 1st Sess. Remarks pertinent to the dedi-

HOUR OF MEETING, TUESDAY, APRIL 13, 1943

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday next it adjourn to meet on Tuesday, Apr. 13, 1943,<sup>(2)</sup> at 2:30 o'clock p. m. The reason for making this request is the dedication to take place that day of the Thomas Jefferson Memorial.

The SPEAKER.<sup>(3)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## § 10. Memorial Services

Following the death of a noted politician<sup>(1)</sup> or jurist,<sup>(2)</sup> the House and the Senate may provide for memorial services or commemorations in the Rotunda or elsewhere on the Capitol grounds by concurrent resolutions. For a comprehensive discussion of funeral services held in the House Chamber, see Ch. 38, *infra*. The various marks of respect that the House observes upon the death of Members of the House or of officers or officials of the House are also covered in that chapter.

The House has also observed moments of silence to commemorate the lives of soldiers, victims

of Jefferson Memorial were incorporated in the *Congressional Record* by unanimous consent.

2. See *Id.* at pp. 3335, 3336.
3. Sam Rayburn (TX).
1. See § 12, *infra*.
2. See § 11, *infra*.



of national tragedies, or notable individuals.<sup>(3)</sup>

Congress has memorialized the lives of fallen Capitol Police officers,<sup>(4)</sup> victims of the Holocaust<sup>(5)</sup> and victims of national tragedies with special occasions.<sup>(6)</sup>

## § 11. —Supreme Court Justices

The House has marked its respect for deceased justices of the Supreme Court by holding memorial services in the Hall of the House<sup>(1)</sup> and authorizing, by concurrent resolution, the use of the catafalque<sup>(2)</sup> for the lying in state

3. See § 13, *infra*.

4. See § 15, *infra*.

5. See § 14, *infra*.

6. See § 16, *infra*.

1. See § 11.2, *infra*.

2. The catafalque was originally constructed in 1865 to support the casket of Abraham Lincoln while the President's body lay in state in the Rotunda. It consists of a simple bier of rough pine boards nailed together and covered with black cloth. For many years the catafalque was kept below the House Crypt in a small vaulted chamber called Washington's Tomb, which was originally intended, but never used, as the burial place for the first President. In 2008, the catafalque was put on public display in the Capitol Visitors Center, where it currently remains.

of Supreme Court justices at the Supreme Court building.<sup>(3)</sup> The reader is encouraged to consult Ch. 38, *infra*, for further information on the deaths of Supreme Court Justices.

**§ 11.1 The House, by unanimous consent, considered and adopted a concurrent resolution authorizing the Architect of the Capitol to transfer the catafalque from the crypt of the Capitol to the Supreme Court for use in memorial services for the late Honorable William H. Rehnquist, Chief Justice of the United States.**

On Sept. 6, 2005,<sup>(1)</sup> the following proceedings took place:

3. See § 11.1, *infra*.

1. 151 CONG. REC. 19569, 109th Cong. 1st Sess.

For other instances where the House authorized use of the catafalque for Supreme Court Justices, see 145 CONG. REC. 3946, 106th Cong. 1st Sess., Mar. 9, 1999 (H. Con. Res. 45, former Associate Justice of the Supreme Court, Harry A. Blackmun); 143 CONG. REC. 15857, 15858, 105th Cong. 1st Sess., July 25, 1997 (H. Con. Res. 123, former Associate Justice of the Supreme Court, William J. Brennan); 141 CONG. REC. 17322, 104th Cong. 1st Sess., June 27, 1995 (S. Con. Res. 18, former Chief Justice of the Supreme Court, Warren Burger); and

Mr. [Tom] DeLAY [of Texas]. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 52) providing for the use of the catafalque situated in the crypt beneath the Rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable William H. Rehnquist, Chief Justice of the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 52

*Resolved by the Senate (the House of Representatives concurring),* That the Architect of the Capitol is authorized and directed to transfer to the custody of the Supreme Court of the United States the catafalque which is situated in the crypt beneath the Rotunda of the Capitol so that such catafalque may be used in the Supreme Court Building in connection with services to be conducted there for the late honorable William H. Rehnquist, Chief Justice of the United States.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

139 CONG. REC. 1146, 103d Cong. 1st Sess., Jan. 26, 1993 (H. Con. Res. 23, former Associate Justice of the Supreme Court, Thurgood Marshall).

2. Judith Biggert (IL).

**§ 11.2 Form of a concurrent resolution providing for the holding of memorial services for Justice Oliver Wendell Holmes.**

On Mar. 7, 1935,<sup>(1)</sup> Mr. Allen E. Treadway, of Massachusetts, sent to the desk a concurrent resolution and asked unanimous consent for its immediate consideration:

House Concurrent Resolution 15

*Resolved by the House of Representatives (the Senate concurring),* That for the purpose of holding memorial services in honor of the late Justice Oliver Wendell Holmes, the two Houses of Congress shall assemble in the Hall of the House of Representatives at a time to be fixed by the representatives of the Senate and House of Representatives in charge thereof.

That a joint committee consisting of five Members of the House of Representatives and five Members of the Senate shall be appointed by the Speaker of the House of Representatives and the President of the Senate, respectively, which is empowered to make suitable arrangements for fitting and proper exercises for the joint session of Congress herein authorized.

That invitations to attend the exercises be extended to the President of the United States of America and the members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the General of the Armies, the Chief of Staff of the Army,

1. 79 CONG. REC. 3169, 74th Cong. 1st Sess.

the Chief of Naval Operations, the Major General Commandant of the Marine Corps, and the Commandant of the Coast Guard, and such other persons as the joint committee on arrangements shall deem proper.

That the Chief Justice of the Supreme Court of the United States is hereby invited to address the American people at the joint session of the Congress in commemoration of the life and services of the late Justice Oliver Wendell Holmes.

The SPEAKER.<sup>(2)</sup> Is there objection to the present consideration of the House concurrent resolution?

There was no objection.

The House concurrent resolution was agreed to.

On motion by Mr. TREADWAY, a motion to reconsider the vote by which the House concurrent resolution was agreed to was laid on the table.

## § 12. —Current and Former Members of the House and the Senate

The House has marked its respect for deceased current and former Members of the House and the Senate in various ways,<sup>(1)</sup> including by holding memorial services in the Rotunda<sup>(2)</sup> and Statuary Hall<sup>(3)</sup> and by observing a

2. Joseph W. Byrns (TN).

1. See also 5 Hinds' Precedents §§ 7107–7138; 8 Cannon's Precedents §§ 3560–3565.

2. See § 12.3, *infra*.

3. See § 12.2, *infra*.

moment of silence.<sup>(4)</sup> Announcements of deaths in one-minute and special-order speeches, adoption of resolutions of sympathy, and resolutions providing for adjournment out of respect for a specified Member, are addressed in Ch. 38, *infra*.

### § 12.1 The Speaker took the floor (by unanimous consent pending operation of the previous question on passage of a bill) to announce the death of a Member.

On Mar. 25, 1998,<sup>(1)</sup> the following proceedings took place:

The CHAIRMAN pro tempore (Mr. SNOWBARGER).<sup>(2)</sup> Are there further amendments?

There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose[.] . . .

The SPEAKER pro tempore.<sup>(3)</sup> Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

(Mr. GINGRICH asked and was given permission to speak out of order.)

4. See § 12.1, *infra*.

1. 144 CONG. REC. 4668, 105th Cong. 2d Sess.

2. Vincent Snowbarger (KS).

3. Ray LaHood (IL).

**Ch. 36 § 12**      DESCHLER-BROWN-JOHNSON PRECEDENTS

ANNOUNCEMENT OF PASSING OF  
CONGRESSMAN STEVE SCHIFF

Mr. [Newt] GINGRICH [of Georgia]. Mr. Speaker, I have the sad duty to inform the House that earlier today, Steve Schiff, our colleague, died in Albuquerque. All of my colleagues know he fought a very, very long and very courageous struggle against cancer.

I had an opportunity to talk just a few minutes ago with his wife, and the family is bearing up very, very well. His staff has been wonderful in a very difficult situation for over a year, and has done really courageous work in representing Steve and representing the district.

Mr. Speaker, I would like to ask the House to join me in a moment of silent prayer for Steve and his family, and then afterwards I will comment further.

Amen.

Let me just say, that Mrs. Schiff indicated they will decide later on this evening whether the funeral will be on Friday or on Monday. Obviously, the House will suspend for the purposes of the funeral, and we will invite Members who care to go, to go and join the family at that time.

It is a very sad time for all of us, and I think that those of us who knew Steve well knew the integrity, the decency, the love for this country that he brought to the job of Representative, the degree to which he gave all of us honor in the way in which he served. And I know that all of my colleagues will want to reach out in their own way to the Schiff family and to the people of New Mexico and, in particular, as I said a minute ago, to the very fine staff who has just truly done

heroic work over the last year under the most difficult possible circumstances.

I know that my colleagues will want to join in prayers for Mrs. Schiff and for the immediate family. We will report more as we learn more.

Mr. [Steny H.] HOYER [of Maryland]. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I know on this side of the aisle, we join all of our colleagues on that side of the aisle. All of us, in losing a colleague, share the sadness and share the concern for our colleague's family.

Mr. Speaker, another one of our colleagues is grieving this day as well, as many probably know. The family of the gentleman from Maryland (Mr. CARDIN) lost their son, 30 years of age, last night and buried him this afternoon. So as we pray for our colleague and for the Schiff family, if we could remember the Cardin family as well, I know they would appreciate it. I thank the gentleman from Georgia (Mr. GINGRICH) for yielding.

Mr. GINGRICH. Mr. Speaker, reclaiming my time, I thank the gentleman from Maryland (Mr. HOYER) for briefing us and I thank the House for its attention.

ANNOUNCEMENT BY THE SPEAKER PRO  
TEMPORE

The SPEAKER pro tempore. The Chair would announce that following final passage of this bill, a resolution will be offered by the gentleman from New Mexico (Mr. SKEEN).

**§ 12.2 Notification to Members  
of a memorial service for a**

**deceased former Member of the House to be held in Statuary Hall.**

On Apr. 24, 1991,<sup>(1)</sup> the following proceedings took place:

ANNOUNCEMENT OF MEMORIAL SERVICES FOR RICHARD BOLLING

Mr. [Alan] WHEAT [of Missouri]. Mr. Speaker, it is always a sad occasion when a Member of this body dies, and this last Sunday one of the most distinguished Members of this body passed away. Our former colleague, Richard Bolling, who served in this House of Representatives from 1948 until 1982, passed away this past Sunday.

Mr. Speaker, I want to notify my colleagues that there will be two memorial services on his behalf. The first will be held this afternoon at 4 o'clock p.m. in Statuary Hall in the Capitol of the United States. The second memorial service will be held in his home district this Friday afternoon, 1 o'clock, at the Unitarian Church in Kansas City. Members of Congress, friends, family, and, of course, the general public are all invited to attend.

**§ 12.3 By unanimous consent, the House considered a concurrent resolution permitting the remains of a sitting Member and former Senator to lie in state in the Rotunda of the Capitol.**

1. 137 CONG. REC. 9006, 102d Cong. 1st Sess.

On May 31, 1989,<sup>(1)</sup> the following proceedings took place:

Mr. [Thomas S.] FOLEY [of Washington]. Madam Speaker, I offer a concurrent resolution (H. Con. Res. 139) permitting the remains of the Honorable Claude Pepper, to lie in state in the Rotunda of the Capitol in recognition of his distinguished service, and I ask unanimous-consent for its immediate consideration.

The SPEAKER pro tempore.<sup>(2)</sup> The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. CON. RES. 139

*Resolved by the House of Representatives (the Senate concurring),* That in recognition of the long and distinguished service rendered to the Nation by Claude Pepper, a Representative from the State of Florida and formerly a Senator from that State, his remains be permitted to lie in state in the rotunda of the Capitol from June 1 until June 2, 1989, and the Architect of the Capitol under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

1. 135 CONG. REC. 10416-18, 10430, 101st Cong. 1st Sess. See also Ch. 38 Appendix, *infra*.

*Parliamentarian's Note:* Mr. Pepper was the first sitting House member since Thaddeus Stevens in 1868 to lie in state in the Rotunda of the Capitol.

2. Mary Rose Oakar (OH).

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington [Mr. FOLEY] is recognized for 1 hour.

Mr. FOLEY. Mr. Speaker, I yield such time as I may consume. . . .

Mr. FOLEY. Madam Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOLEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. (Ms. OAKAR). Pursuant to clause 5, rule I, further proceedings of this question will be postponed until approximately 3 p.m. or at the end of legislative business today. . . .

The SPEAKER pro tempore (Ms. OAKAR). The pending business is the question on agreeing to House Concurrent Resolution 139.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the concurrent resolution, House Concurrent Resolution 139, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 36. . . .

So the concurrent resolution was agreed to.

§ 13. —Moments of Silence

The House has observed moments of silence as a way to honor

notable individuals,<sup>(1)</sup> fallen heroes and soldiers of wars,<sup>(2)</sup> and victims of national tragedies.<sup>(3)</sup> In one instance, the House stood in silent prayer in observance of the Nazi invasion of France.<sup>(4)</sup>

*Coretta Scott King*

§ 13.1 The Chair asked Members to observe a moment of silence in memory of Coretta Scott King, wife of civil rights leader Martin Luther King, Jr., on occasion of her death.

On Jan. 31, 2006,<sup>(1)</sup> the following proceedings took place:

MOMENT OF SILENCE IN MEMORY OF MRS. CORETTA SCOTT KING

The SPEAKER.<sup>(2)</sup> In memoriam to the death this morning of Mrs. Coretta Scott King, I ask all Members to stand and observe a moment of silence.

*Moment of Silence to Mark Iraq War Losses*

§ 13.2 Instance of moment of silence to commemorate the

1. See §§ 13.1, 13.3, *infra*.
2. See §§ 13.2, 13.4, *infra*.
3. See §§ 13.5–13.7, *infra*.
4. See § 13.8, *infra*.
1. 152 CONG. REC. 402, 109th Cong. 2d Sess.
2. J. Dennis Hastert (IL).

### **loss of 2,500 American soldiers in the Iraq War.**

On June 15, 2006,<sup>(1)</sup> in the midst of general debate on House Resolution 861, the following proceedings took place:

Mr. [John P.] MURTHA [of Pennsylvania]. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. [Ike] SKELTON [of Missouri]. I thank the gentleman for yielding.

Mr. Speaker, the media just reported the sad news that we have just reached a sad milestone: 2,500 Americans have lost their lives in the Iraq war. Mr. Speaker, I respectfully ask at the outset of this very important debate that the House observe a moment of silence for all those who have given the ultimate sacrifice on behalf of our country.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Missouri?

There was no objection.

### ***Rosa Parks***

#### **§ 13.3 A Member asked the Chair to lead the House in a moment of silence in memory of the passing of Rosa Parks.**

On Oct. 25, 2005,<sup>(1)</sup> the Chair asked Members to rise for a moment of silence:

1. 152 CONG. REC. 11412, 109th Cong. 2d. Sess.
2. Michael K. Simpson (ID).
1. 151 Cong. Rec. 23629, 109th Cong. 2d Sess.

#### **ANNOUNCING THE PASSING OF ROSA LOUISE PARKS**

(Mr. CONYERS asked and was given permission to address the House for 1 minute.)

Mr. [John] CONYERS [Jr., of Michigan]. Mr. Speaker, I am sorry to announce the passing of Rosa Louise Parks yesterday evening, and I would like to announce that we have already prepared a Special Order immediately following the business tomorrow, and we invite all of the Members on both sides of the aisle to attend.

#### **MOMENT OF SILENCE IN MEMORY OF ROSA LOUISE PARKS**

Mr. CONYERS. Mr. Speaker, may I ask for the Speaker to call for a moment of silence in memory of Rosa Louise Parks.

The SPEAKER.<sup>(2)</sup> Would Members please rise and join me in a moment of silence in memory of Mrs. Rosa Louise Parks.

### ***Memorial Day***

#### **§ 13.4 The Chair asked Members to observe a moment of silence in honor of Memorial Day and fallen heroes.**

On May 20, 2004,<sup>(1)</sup> the Speaker made the following request:

The SPEAKER pro tempore.<sup>(2)</sup> The Chair would ask the House to observe

2. J. Dennis Hastert (IL).
1. 150 CONG. REC. 10639, 108th Cong. 2d. Sess. For additional information on federal holidays, see § 3, *supra*.
2. Michael K. Simpson (ID).

a moment of silence in honor of Memorial Day and our fallen heroes.

The House also on that day,<sup>(3)</sup> by unanimous consent permitted all Members to insert remarks and extraneous material in the *Congressional Record* on fallen heroes (the topic of a later special-order speech).

Mr. [James T.] WALSH [of New York]. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on a special order speech on the topic of fallen heroes and that all such remarks be printed in the *Congressional Record* of May 20, 2004.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. [Charles B.] RANGEL [of New York]. Mr. Speaker, reserving the right to object and I will not object, I just want to take this opportunity to thank my friend and colleague from New York for affording this House the opportunity to express ourselves on this Memorial Day in honor of these fallen heroes. I appreciate working with him and I thank him very much for this opportunity.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.<sup>(4)</sup>

3. 150 CONG. REC. 10639, 108th Cong. 2d. Sess.
4. In recent practice, the House has observed monthly moments of silence for fallen heroes.

### *Victims of Mining Accident*

#### **§ 13.5 A Member took the floor for one minute by unanimous consent to initiate a moment of silence for the fates of nine miners trapped in a well for over 48 hours.**

On July 26, 2002,<sup>(1)</sup> the following proceedings took place:

MOMENT OF SILENCE FOR MINERS  
TRAPPED IN SOMERSET, PENNSYLVANIA

Mr. [Christopher] SHAYS [of Connecticut]. Mr. Chairman, in consultation with the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Pennsylvania (Mr. GEKAS), I ask for a moment of silence for the 9 miners in Somerset, Pennsylvania, trapped 240 feet underground. They have been trapped there for over 48 hours under very extreme conditions.

Mr. Chairman, this is in the district of the gentleman from Pennsylvania (Mr. MURTHA), and he and others in this Chamber request the prayers of the Members of this Chamber for those miners, for their families, and for the heroic work of our rescue workers.

I ask for a moment of silence.

The CHAIRMAN pro tempore.<sup>(2)</sup> Would all Members please stand.

### *Victims of Anthrax Attacks on Postal Service*

#### **§ 13.6 A Member took the floor for one minute by unanimous**

1. 148 CONG. REC. 14945, 107th Cong. 2d Sess.
2. John Linder (GA).



**consent to initiate a moment of silence in memory of the loss of Postal Service employees' lives to anthrax exposure resulting from "terrorist" mailings.**

On Oct. 23, 2001,<sup>(1)</sup> the following proceedings took place:

**MOMENT OF SILENCE TO HONOR POSTAL SERVICE EMPLOYEES**

(Mr. WAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. [Zach] WAMP [of Tennessee]. Mr. Speaker, I think it would be appropriate tonight with this many Members present and with our new Members present and on the job, if we as a body, in a unified way, stood together for a moment of silence in memory of the Postal Service employees that have lost their lives; and in honor of all of the families and all of those U.S. Postal Service employees around the country that work for us day in and day out, that we would bow our heads as the United States Congress in their honor and in their memory and pray for our country at this time in our country's history. Please stand.

***Victims of Oklahoma City Bombing***

**§ 13.7 After the prayer and before the approval of the Journal, the Speaker re-**

1. 147 CONG. REC. 20398, 107th Cong. 1st Sess.

**quested the House to join in a silent prayer for 168 seconds in honor and memory of the 168 Americans who died when a bomb exploded in a Federal building in Oklahoma City.**

On Apr. 19, 1996,<sup>(1)</sup> the following proceedings took place:

**MOMENT OF SILENCE IN TRIBUTE TO OKLAHOMA CITY BOMBING VICTIMS**

The SPEAKER.<sup>(2)</sup> The Chair asks the House to join in a silent prayer for 168 seconds in honor and memory of the 168 Americans who died 1 year ago in Oklahoma City.

***Nazi Occupied France***

**§ 13.8 The House stood for one minute in silent prayer in observance of the invasion of Nazi-occupied France by our troops during World War II.**

On June 6, 1944,<sup>(1)</sup> Mr. John W. McCormack, of Massachusetts, asked in a one-minute speech that the Members of the House stand in prayer.

Mr. McCORMACK. Mr. Speaker, at this dramatic, historic, and eventful moment, I ask that the Members of the House stand in silent prayer.

1. 104 CONG. REC. 8224, 104th Cong. 2d Sess.
2. Newt Gingrich (GA).
1. 90 CONG. REC. 5387, 78th Cong. 2d Sess.

The Members of the House rose and stood for 1 minute in silent prayer.

EUROPEAN INVASION

Mr. [Joseph W.] MARTIN [Jr.], of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER.<sup>(2)</sup> Without objection, it is so ordered.

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, this is an anxious day for the people of America. It is a day of anxiety for liberty-loving people all over the world.

The fighting men and women of America and the Allied armies have landed on the historic shores of northern France. They have commenced the long trail which we have every reason to believe will not end until they enter victoriously the Hitler capital of Berlin.

## § 14. —Holocaust Days of Remembrance

The House has provided for a ceremony in the Capitol Rotunda to mark the annual Days of Remembrance of Victims of the Holocaust. The ceremony is generally held on or around the 27th of April. Holocaust survivors and liberators, members of Congress, White House officials, members of the diplomatic corps and community leaders are in attendance at the ceremony.

2. Sam Rayburn (TX).

A concurrent resolution is needed to authorize the use of the Rotunda for the ceremony.

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### § 14.1 The House considered by unanimous consent and adopted a Senate concurrent resolution providing that the Capitol Rotunda be available at a certain time for a ceremony to commemorate the Days of Remembrance of Victims of the Holocaust.

On Mar. 26, 1979,<sup>(1)</sup> the House first authorized the use of the Rotunda for a ceremony to commemorate the days of remembrance of victims of the Holocaust, as follows:

1. 125 CONG. REC. 6231, 96th Cong. 1st Sess.

For additional examples of concurrent resolutions authorizing the use of the Capitol Rotunda for the Days of Remembrance commemoration, see, *e.g.*, 149 CONG. REC. 4384–86, 108th Cong. 1st Sess., Feb. 25, 2003 (H. Con. Res. 40); 148 CONG. REC. 1053–55, 107th Cong. 2d Sess., Feb. 12, 2002 (H. Con. Res. 325); 147 CONG. REC. 1040–43, 107th Cong. 1st Sess., Jan. 31, 2001 (H. Con. Res. 14); 146 CONG. REC. 248, 249, 106th Cong. 2d Sess., Jan. 31, 2000 (H. Con. Res. 244); 145 CONG. REC. 1514–16, 106th Cong. 1st Sess., Feb. 2, 1999 (H. Con. Res. 19); 144 CONG. REC. 3043, 3044, 105th Cong. 2d Sess., Mar. 10, 1998 (H. Con. Res.

COMMEMORATION OF DAYS OF  
REMEMBRANCE OF VICTIMS  
OF HOLOCAUST

Mr. [Sidney R.] YATES [of Illinois]. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 16) relating to a ceremony to be held in the Capitol rotunda as part of the commemoration of the Days of Remembrance of Victims of the Holocaust, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 16

Whereas, Public Law 95-371 designates April 28 and 29 of 1979 as "Days of Remembrance of Victims of the Holocaust";

Whereas, on November 1, 1978, the President of the United States

206); 143 CONG. REC. 4688, 4689, 105th Cong. 1st Sess., Mar. 21, 1997 (H. Con. Res. 11); 141 CONG. REC. 5643, 5644, 104th Cong. 1st Sess., Feb. 23, 1995 (H. Con. Res. 20); 137 CONG. REC. 5785-87, Mar. 12, 1991 (H. Con. Res. 45); 135 CONG. REC. 7538, 7539, 101st Cong. 1st Sess., Apr. 26, 1989 (H. Con. Res. 50); 133 CONG. REC. 4139, 4140, 100th Cong. 1st Sess., Feb. 26, 1987 (H. Con. Res. 49); and 128 CONG. REC. 5899, 5900, 97th Cong. 2d Sess. Mar. 30, 1982 (H. Con. Res. 299).

2. Thomas P. O'Neill, Jr. (MA).

established the President's Commission on the Holocaust, which was charged with the responsibility of recommending appropriate ways for the nation to commemorate the Days of Remembrance of Victims of the Holocaust;

Whereas, the President's Commission has recommended that a one-half hour ceremony be held in the Capitol Rotunda on April 24, consisting of prayers, speeches, readings and musical presentations as part of the Days of Remembrance activities;

Whereas, the President's Commission has recommended that the United States Senate and United States House of Representatives should stand in recess during the ceremony: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That from noon on April 24, 1979, the Capitol Rotunda shall be available until 1:00 p.m. for a ceremony as part of the commemoration of the Days of Remembrance of Victims of the Holocaust. . . .

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## § 15. —Honoring Slain Capitol Police Officers

Capitol Police officers John Michael Gibson and Jacob Joseph Chestnut were slain in the line of duty by an intruder armed with a gun at 3:40 p.m. on July 24, 1998. The House adopted House Concurrent Resolution 310, honoring the officers in a number of ways: by authorizing the Sergeant at Arms to make payments in connection

with funeral expenses, authorizing the Chief Administrative Officer to pay a gratuity to their surviving spouses,<sup>(1)</sup> and authorizing the use of the Rotunda for a memorial service<sup>(2)</sup> in memory of the officers. The House also adopted House Concurrent Resolution 311 honoring the memory of the officers and marking the day's adjournment in respect of their memory.<sup>(3)</sup>

The bodies of Officers Chestnut and Gibson were placed "in honor" in the Capitol Rotunda. The distinction of "lying in honor" was created for the occasion and served to distinguish this event from those where the bodies of government officials "lay in state."

On Oct. 15, 1998, the House adopted a concurrent resolution redesignating the United States Capitol Police headquarters building as the "Eney, Chestnut, Gibson Memorial Building".<sup>(4)</sup> In the year following the shootings, the House adopted a concurrent resolution designating the Document Door of the Capitol as the Chestnut-Gibson "Memorial Door".<sup>(5)</sup>

The Speaker has led the House in a moment of silence at 3:40

1. See Ch. 38, § 3.5 *infra*.
2. *Ibid*.
3. See 144 CONG. REC. 17440-67, 105th Cong. 2d Sess., July 27, 1998.
4. See § 22.3, *infra*.
5. See § 22.2, *infra*.

p.m. on the anniversary of the shootings.<sup>(6)</sup>

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**§ 15.1 The House by unanimous consent adopted a Senate concurrent resolution providing for the printing and distribution of eulogies for the two slain police officers.**

On July 27, 1998,<sup>(1)</sup> the following proceedings took place:

PRINTING OF EULOGIES AND  
TEXT OF MEMORIAL SERVICES  
AS TRIBUTE TO DETECTIVE  
JOHN MICHAEL GIBSON AND  
PRIVATE FIRST CLASS JACOB  
JOSEPH CHESTNUT OF THE  
UNITED STATES CAPITOL POLICE

Mr. [Bill] THOMAS [of California].  
Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 112) to authorize the printing of the eulogies of the Senate and the House of Representatives for Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut.

6. See, *e.g.*, 152 CONG. REC. 15548, 109th Cong. 2d Sess., July 24, 2006; 151 CONG. REC. 17180, 109th Cong. 1st Sess., July 25, 2005; 149 CONG. REC. 19461, 19462, 108th Cong. 1st Sess., July 24, 2003; 147 CONG. REC. 14308, 107th Cong. 1st Sess., July 24, 2001; and 146 CONG. REC. 15902, 106th Cong. 2d Sess., July 24, 2000.
1. 144 CONG. REC. 17467, 17468, 105th Cong. 2d. Sess.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 112

*Resolved by the Senate (the House of Representatives concurring),* That the eulogies for Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police, as expressed in the House of Representatives and the Senate together with the text of the memorial services, shall be printed as a tribute to Detective Gibson and Officer Chestnut, with illustrations and suitable binding. The document shall be prepared under the direction of the Joint Committee on Printing. These shall be printed 300 casebound copies; 50 to be delivered to each of the families of Detective Gibson and Officer Chestnut, and 200 for the use of the United States Capitol Police.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

**§ 15.2 After the prayer, approval of the Journal, and the pledge of allegiance to the flag on a second legislative day dedicated to honoring the memory of Officers Chestnut and Gibson, the Chair (1) entertained one-minute speeches and five-**

2. Newt Gingrich (GA).

**minute special order speeches; (2) declared a recess until a time certain; (3) after the recess entertained a motion for a call of the House; (4) declared another recess during which Members proceeded to the Rotunda for a viewing of the slain officers; (5) adjourned in honor of the memory of the two slain officers; and (6) announced that Members would proceed *en masse* through the double doors opposite the rostrum to a memorial service in the Rotunda.**

On July 28, 1998,<sup>(1)</sup> the Chair entertained one-minute speeches and five-minute special order speeches and then declared a recess until a time certain:

ANNOUNCEMENT BY THE  
SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(2)</sup> The chair would now entertain 1-minute requests and then 5-minute special orders until 11:30. . . .

RECESS

The SPEAKER pro tempore (Mr. BURR of North Carolina). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 11:30 a.m.

1. 144 CONG. REC. 17480–82, 17500, 17501, 105th Cong. 2d Sess.
2. Richard Burr (NC).

**Ch. 36 § 15**      DESCHLER-BROWN-JOHNSON PRECEDENTS

Accordingly (at 10 o'clock and 17 minutes a.m.), the House stood in recess until approximately 11:30 a.m.

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**AFTER RECESS**

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Burr of North Carolina) at 11 o'clock and 30 minutes a.m.

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**CALL OF THE HOUSE**

Mr. [Ken] CALVERT [of California]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 341] . . .

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**ANNOUNCEMENT BY THE  
SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Members will proceed through the center doors to the Rotunda for the viewing of Detective John Gibson and Officer Jacob Chestnut.

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**RECESS**

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until approximately 1 p.m.

Accordingly (at 11 o'clock and 56 minutes a.m.) the House stood in recess until approximately 1 p.m.

**AFTER RECESS**

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Burr of North Carolina) at 1 p.m. . . .

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**ADJOURNMENT**

Mr. [Gil] GUTKNECHT [of Minnesota]. Mr. Speaker, in honor of the memory of John Michael Gibson and Jacob Joseph Chestnut, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GUTKNECHT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 0, answered “present” 1, not voting 41, as follows:

[Roll No. 342] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

(Following adjournment of the House, the Speaker pro tempore announced that Members should proceed through the double doors to the memorial service).

**§ 16. —Honoring Victims  
of National Tragedies**

The House has honored the victims of national tragedies in a variety of ways, including moments

of silence<sup>(1)</sup> and authorizing the use of the Capitol grounds for memorial services for fallen peace officers.<sup>(2)</sup>

The House marked the terrorist attacks of Sept. 11, 2001, with several ceremonies and observances. On the calendar day following the attacks, the House adopted a joint resolution that condemned the attacks, declared Sept. 12, 2001, a National Day of Unity and Mourning, and marked the day's adjournment out of respect of the victims of the attacks.<sup>(3)</sup> On that same date, the House also agreed to a concurrent resolution authorizing the use of the Capitol Rotunda for a prayer vigil in memory of those who lost their lives in the events.<sup>(4)</sup>

The House marked the one-year anniversary of the attacks with a special ceremonial meeting of the House and Senate in Federal Hall in New York, New York.<sup>(5)</sup> In ensuing years, the House has traditionally observed a moment of silence on or around the year anniversary of the attacks.<sup>(6)</sup>

1. See § 13, *supra*.
2. See § 16.1, *infra*.
3. See § 16.3, *infra*. See also Ch. 39, *infra*.
4. See § 16.2, *infra*.
5. See § 16.4, *infra*.
6. See, *e.g.*, 151 CONG. REC. 19779, 109th Cong., 1st Sess., Sept. 8, 2005;

### ***National Peace Officers' Memorial Service***

#### **§ 16.1 By concurrent resolution, the House authorized the use of the Capitol Grounds for the annual National Peace Officers' Memorial Service.**

The Fraternal Order of Police Auxiliary has hosted the National Police Officers' Memorial Service on the steps of the Capitol. The use of the Capitol grounds for the service was authorized by concurrent resolution. The ceremony honored those Federal, State, and local law enforcement officers who were killed in the line of duty during the course of the previous year.

On May 10, 2005,<sup>(1)</sup> the following proceedings took place:

#### AUTHORIZING USE OF CAPITOL GROUND FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. [Charlie] DENT [of Pennsylvania]. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 136) authorizing the use of the Capitol

150 CONG. REC. 17851, 108th Cong. 2d Sess., Sept. 9, 2004; 149 CONG. REC. 21835, 108th Cong., 1st Sess., Sept. 11, 2003; and 148 CONG. REC. 16567, 107th Cong. 2d. Sess., Sept. 11, 2002.

1. 151 CONG. REC. H3077-79, 109th Cong. 1st Sess.

Grounds for the National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 136

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.**

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, the 24th annual National Peace Officers' Memorial Service (in this resolution referred to as the "event"), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2004.

(b) DATE OF EVENT.—The event shall be held on May 15, 2005, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

**SEC. 2. TERMS AND CONDITIONS.**

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

**SEC. 3. EVENT PREPARATIONS.**

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

**SEC. 4. ENFORCEMENT OF RESTRICTIONS.**

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentlewoman from Pennsylvania (Ms.

2. Shelley Moore Capito (WV).

SCHWARTZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Concurrent Resolution 136 authorizes the use of the Capitol grounds for the annual National Peace Officers' Memorial Service to take place on May 15, 2005. The Grand Lodge of the Fraternal Order of Police and its auxiliary are the sponsors wishing to honor some of America's bravest men and women. The memorial service will honor the 154 Federal, State, and local law enforcement officers who made the ultimate sacrifice while protecting their communities in 2004. . . .

Mr. DENT. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 136.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

***Terrorist Attacks of September 11, 2001***

**§ 16.2 The House by unanimous consent agreed to a concurrent resolution authorizing the use of the Rotunda for a prayer vigil in**



**memory of those who lost their lives in the events of Sept. 11, 2001.**

On the legislative day of Sept. 11, 2001,<sup>(1)</sup> the following proceedings took place:

PERMITTING USE OF ROTUNDA OF CAPITOL FOR PRAYER VIGIL IN MEMORY OF THOSE WHO LOST THEIR LIVES IN THE EVENTS OF SEPTEMBER 11, 2001

Mr. [Robert W.] NEY [of Ohio]. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 223) permitting the use of the rotunda of the Capitol for a prayer vigil in memory of those who lost their lives in the events of September 11, 2001, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Ohio?

Mr. [Steny H.] HOYER [of Maryland]. Mr. Speaker, reserving the right to object, and obviously I will not nor do I intend to object, but I want to reserve the right to object so the gentleman from Ohio (Mr. NEY) can kindly explain the purpose of the concurrent resolution.

Mr. [Robert W.] NEY [of Ohio]. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, House Concurrent Resolution 223 permits the use of the Capitol rotunda for a prayer vigil in memory of those who lost their lives in yesterday's tragic act of terrorism against the United States.

This country has suffered the most terrible and horrific terrorist attack in its history. Although we still do not know the full story, these unspeakable acts of brutality strike at the very heart of our society. Our heartfelt prayers and sympathy go out to all who have been directly touched by this tragedy and their families.

Prayer can now be the source of unification and peace for a Nation that is beginning the healing process. The rotunda in our Nation's Capitol is a symbol of unification. House Members, Senators and the American people have historically gathered there for solemn occasions. It is, therefore, fitting that the people's representatives from both bodies gather together there today. No matter what the troubles in the world, you can have peace with God and you can achieve it with prayer.

My fellow colleagues, please join me and the millions across the country and the world as we remember those who died in a senseless and cowardly act of terrorism. May their memory serve as a reminder that the American spirit lives on and cannot be extinguished.

Mr. HOYER. Mr. Speaker, further reserving the right to object, I, of course, concur in the Chairman's characterization of the resolution.

It is appropriate that we authorize the use of the rotunda of the Capitol, the center and heart of this Nation's

1. 147 CONG. REC. 16761, 16762, 107th Cong. 1st Sess.

2. Ray LaHood (IL).

Capitol, to remember those who have paid the final price for living in freedom and defending freedom.

Our democracy, of course, will not crumble in the face of this disaster. Our democracy will endure this test and emerge stronger and more dedicated to freedom and justice throughout the world.

We do this to honor and remember those of our fellow citizens, those who live among us who perished yesterday, and those whose lives have been forever changed by grievous acts of cowardice.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 223

*Resolved by the House of Representatives (the Senate concurring),* That the rotunda of the Capitol is authorized to be used at any time on September 12, 2001, for a prayer vigil in memory of those who lost their lives in the events of September 11, 2001. Physical preparations for the vigil shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 16.3 Special order by unanimous consent for consideration of unREFERRED joint res-**

**olution: (1) expressing sense of Congress on terrorist attacks of Sept. 11, 2001; (2) declaring Sept. 11, 2001 a National Day of Unity and Mourning; and (3) marking the day's adjournment out of respect of the victims of terrorist attacks.**

On the legislative day of Sept. 11, 2001,<sup>(1)</sup> the following proceedings took place:

Mr. [Dick] ARMEY [of Texas]. Mr. Speaker, I offer a joint resolution (H. J. Res. 61), expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001, and I ask unanimous consent for its immediate consideration pursuant to the following order:

Debate on the joint resolution shall be limited to 3 hours equally divided and controlled by the majority leader and the minority leader;

After opening speeches, the majority leader and the minority leader each may yield the remainder of his time to the chairman and ranking minority member of the Committee on International Relations, respectively, who may control that time;

The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion; and

Following passage of the joint resolution and upon receipt of a message

1. 147 CONG. REC. 16762, 16851-53, 107th Cong. 1st Sess.

that the Senate has passed an identical joint resolution, the House shall be considered to have passed the Senate joint resolution.

The SPEAKER pro tempore.<sup>(2)</sup> The Clerk will report the joint resolution.<sup>(3)</sup>

The Clerk read as follows:

H.J. RES. 61

Whereas on September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.;

Whereas thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders;

Whereas these attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon; and

Whereas these attacks were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our Nation and weaken its resolve: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—*

(1) condemns in the strongest possible terms the terrorists who

planned and carried out the September 11, 2001, attacks against the United States, as well as their sponsors;

(2) extends its deepest condolences to the victims of these heinous and cowardly attacks, as well as to their families, friends, and loved ones;

(3) is certain that the people of the United States will stand united as our Nation begins the process of recovering and rebuilding in the aftermath of these tragic acts;

(4) commends the heroic actions of the rescue workers, volunteers, and State and local officials who responded to these tragic events with courage, determination, and skill;

(5) declares that these premeditated attacks struck not only at the people of America, but also at the symbols and structures of our economic and military strength, and that the United States is entitled to respond under international law;

(6) thanks those foreign leaders and individuals who have expressed solidarity with the United States in the aftermath of the attacks, and asks them to continue to stand with the United States in the war against international terrorism;

(7) commits to support increased resources in the war to eradicate terrorism;

(8) supports the determination of the President, in close consultation with Congress, to bring to justice and punish the perpetrators of these attacks as well as their sponsors; and

(9) declares that September 12, 2001, shall be a National Day of Unity and Mourning, and that when Congress adjourns today, it stands adjourned out of respect to the victims of the terrorist attacks.

□ 1500

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

2. Ray LaHood (IL).

3. *Parliamentarian's Note*: The last paragraph after the resolved clause of the joint resolution contained a commemorative banned under Rule XII clause 5 (*House Rules and Manual* § 823 (2007)).

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARMEY) and the gentleman from Missouri (Mr. GEPHARDT) each will control 90 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a time when we should choose our words carefully and deliver them deliberately. . . .

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. [Christopher H.] SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 22, as follows:

[Roll No. 338] . . .

The SPEAKER pro tempore (Mr. SIMPSON).<sup>(4)</sup> Pursuant to the order of the House of earlier today, S.J. Res. 22 is passed.

Without objection, the motion to reconsider S.J. Res. 22 is laid on the table, and H.J. Res. 61 is laid on the table.

There was no objection. . . .

ADJOURNMENT OUT OF RESPECT TO VICTIMS OF TERRORIST ATTACKS

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that, consistent

4. Michael K. Simpson (ID).

with the language of the joint resolution just passed, when the House adjourns on this legislative day, it stand adjourned out of respect to the victims of the terrorist attacks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the previous order of the House, the House stands adjourned until 10 a.m. today out of respect to the victims of the terrorist attacks.

Accordingly (at 1 o'clock and 10 minutes a.m.) on Thursday, September 13, 2001, (legislative day of Tuesday, September 11, 2001), under its previous order, the House adjourned until today, September 13, 2001, at 10 a.m. out of respect to the victims of the terrorist attacks.

§ 16.4 The House, by unanimous consent, considered and adopted a concurrent resolution (unreferred) providing that the Congress “conduct a special meeting in Federal Hall in New York, New York” on Sept. 6, 2002, in remembrance of Sept. 11, 2001.

On July 25, 2002,<sup>(1)</sup> Rep. Dick Arme y, of Texas, offered the following concurrent resolution:

PROVIDING FOR A SPECIAL MEETING OF THE CONGRESS IN NEW YORK, NEW YORK ON FRIDAY, SEPTEMBER 6, 2002 IN REMEMBRANCE OF SEPTEMBER 11, 2001

Mr. ARMEY. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 448) providing for representation by Congress at a special meeting<sup>(2)</sup> in New York, New York on Friday, September 6, 2002, in remembrance of the victims and the heroes of September 11, 2001, in recognition of the courage and spirit of the City of New York, and for other purposes, and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. [Charles B.] RANGEL [of New York]. Mr. Speaker, reserving the right to object, I will not object, but on behalf of the New York delegation and the people of New York, I would like to thank the leadership of the House of

1. 148 CONG. REC. 14640–45, 107th Cong. 2d Sess.
2. This measure provided for a strictly ceremonial meeting and not an actual session of the House (as was proposed by H. Con. Res. 249). In this sense, it resembled the ceremonial festivities surrounding the bicentennial anniversary of the Constitution on July 16, 1987, in Philadelphia. See § 4.5, *supra*.

Representatives and that of the other body for supporting this resolution that would allow a joint session of the House and Senate to take place in the City of New York . . .

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York for yielding.

It is a particular pleasure for me to now be finally able to bring this resolution to the floor. The resolution, Mr. Speaker, calls on the United States Congress to convene a ceremonial joint meeting in New York City on Friday, September 6, 2002. The joint commemorative meeting will be in remembrance of the thousands of people killed and injured as well as the thousands more grieving friends and families left after the terrorist attacks upon the World Trade Center . . .

Mr. RANGEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. LAHOOD).<sup>(2)</sup> Is there objection to the request of the gentleman from Texas? There was no objection.

The Clerk read the concurrent resolution, as follows:

#### H. CON. RES. 448

Whereas on September 11, 2001, thousands of innocent people were killed and injured in combined terrorist attacks involving four hijacked airliners, the World Trade Center, and the Pentagon;

Whereas in the aftermath of the attacks, thousands more were left grieving for beloved family and friends, livelihoods were compromised, and businesses and property were damaged and lost;

Whereas the greatest loss of life, personal injury, and physical destruction occurred in and was sustained by the City of New York;

2. Ray LaHood (IL).

Whereas government and the American people responded decisively, through the bravery, sacrifice and toil of the fire and rescue workers, law enforcement, building trades, caregivers, armed forces, and millions more who through their many expressions of care and compassion brought forth comfort, hope, and the promise of recovery;

Whereas the City of New York attended to the aftermath of the destruction of the World Trade Center with profound respect for the victims and compassion to the survivors;

Whereas the City of New York has invited the Congress to meet at the site of the original Federal Hall, where the First Congress of the United States convened on March 4, 1789; Now, therefore be it

*Resolved by the House of Representatives (the Senate concurring),* That, in remembrance of the victims and the heroes of September 11, 2001, and in recognition of the courage and spirit of the City of New York, the Congress shall conduct a special meeting in Federal Hall in New York, New York, on September 6, 2002.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

The same day,<sup>(3)</sup> the following House concurrent resolution was offered:

PROVIDING FOR REPRESENTATION BY CONGRESS AT A SPECIAL MEETING IN NEW YORK, NEW YORK ON FRIDAY, SEPTEMBER 6, 2002

Mr. ARMEY. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 449) providing for representation by

3. See 148 CONG. REC. 14646, 107th Cong. 2d Sess., July 25, 2002.

Congress at a special meeting in New York, New York on Friday, September 6, 2002, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 449

*Resolved by the House of Representatives (the Senate concurring),* That (a) The Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives), with respect to the House of Representatives, and the President pro tempore of the Senate (in consultation with the majority leader and the minority leader of the Senate), with respect to the Senate, may send such Representatives, Senators and other appropriate persons, to a special meeting of Congress and related events to be held on Friday, September 6, 2002 in New York, New York, in remembrance of the terrorist attacks of September 11, 2001, and in recognition of the City of New York for the harm it sustained and its recovery.

(b) Attendees under subsection (a) shall be led by the Speaker and the minority leader of the House of Representatives, and by the President pro tempore (or his designee), majority leader, and the minority leader of the Senate.

SEC. 2. The Congress may accept the offer of the City of New York and entities controlled by the City of New York to host and pay the expenses of the Congress to prepare, attend, and participate in the special meeting of September 6, 2002, and related events of that day, referred to in Section 1.

SEC. 3. On behalf of the Congress, the officers of the House of Representatives and the officers of the Senate may make arrangements with the City of New York and other required entities and agencies for participation by the Congress for the purposes designated under this resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

On Sept. 9, 2002,<sup>(4)</sup> the proceedings of the special ceremonial meeting of Congress in Federal Hall in New York were printed in the *Congressional Record* as follows:

PRINTING OF PROCEEDINGS OF SPECIAL CEREMONIAL MEETING OF UNITED STATES CONGRESS HELD IN FEDERAL HALL, NEW YORK, NEW YORK, ON SEPTEMBER 6, 2002

Mr. [Dick] ARMEY [of Texas]. Mr. Speaker, I ask unanimous consent that proceedings of the special ceremonial meeting of the United States Congress held in Federal Hall, New York, New York, on Sept. 6, 2002, be printed in the RECORD, and that all Members have 5 legislative days to insert their remarks on the topic of the ceremonial meeting.

4. See 148 CONG. REC. 16352–57, 107th Cong. 2d Sess.

On Oct. 10, 2002, the House also agreed to H. Con. Res. 487, authorizing the printing of a volume of transcripts of the New York City meeting and statements of the Sept. 11 terrorist attacks. See *Id.* at p. 20366.

The SPEAKER pro tempore (Mr. Isakson).<sup>(5)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMEMORATIVE JOINT MEETING OF THE CONGRESS OF THE UNITED STATES IN REMEMBRANCE OF THE VICTIMS AND HEROES OF SEPTEMBER 11, 2001, AND IN RECOGNITION OF THE COURAGE AND SPIRIT OF THE CITY OF NEW YORK, FEDERAL HALL, NEW YORK, NY, FRIDAY, SEPTEMBER 6, 2002

The SPEAKER. The special ceremonial meeting will be in order.

The invocation will be given by the Reverend Daniel P. Coughlin, Chaplain of the House of Representatives.

The Chaplain of the House of Representatives, the Reverend Daniel P. Coughlin, offered the following invocation: . . .

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair recognizes the Honorable Jerrold Nadler, Representative from New York, and the Honorable Harry Reid, Senator from Nevada, to lead us in the Pledge of Allegiance to our flag. . . .

The SPEAKER. Our National Anthem will now be sung by LaChanze. . . .

The SPEAKER. My colleagues, we are here in Federal Hall in New York, New York, pursuant to House Concurrent Resolution 448 of the 107th Congress to conduct a special ceremonial meeting in remembrance of the victims

5. Johnny Isakson (GA).

and the heroes of September 11, 2001, and in recognition of the courage and the spirit of the City of New York.

When representatives of the New York delegation introduced in the House and the Senate in 2001 Concurrent Resolutions that suggested that the Congress convene outside the seat of government to symbolize the Nation's solidarity with New Yorkers who epitomize the human spirit of courage, resilience and strength, my initial reaction of support was tempered by the realization that under article 1, section 5, clause 4 of the Constitution, "Neither House shall, without the consent of the other, adjourn to any other place than that in which the two houses shall be sitting."

There is no precedent for the convening of an actual session of Congress outside the seat of government, but on one special occasion the Congress has engaged in ceremonial functions outside the seat of government. Members of both houses traveled to Philadelphia on July 16, 1987, for organized festivities surrounding the bicentennial anniversary of the Constitution pursuant to a similar Concurrent Resolution.

On the strength of the precedent of the uniquely historical and national significance of that occasion, it is appropriate to dedicate another ceremonial gathering to a matter of transcendent importance at another place of basic institutional relevance to the Congress.

Thus, we are gathered in Federal Hall where the First Congress met in 1789 before moving the third session of that Congress to Congress Hall in Philadelphia, Pennsylvania, in 1790.

Ladies and gentlemen, we are, therefore, meeting here under that precedent.

The Chair recognizes the Honorable RICHARD B. CHENEY, the Vice President of the United States and President of the United States Senate.

(Applause.)

Vice President CHENEY. Thank you, Mr. Speaker. Each time Congress meets, we are mindful of the great charge that we have all been given as public servants. Assembled today in Federal Hall we are reminded of the ones who served before us and those who served first. It is a humbling experience to stand on the site where the First Congress met, where the first President was sworn, where the Bill of Rights was introduced. . . .

The SPEAKER. The Clerk of the House of Representatives has laid upon the desk the list of representatives in attendance.

Vice President CHENEY. The Secretary of the Senate has laid upon the desk the list of Senators in attendance.

The list of Representatives and Senators in attendance is as follows: . . .

The SPEAKER. The Chair recognizes the Honorable BENJAMIN GILMAN and the Honorable CHARLES RANGEL, Representatives from New York, and the Honorable HILLARY RODHAM CLINTON and the Honorable CHARLES SCHUMER, SENATORS from New York, in a reading and presentation of House Concurrent Resolution 448.

READING AND PRESENTATION OF  
HOUSE CONCURRENT RESOLUTION 448

Mr. RANGEL. Mr. Speaker, Mr. Vice President, leaders of the House and the Senate, on behalf of BEN GILMAN, Senator SCHUMER and Senator CLINTON, and the entire New York congressional delegation, we would like to



thank you for your support of this resolution that gives us in New York an opportunity to say thank you for the way you responded to the attack on our city and our State.

You give our mayor and our governor an opportunity to be here on this historic event to say you did not treat us like New Yorkers, you treated us like Americans.

The text of the Concurrent Resolution was read as follows:

Mr. RANGEL. "Whereas on September the 11, 2001, thousands of innocent people were killed and injured in a combined terrorist attack involving four hijacked aircraft, the World Trade Center, and the Pentagon;

"Whereas in the aftermath of the attacks, thousands more were left grieving for beloved family and friends, livelihoods were compromised, and businesses and property were damaged and lost;"

Mr. [Benjamin A.] GILMAN [of New York]. "Whereas the greatest loss of life, personal injury, and physical destruction occurred in and was sustained by the City of New York;

"Whereas Government and the American people responded decisively through the bravery, sacrifice and toil of the fire and rescue workers, law enforcement, building trades, caregivers, Armed Forces, and millions more who through their many expressions of care and compassion brought forth comfort, hope, and the promise of recovery;"

Senator [Hillary Rodham] CLINTON [of New York]. "Whereas the City of New York attended to the aftermath of the destruction of the World Trade Center with profound respect for the victims and compassion to the survivors; and

"Whereas the City of New York has invited the Congress to meet at the site of the original Federal Hall, where the First Congress of the United States convened on March 4, 1789: Now, therefore, be it"

Senator [Charles E.] SCHUMER [of New York]. "Resolved by the House of Representatives (the Senate concurring), That, in remembrance of the victims and the heroes of September 11, 2001, and in recognition of the courage and spirit of the City of New York, the Congress shall conduct a special meeting in Federal Hall, New York, New York, on September 6, 2002.

Passed by the House of Representatives, July 25, 2002.

Passed by the Senate, July 26, 2002."

(Applause.)

The SPEAKER. Without objection, the Members present, on behalf of themselves and the Congress of the United States, do hereby affirm the aforesaid Concurrent Resolution.

Would Mayor Bloomberg and Governor Pataki please come forward and accept the Concurrent Resolution.

Mayor Bloomberg and Governor Pataki of New York accepted the Concurrent Resolution.

(Applause.)

The SPEAKER. The Chair recognizes the Honorable VITO FOSSELLA, Representative from New York, and the Honorable SUSAN COLLINS, Senator from Maine, in a reading and presentation of the commemorative plaque.

READING AND PRESENTATION OF  
COMMEMORATIVE PLAGUE

Senator COLLINS. Mr. Speaker, Mr. Vice President, on behalf of the United

States Congress, we present this commemorative plaque to Director Mainella for her stewardship of our Nation's treasures, especially this building, Federal Hall.

The plaque is inscribed as follows:

"Commemorative Joint Meeting of the Congress of the United States of America in Federal Hall, New York, New York, this Sixth Day of September, Two Thousand and Two."

Mr. FOSSELLA. "Convened in remembrance of the victims and heroes of September 11, 2001, and in recognition of the courage and spirit of the City of New York.

"This gift to Federal Hall from the Congress of the United States of America was made from a section of Aquia Creek, Virginia, sandstone and used as an original building material of the United States Capitol. It was removed on the East Central Front extension in 1958."

The SPEAKER. Director Mainella, please come forward and accept the commemorative plaque.

Director Mainella accepted the commemorative plaque.

(Applause.)

The SPEAKER. Billy Collins, Poet Laureate of the United States of America, will now read a poem written for this occasion entitled "The Names."

READING OF "THE NAMES" BY BILLY COLLINS, POET LAUREATE OF THE UNITED STATES

Mr. COLLINS. This poem is dedicated to the victims of September 11, and to their survivors. . . .

The SPEAKER. The Chair now recognizes the Honorable RICHARD GEPHARDT, Representative from Missouri

and Democratic Leader of the United States House of Representatives.

Mr. GEPHARDT. Mr. Vice President, Mr. Speaker, and my fellow colleagues of the United States Congress, today we speak of the unspeakable, we remember the unimaginable, and we reaffirm our utmost resolve to defend the birthright of this land and our gift outright to this world: Ideals of liberty and tolerance that will never die. . . .

Vice President CHENEY.<sup>(6)</sup> The Chair now recognizes the Honorable TRENT LOTT, the Senator from Mississippi and the Republican Leader of the United States Senate.

Senator LOTT. Mr. Vice President, Mr. Speaker, Members of the Congress, and distinguished guests, on behalf of the Senate and a united Congress, it is truly an honor to stand in this place in this city, New York City, today. . . .

We are here to remember and to continue to mourn those that lost their lives, those innocent men, women, and children that were killed in that horrible event, September 11, a year ago.

Vice President CHENEY. The Chair now recognizes the Honorable TOM DASCHLE, the Senator from South Dakota and Majority Leader of the United States Senate.

Senator DASCHLE. Mr. Vice President, Mr. Speaker, distinguished visitors and my colleagues, the United States Congress has come here to commemorate a shattering experience. One that has transformed America. . . .

Thank you.

(Applause.)

The SPEAKER. We are gathered here today in this ceremonial session

6. Richard B. Cheney (WY).

to pay tribute to the people of New York and to the people of New York City who have suffered great loss, but persevered in the face of adversity. In doing so, we pay tribute to the American spirit.

It is altogether appropriate that we meet here today in Federal Hall. After all, it was here that the First Congress met to ratify the Bill of Rights and to inaugurate our first President of the United States, George Washington.

As in 1789, when ordinary Americans did extraordinary things to create a new Nation conceived in liberty and dedication to freedom, on September 11, ordinary Americans exhibited extraordinary courage in fighting a horrific evil. . . .

We elected Members of the 107th Congress, like those Members gathered in this location of the First Congress, simply reflect the desires of a people who cherish liberty and are willing to fight for freedom.

Let us always remember those we lost on September 11, and may God continue to bless America.

Thank you.  
(Applause.)

“GOD BLESS AMERICA” SUNG BY CHAMBER CHOIR, STUYVESANT HIGH SCHOOL, NEW YORK CITY.

The SPEAKER. The Stuyvesant High School Chamber Choir will now sing “God Bless America.”

The Chamber Choir, Stuyvesant High School, sang “God Bless America.”

(Applause.)

The Members and guests sang “God Bless America.”

The SPEAKER. Ladies and gentlemen of the House and the Senate, this

concludes the special ceremonial meeting of the Congress. Members are asked to remain in their seats and make their exit with the colors.

The Chair will assure that the record of these proceedings will be printed in the CONGRESSIONAL RECORD.

The proceedings are closed.

The Colors were retired by the Color Guard composed of members of the New York City Fire Department, New York City Police Department, New York State Unified Court System Officers, Port Authority of New York and New Jersey Police, and the United States Capitol Police.

[Whereupon, the Commemorative Joint Meeting of the Congress was adjourned.]<sup>(6)</sup>

## § 17. Former Members’ Day

The House traditionally has received the United States Association of Former Members of Congress in the House Chamber to submit its annual report<sup>(1)</sup> to Congress.

6. See § 4.5, *supra*, for the first instance in which Congress engaged in a ceremonial function outside the seat of government.
1. As a federally chartered corporation established under Title 36 of the United States Code, the Association is required to submit an annual report to Congress. See 36 USC § 70312.

The program of events has been relatively consistent over the years. The House by unanimous consent authorizes the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving the former Members. Prior to the start of legislative business on the appointed date, the Speaker announces that the House will stand in recess subject to the call of the Chair to receive the former Members. The Speaker generally opens the proceedings by welcoming the former Members and recognizing members of the House leadership for remarks. The Speaker then recognizes a member of the Association to preside over the meeting. The presiding officer directs the Clerk to call the roll of former Members of Congress and, following the roll call, announces the result. The presiding officer then generally recognizes the president of the Association to speak and yield time for appropriate remarks. When the program is concluded and the recess has expired, the Speaker calls the House to order and a Member moves that the proceedings had during the recess be printed in the *Congressional Record*.

The Association presents its Distinguished Service Award to honor an outstanding congres-

sional career during the proceedings. Recipients of the Distinguished Service Award have included, among others, former Speakers of the House Thomas (Tip) O'Neill, Jr.<sup>(2)</sup> and Thomas Foley,<sup>(3)</sup> former Minority Leader Robert Michel,<sup>(4)</sup> former Representative Bill Richardson,<sup>(5)</sup> former Senator Sam Nunn,<sup>(6)</sup> Chaplain of the House Emeritus James David Ford,<sup>(7)</sup> and former House Parliamentarian Lewis Deschler.<sup>(8)</sup>

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**§ 17.1 The House, by unanimous consent, authorized the Speaker to declare a recess for the purpose of receiving former Members in the Chamber.<sup>(1)</sup>**

2. See 133 CONG. REC. 11660–68, 100th Cong. 1st Sess., May 7, 1987.
3. See 148 CONG. REC. 7325–33, 107th Cong. 2d Sess., May 9, 2002.
4. See 142 CONG. REC. 11325–29, 104th Cong. 2d Sess., May 15, 1996.
5. See 143 CONG. REC. 9045–48, 105th Cong. 1st Sess., May 21, 1997.
6. See 150 CONG. REC. 7373–75, 7399–401, 108th Cong. 2d Sess. Apr. 22, 2004.
7. See 146 CONG. REC. 8111–19, 106th Cong. 2d Sess., May 17, 2000.
8. See 122 CONG. REC. 15082–85, 94th Cong. 1st Sess., May 21, 1976.
1. *Parliamentarian's Note*: This traditional unanimous-consent request supplements the Speaker's ability to

On Apr. 25, 2006,<sup>(2)</sup> the following proceedings took place:

AUTHORIZING THE SPEAKER TO  
DECLARE A RECESS ON  
THURSDAY, APRIL 27, 2006,  
FOR THE PURPOSE OF RECEIVING  
FORMER MEMBERS OF  
CONGRESS

Mr. [Rick] RENZI [of Arizona]. Madam Speaker, I ask unanimous consent that it may be in order on Thursday, April 27, for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore.<sup>(3)</sup> Is there objection to the request of the gentleman from Arizona?

There was no objection.

On Apr. 27, 2006,<sup>(4)</sup> the proceedings to receive former Members during a recess of the House pursuant to the previous order by unanimous consent occurred as follows:

RECESS

The SPEAKER.<sup>(5)</sup> Pursuant to the order of the House of Tuesday, April 25, 2006, the House will stand in recess subject to the call of the Chair to

declare a “short” recess under Rule I clause 12(a), *House Rules and Manual* § 638 (2007).

2. 152 CONG. REC. 5925, 109th Cong. 2d Sess.
3. Thelma Drake (VA).
4. 152 CONG. REC. 6268, 6269, 6286, 109th Cong. 2d Sess.
5. J. Dennis Hastert (IL).

receive the former Members of Congress.

Accordingly (at 9 o'clock and 12 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER  
MEMBERS OF CONGRESS

The Speaker of the House presided.

The SPEAKER. On behalf of the House, I consider it a high honor and distinct personal privilege to have the opportunity of welcoming so many of our former Members and colleagues as may be present here for the occasion. We all pause to welcome you. . . .

The Chair now recognizes the Honorable Jim Slattery, vice president of the association, to take the chair.

Mr. [Jim] SLATTERY [of Kansas] (presiding). Thank you, Mr. Speaker. It's great to see you. On behalf of the association, we certainly wish you good health and continued wonderful service to our country, also. It's great to see you, Mr. Speaker, and thank you.

The Clerk will now read the roll of the former Members of Congress.

The Clerk called the roll of the former Members of Congress[.] . . .

The Chair again wishes to thank all of those former Members that are here today and give you all another opportunity to record your presence if you did not do that at the beginning of the events here today. The Chair also wishes to thank all the former Members of the House for their presence.

I am advised that the House will reconvene 15 minutes after the bells ring.

Accordingly (at 10 o'clock and 27 minutes a.m.), the House continued in recess.

□ 1055

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY)[.] . . .

On the same day,<sup>(6)</sup> by unanimous-consent, the proceedings had during a recess of the House to receive former Members were inserted in the *Congressional Record*:

Mr. [David] DREIER [of California]. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the *Congressional Record* and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore.<sup>(7)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

**§ 17.2 The Speaker was authorized, by unanimous consent, to declare a recess, subject to the call of the Chair, to receive former Members of the House in the Chamber.**

On Feb. 25, 1971,<sup>(1)</sup> the following proceedings took place:

6. 152 CONG. REC. 6290, 109th Cong. 2d Sess., Apr. 27, 2006.
7. Jo Bonner (AL).
1. 117 CONG. REC. 3834, 92d Cong. 1st Sess.

AUTHORITY FOR SPEAKER TO DECLARE A RECESS ON THURSDAY, MARCH 4, TO RECEIVE FORMER MEMBERS OF THE HOUSE OF REPRESENTATIVES

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to declare a recess on Thursday of next week, March 4, subject to the call of the Chair, for the purpose of receiving in this Chamber former Members of the House of Representatives.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Louisiana?

There was no objection.

On Mar. 4, 1971,<sup>(3)</sup> the following proceedings occurred during ceremonies to receive former Members of the House during the first observance of Former Members' Day:

RECESS

The SPEAKER.<sup>(4)</sup> Pursuant to the authority granted the Speaker on Thursday, February 25, 1971, the Chair declares a recess, subject to the call of the Chair, to receive the former Members of the House of Representatives.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess subject to the call of the Chair.

2. Carl Albert (OK).
3. 117 CONG. REC. 5137-41, 92d Cong. 1st Sess.
4. Carl Albert (OK).

RECEPTION OF FORMER MEMBERS OF THE HOUSE OF REPRESENTATIVES

The SPEAKER of the House presided.

The SPEAKER. On behalf of the Chair and of the Chamber, I consider it a high honor and a distinct personal privilege to have the opportunity of welcoming so many of our former Members and colleagues as may be present here for this occasion. We all pause to welcome them. This is a bipartisan affair, and in that spirit the Chair is going to recognize the floor leaders of both parties.

The Chair now recognizes the distinguished gentleman from Louisiana (Mr. BOGGS).

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, this is a happy duty for me. Today, we inaugurate a custom which I trust will become an annual event of recessing the proceedings of the House in order to extend a warm and a friendly welcome back to Members who have served in this great body. . . .

I hope all our former Members and all of our present Members will equal that record.

The SPEAKER. The Chair is now pleased to recognize the distinguished minority leader of the House of Representatives, the distinguished gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I am indeed happy to welcome so many friends and former colleagues back to the Chamber. We hope and trust, as the gentleman from Louisiana, the distinguished majority leader, has said, that this will be an an-

nual affair, and on each and every occasion you will be as welcome in the future as you are here today. . . .

The SPEAKER. The Chair now directs the Clerk to call the roll of former Members of the House of Representatives.

The Clerk called the roll of former Members of the Congress[.] . . .

The SPEAKER. The Chair announces that 83 former Members of the House of Representatives have answered to their names.

The Chair desires to announce now that it will be his purpose to recognize for 1 hour for the purpose of controlling time the gentleman from Arkansas, Mr. Hays, on behalf of the majority and the gentleman from Minnesota, Mr. Judd, on behalf of the minority.

Before recognizing the gentleman from Arkansas, the Chair desires to state that the Chair would like to recognize several Members whose names have been called but, unfortunately, they are not all present. However, I think it is significant that this is the anniversary of the first meeting of the Congress of the United States, March 4, 1789.

In that first Congress, the first person ever to be elected Speaker was the Honorable Frederick A. Muhlenberg, of Pennsylvania. In 1947, when the present occupant of the chair came to the Congress, Frederick A. Muhlenberg IV, a direct descendant of the original Speaker, was present.

The Chair would also, before recognizing the gentleman from Arkansas, Mr. Hays, to call to the chair to represent from the chair former Members, a very distinguished former Member, the Honorable Colgate Darden, not

only a former Member of the House but a former Governor of the great State of Virginia and a former president of the University of Virginia.

The Chair now recognizes for 1 hour the gentleman from Arkansas, Mr. HAYS. . . .

The SPEAKER. The time of the gentleman has expired.

The Chair wishes to reiterate his own gratitude at the response our invitation has had from those of you who have come here and participated and lent your presence to this occasion. It has been a memorable one. We will expect to repeat it next year.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 33 minutes p.m.

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PRINTING OF PROCEEDINGS  
HAD DURING RECESS AND  
PERMISSION TO REVISE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD and that all speakers have the privilege of revising their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## § 18. Birthday Felicitations

The House has often extended formal greetings to a President or

former President on his birthday through the adoption of a congratulatory resolution<sup>(1)</sup> considered by unanimous consent or under suspension of the rules.

The House has also extended birthday wishes to Speakers of the House,<sup>(2)</sup> Members,<sup>(3)</sup> and the Parliamentarian.<sup>(4)</sup>

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### *Presidential Birthdays*

#### § 18.1 Form of resolution extending the congratulations of the House to the President on his birthday.

On Jan. 30, 1934,<sup>(1)</sup> the House adopted a resolution congratulating the President on his birthday. The proceedings were as follows:

1. See § 18.1, *infra*.
2. See § 18.2, *infra*.
3. See § 18.3, *infra*.
4. See § 18.4, *infra*.
1. 78 CONG. REC. 1636, 73d Cong. 2d Sess.

See also, *e.g.*, 151 CONG. REC. 17162-64, 109th Cong. 1st Sess., July 25, 2005 (H. Res. 329, honoring former President William Jefferson Clinton on the occasion of his 59th birthday); 150 CONG. REC. 21196-99, 108th Cong. 2d Sess., Oct. 6, 2004 (H. Res. 798, honoring former President James Earl Carter on the occasion of his 80th birthday); 150 CONG. REC. 15104-106, 108th Cong. 2d Sess., July 12, 2004 (H. Res. 702,



Mr. [Riley J.] WILSON [of Louisiana]. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The SPEAKER.<sup>(2)</sup> Is there objection?

There was no objection.

The Clerk read as follows:

House Resolution 246

*Resolved*, That the House of Representatives extends its congratulations to the President of the United States, Franklin D. Roosevelt, upon his fifty-second birthday, with assurance of appreciation for his aggressive action and service to our country, and joins the Nation in best wishes for continued health, happiness, and accomplishments.

[Applause.]

The resolution was agreed to.

### *Speakers' Birthdays*

#### **§ 18.2 The Minority Leaders joined in extending best wishes to the Speaker on the occasion of his birthday.**

On May 10, 1971,<sup>(1)</sup> the following proceedings occurred:

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honoring former President Gerald R. Ford on his 91st birthday); and 149 CONG. REC. 2720–23, 108th Cong. 1st Sess., Feb. 11, 2003 (H.J. Res. 19, recognizing the 92d birthday of former President Ronald Wilson Reagan).

2. Joseph W. Byrns (TN).

1. 117 CONG. REC. 14144, 92d Cong. 1st Sess.

HAPPY BIRTHDAY, MR. SPEAKER

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD [of Michigan]. Mr. Speaker, I take this time for the purpose of joining with the distinguished majority leader in extending to the distinguished Speaker<sup>(2)</sup> our very best wishes on his birthday anniversary.

### *Members' Birthdays*

#### **§ 18.3 Consideration by unanimous consent of a resolution honoring the House's eldest statesman on his 88th birthday.**

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See also 133 CONG. REC. 37089, 100th Cong. 1st Sess., Dec. 21, 1987 (tribute to Speaker James C. Wright, Jr. [TX] on his 65th birthday); and 101 CONG. REC. 129–131, 84th Cong. 1st Sess., Jan. 6, 1955 (remarks of Members honoring Speaker Sam Rayburn [TX] on his birthday).

2. Carl Albert (OK).

On Sept. 8, 1988,<sup>(1)</sup> the House paid tribute to Rep. Pepper,<sup>(2)</sup> as follows:

TRIBUTE TO THE HONORABLE  
CLAUDE DENSON PEPPER ON  
HIS 88TH BIRTHDAY

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I call up the resolution (H. Res. 530) to recognize CLAUDE DENSON PEPPER, on the occasion of his 88th birthday, for the contributions that he has made to the quality of life of all Americans [sic], and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore.<sup>(3)</sup> The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 530

Whereas Claude Denson Pepper has served in public office for a period spanning almost sixty years, including service in the Florida Legis-

1. 134 CONG. REC. 22930, 22931, 100th Cong. 2d Sess.

See also 109 CONG. REC. 22018-21, 88th Cong. 1st Sess., Nov. 18, 1963 (tribute to Rep. Carl Vinson [GA] on his 80th birthday); 109 CONG. REC. 15561, 88th Cong. 1st Sess., Aug. 22, 1963 (tribute to Rep. Charles A. Halleck [IN] on his birthday); 109 CONG. REC. 9182-90, 88th Cong. 1st Sess., May 23, 1963 (tribute to Rep. Francis E. Walter [PA] on the occasion of his 69th birthday); and 93 CONG. REC. 3120, 80th Cong. 1st Sess., Apr. 3, 1947 (honoring Rep. Adolph J. Sabath [IL] on his 81st birthday).

2. Claude Pepper (FL).

3. Thomas S. Foley (WA).

lature, the United States Senate, and the United States House of Representatives;

Whereas Claude Denson Pepper has played an essential role in the formulation and development of policies and programs to protect the health, rights, economic security, and dignity of our Nation's elderly;

Whereas Claude Denson Pepper has been the principal author of key legislation addressing issues ranging from the Lend-Lease plan, to the establishment of the National Institutes of Health, to the elimination of the mandatory retirement age;

Whereas Claude Denson Pepper celebrates his 88th birthday on September 8, 1988; and

Whereas the dedication, commitment, and energy of Claude Denson Pepper stand as an inspiration to people of all ages; Now, therefore, be it

*Resolved*, That the House of Representatives of the United States, on the occasion of his 88th birthday, commends and acknowledges Claude Denson Pepper for his continuing contributions to the quality of life of all Americans.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 1 hour.

Mr. GEPHARDT. Mr. Speaker, I want to offer this resolution today on behalf of the gentleman from Washington [Mr. FOLEY], the gentleman from California [Mr. COELHO], the gentlewoman from Ohio [Ms. OAKAR], and the gentleman from Illinois [Mr. MICHEL], and many other Members of the House who wish today to extend their heartiest congratulations to our senior Member of the House and one of

our most beloved Members of the House. . . .

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

### *Parliamentarian*

#### **§ 18.4 The Majority and Minority Leaders took the floor to congratulate the Parliamentarian, Lewis Deschler, on his birthday and his 40 years of service as Parliamentarian.**

On Mar. 4, 1968,<sup>(1)</sup> the following proceedings occurred:

BIRTHDAY GREETINGS TO THE  
PARLIAMENTARIAN, MR.  
LEWIS DESCHLER

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Oklahoma?

Mr. ALBERT. Mr. Speaker, March 4 is a historic day in this Nation, because for many years it was the day when new Congresses convened, and Presidents were inaugurated. March 3, yesterday, Sunday, was also an important day to the Members of the House of Representatives. Yesterday was the

birthday of the great Parliamentarian, Mr. Lew Deschler. It marked the 43d year of dedicated service to this body by this great American whom the Speaker has properly called on many occasions the No. 1 Parliamentarian of the world.

For 40 years Lew Deschler has sat at the right hand of Speakers of the House under both political parties. His advice on parliamentary matters, procedural matters, and indeed on substantive matters has been indispensable to every Speaker and every Member of the House of Representatives. This House would not, could not be the same without Lew Deschler.

Mr. Speaker, I take this time, which is 1 day late because the House was not in session yesterday, to which my good friend, our great Parliamentarian, many happy returns of the day, and many more of them.

Mr. GERALD R. FORD [of Michigan]. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I am delighted to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the majority leader yielding at this time.

We on this side all subscribe to all of the generous and richly deserved comments and observations made by the distinguished majority leader concerning our good friend, the Parliamentarian, Mr. Lew Deschler. We wish Lew, as does the majority leader, many happy years ahead. I am sure that he will continue helping to assist us in our day-to-day labors here in the House of Representatives.

We all may have some regrets about annual birthday anniversaries coming

1. 114 CONG. REC. 4919, 90th Cong. 2d Sess.

2. John W. McCormack (MA).

and going, but despite that I am certain the future of the Parliamentarian will be as bright as it has been in the past, and we will continue to enjoy working with him in the future as we have in the past.

Mr. ALBERT. Mr. Speaker, I thank my friend for his comments.

### § 19. Military Awards; Receptions for Generals and Astronauts

The House has honored its heroes in a variety of ways. The House has conducted ceremonies for Congressional Medal of Honor recipients<sup>(1)</sup> and has honored its astronauts with receptions in the Caucus Room<sup>(2)</sup> and in the House Chamber.<sup>(3)</sup> Various generals have been received by the House and allowed to address the Chamber.<sup>(4)</sup> The House has conferred honorary veteran status to an actor who inspired troops<sup>(5)</sup> and has commemorated the 50th anniversary of the Department of Veterans' Affairs.<sup>(6)</sup> The House also has conducted several war-related

1. See § 19.1, *infra*.
2. See § 19.3, *infra*.
3. See § 19.2, *infra*.
4. See §§ 19.4–19.7, *infra*. See also 5 Hinds' Precedents §§ 7076–7088 for receptions of eminent soldiers.
5. See § 19.8, *infra*.
6. See § 19.9, *infra*.

observances,<sup>(7)</sup> including authorizing the use of the Capitol Rotunda for a ceremony honoring military heroism<sup>(8)</sup> and the lowering of the flag for missing POWs and MIAs.<sup>(9)</sup>

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### *Medal of Honor*

§ 19.1 Proceedings had at a joint meeting in the House Chamber when the President decorated Sgt. Jake W. Lindsey, United States Army, with the Congressional Medal of Honor.

The Medal of Honor is presented by the President in the name of Congress and is the highest military honor that can be bestowed upon an individual serving in the Armed Services of the United States. The joint resolution authorizing the presentation of “medals of honor” for Army personnel was signed by President Lincoln on July 14, 1862.<sup>(1)</sup>

7. See §§ 19.10–19.17, *infra*.
8. See § 19.12, *infra*.
9. See § 19.13, *infra*.
1. Senate joint resolution of July 12, 1862, 12 Stat. 623, 624. That joint resolution reads, in part, that “the President of the United States be, and he is hereby, authorized to cause two thousand “medals of honor” to be prepared with suitable emblematic devices, and to direct that the

On May 18, 1945,<sup>(2)</sup> Mr. Joseph W. Martin, Jr., of Massachusetts, addressed the House for one minute by unanimous consent to announce a forthcoming ceremony honoring a Congressional Medal of Honor recipient and to obtain unanimous consent for a recess for a joint meeting.

## PROGRAM FOR NEXT WEEK

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER.<sup>(3)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I take this time to inquire of the majority leader what the program for next week will be.

same be presented, in the name of the Congress, to such non-commissioned officers and privates as shall most distinguish themselves by their gallantry in action, and other soldier-like qualities, during the present insurrection." The correct title of the award is the Medal of Honor. Because the U.S. President presents the medal in the name of the United States Congress, it is sometimes called the Congressional Medal of Honor. The latter title is typically connected only with the Congressional Medal of Honor Society, the organization that represents those who have earned the medal.

2. 91 CONG. REC. 4755, 4756, 79th Cong. 1st Sess.
3. Sam Rayburn (TX).

Mr. [John W.] McCORMACK [of Massachusetts]. On Monday it is the intention to hold a joint meeting of the Congress, which meeting will probably be held in the House at 1 o'clock, in connection with conferring the Congressional Medal on the one-hundredth member of our armed forces to receive it. In the event of such a joint meeting, the President of the United States will be present.

Mr. MARTIN of Massachusetts. It is generally the custom, when we confer Congressional Medals, to have it done by the President in an exercise like this?

Mr. McCORMACK. No; I do not think that it is the custom.

Mr. MARTIN of Massachusetts. I do not know how these medals have been awarded in the past. Has it ever been customary for the President to be here and do it?

Mr. McCORMACK. No. That is my understanding. This is based on the fact that this is the one-hundredth member of our armed forces who has received it.

Mr. MARTIN of Massachusetts. The one-hundredth in this particular war?

Mr. McCORMACK. Yes. It is felt that the occasion would justify a joint meeting for that purpose. Of course, the honor that will be conferred upon this man directly will inure indirectly to every man who has received the Congressional Medal of Honor.

Mr. MARTIN of Massachusetts. It will probably be difficult to make the other 99 think so.

Mr. McCORMACK. That is probably so, but I am sure they will appreciate the situation.

In the Senate on May 21, 1945,<sup>(4)</sup> the date set for the meeting, the Senate Majority Leader

4. 91 CONG. REC. 4787, 79th Cong. 1st Sess.

announced the informal invitation of the House for the Senate to attend the ceremony:

JOINT MEETING OF THE TWO HOUSES—PRESENTATION OF CONGRESSIONAL MEDAL OF HONOR BY THE PRESIDENT

Mr. [Alben W.] BARKLEY [of Kentucky]. Mr. President, at 1 o'clock the President of the United States will be in the Hall of the House of Representatives, where he is to present the Congressional Medal of Honor to the one hundredth American infantryman to receive it. The Senate has been invited informally by the House of Representatives to attend the ceremony. My information is that it will be very brief.

Following the proceedings in the House, the Senate will return to its Chamber. . . .

Following the ceremony in the House of Representatives Chamber, I hope the Members of the Senate will not return to the Senate until the President pro tempore has been able to leave the rostrum in the Hall of the House and head the procession back to this Chamber, and that Senators will march back in a body, rather than straggle along, as has sometimes occurred in the past. It is more in keeping with the dignity of the Senate, as I am sure all of us realize, to have Senators return in a body in an orderly way.

It is desired that we depart from this Chamber at a quarter to one, in order to arrive at the Hall of the House of Representatives at the proper time.

In the House on that date,<sup>(5)</sup> unanimous consent was granted

5. *Id.* at pp. 4816, 4817.

that it be in order for the Speaker to declare a recess subject to the call of the Chair. The proceedings were as follows:

RECESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it be in order for the Speaker to declare a recess at any time during the day, subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The Chair declares the House in recess until 2 o'clock this afternoon.

Accordingly (at 12 o'clock and 8 minutes p. m.) the House stood in recess until 2 o'clock.

JOINT SESSION OF THE HOUSE AND SENATE

At 12 o'clock and 52 minutes p.m., the Doorkeeper announced the President pro tempore and the Members of the United States Senate.

The Senate, preceded by the President pro tempore and its Secretary and Sergeant at Arms, entered the Hall of the House.

The President pro tempore of the Senate<sup>(6)</sup> took the chair at the right of the Speaker, and the Members of the Senate took the seats reserved for them.

The SPEAKER. On the part of the House, the Chair appoints the following members of the committee to escort the President of the United States into the Chamber: The gentleman from Massachusetts [Mr.

6. Kenneth McKeller (TN).

MCCORMACK]; the gentleman from Mississippi [Mr. COLMER], and the gentleman from Massachusetts [Mr. MARTIN].

The PRESIDENT pro tempore of the Senate.<sup>(7)</sup> On the part of the Senate, the Chair appoints as members of the committee to escort the President of the United States into the Chamber: The Senator from Kentucky [Mr. BARKLEY], the Senator from Maine [Mr. WHITE], and the Senator from Utah [Mr. THOMAS].

At 12 o'clock and 57 minutes p. m., the Doorkeeper announced the Cabinet of the President of the United States.

At 1 o'clock and 1 minute p. m., the Doorkeeper announced the Chief of Staff, Gen. George C. Marshall, and Technical Sgt. Jake William Lindsey, of Lucedale, Miss.

General Marshall and Sergeant Lindsey were escorted to the Clerk's desk.

At 1 o'clock and 3 minutes p. m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

7. *Parliamentarian's Note:* The formation at the Clerk's desk in front of the Speaker, facing Members of the House: the Chief of Staff, Sgt. Lindsey, the President, and a Presidential aide. After the decoration, the Chief of Staff, Sgt. Lindsey, and the President's aide left the rostrum and took seats provided for them. The President then addressed the joint meeting.

The SPEAKER. The Chair presents the Chief of Staff, the General of the Armies, George C. Marshall.

General MARSHALL. I will read the citation:

Technical Sgt. Jake W. Lindsey, Sixteenth Infantry, led a platoon reduced to 6 of its original strength of 40 in the attack on an enemy position near Hamich, Germany, on the 16th of November, 1944. . . .

In his fearlessness, inspiring courage, and superb leadership, Sergeant Lindsey carried on a brilliant defense of his platoon's hardwon ground, securing the position and inflicting heavy casualties on the numerically superior enemy.

[Applause, the Members standing during reading of citation.]

Thereupon the President of the United States bestowed the Congressional Medal of Honor on Technical Sgt. Jake William Lindsey.

The PRESIDENT of the United States. Mr. Speaker, Mr. President, Members of the Congress, we are assembled here today to confer the Nation's highest decoration on a young American soldier. It so happens that Technical Sgt. Jake W. Lindsey, of Lucedale, Miss., is the one hundredth infantryman to receive the Medal of Honor in this war for bravery above and beyond the call of duty. Through him we pay a grateful Nation's tribute to the courage of all our fighting men. . . .

It is with gratitude and pride that as President of the United States, and in the name of Congress, I have presented the Medal of Honor to Technical Sgt. Jake W. Lindsey. [Applause.]

At 1 o'clock and 13 minutes p. m., the President retired from the Hall of the House of Representatives.

At 1 o'clock and 14 minutes p. m., the members of the President's Cabinet retired from the Hall of the House of Representatives.

At 1 o'clock and 14 ½ minutes p. m., the Chief of Staff, Gen. George C. Marshall, and Technical Sgt. Jake William Lindsey retired from the Hall of the House of Representatives.

At 1 o'clock and 15 minutes p. m., the Speaker announced that the joint session was dissolved.

Thereupon, the President pro tempore of the Senate and the Members of the Senate returned to their Chamber.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock p. m.

The SPEAKER. Without objection, the proceedings had during the recess will be printed in the RECORD, and the President's message will be referred to the Committee on Military Affairs and ordered printed.

There was no objection.

*Receptions for Astronauts*

**§ 19.2 The House stood in recess to receive the Gemini IV astronauts in the House Chamber.**

On June 16, 1965,<sup>(1)</sup> the following occurred:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday for the Speaker to declare a

1. 111 CONG. REC. 13774, 89th Cong. 1st Sess.

recess for the purpose of receiving the *Gemini 4* astronauts, Maj. James A. DeWitt, U.S. Air Force, and Maj. Edward H. White, U.S. Air Force.

The SPEAKER.<sup>(2)</sup> Is there any objection to the request of the gentleman from Oklahoma?

There was no objection.

On June 17, 1965,<sup>(3)</sup> Mr. Gerald R. Ford, of Michigan, asked for clarification as to procedure related to the reception for the Gemini IV astronauts:

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Oklahoma tell the House what the plans are for today, as far as taking a recess and reconvening are concerned?

Mr. [Carl] ALBERT [of Oklahoma]. Yes; we hope to dispose of the conference report on the excise bill and another bill which the gentleman from Arkansas advised yesterday would be called up today under a unanimous consent request. The House will recess shortly thereafter. We expect the astronauts here on the floor about 2:30 this afternoon. . . .

RECEPTION OF THE "GEMINI 4"  
ASTRONAUTS

At 2:57 o'clock p.m., the Doorkeeper of the House of Representatives, the

2. John W. McCormack (MA).
3. 111 CONG. REC. 13957, 89th Cong. 1st Sess. See also 111 CONG. REC. 23648, 23649, 89th Cong. 1st Sess., Sept. 14, 1965, when the House stood in recess to receive the Gemini 5 astronauts; and 117 CONG. REC. 4580, 4581, 92d Cong. 1st Sess., Mar. 2, 1971, for a reception for the Apollo 14 astronauts.



Honorable William M. Miller, escorted into the House Chamber the families of the Gemini 4 astronauts.

At 2:58 o'clock p.m., the Speaker of the House of Representatives called the membership to order.

The Gemini 4 astronauts, Maj. James A. McDivitt and Maj. Edward H. White, entered the Hall of the House of Representatives at 3 o'clock p.m., preceded by Sergeant at Arms Zeake W. Johnson, Jr., and escorted to the Speaker's rostrum by the Honorable William M. Miller, Doorkeeper, Vice President HUMPREY, the Honorable CARL ALBERT, the Honorable GERALD R. FORD, the Honorable HALE BOGGS, the Honorable LESLIE C. ARENDS, the Honorable GEORGE P. MILLER, and the Honorable JAMES G. FULTON.

[Applause, Members rising.]

Astronaut White was seated to the left of the Speaker and Astronaut McDivitt to the right of the Speaker.

[Applause, Members rising.]

The SPEAKER. Members of the House, we have had many distinguished visitors to this historic Chamber but there are no two gentleman who are more distinguished or more welcome here than the two gentlemen whom we have with us today.

It is a personal pleasure and a great honor for me to present to you two brave Americans who have in a most notable manner added glory and prestige to explorations in space, and to our country's history, the Gemini 4 astronauts, Maj.—lieutenant colonel nominee—James A. McDivitt, and Maj.—lieutenant colonel nominee—Edward H. White.

[Applause, Members rising.]

The SPEAKER. It is again my personal pleasure and great honor to present for remarks these two distinguished gentlemen. The first one whom I shall present to my colleagues in the House, taking them in order of their names in relation to the alphabet, is Maj.—lieutenant colonel nominee—James A. McDivitt.

[Applause, Members rising.]

Major McDIVITT. Mr. Speaker, and Members of Congress, I am absolutely overwhelmed at being here today. . . .

The SPEAKER. It is also my personal pleasure and great honor to present to you the other distinguished guest of the House—and we welcome you both with hospitality, warmth, and friendship—the distinguished American, Maj.—lieutenant colonel nominee—Edward H. White.

[Applause, Members and guests rising.]

Maj. EDWARD H. WHITE. Mr. Speaker, leaders of the United States of America, friends, I knew that when I got up here I would have the feeling that I could not even see over this rostrum, I feel so humble and so small today. . . .

[Applause, Members rising.]

The SPEAKER. The Sergeant at Arms will escort the distinguished visitors to the well of the House so that the Members of the House may have an opportunity of meeting and shaking hands with them.

The Doorkeeper and the Sergeant at Arms escorted the two astronauts to the well of the House, and their wives joined them.

The Members of the House greeted the astronauts and their wives.

The SPEAKER. The committee of escort will conduct the distinguished visitors from the Chamber.

The recess having expired, the House was called to order by the Speaker at 3 o'clock and 40 minutes p.m.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess of the House may be printed in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

**§ 19.3 A reception in the Caucus Room for astronauts Grissom and Young was announced to the House by the Chairman of the Committee on Science and Astronautics.<sup>(1)</sup>**

On Mar. 25, 1965,<sup>(2)</sup> George P. Miller, of California, Chairman of the Committee on Science and Astronautics, announced a forthcoming reception:

Mr. MILLER. Mr. Speaker, on behalf of the Speaker, I wish to extend to all Members an invitation to attend a re-

1. *Parliamentarian's Note*: Astronauts Virgil I. Grissom and John W. Young were the first U.S. space team to orbit the earth in a two-man capsule. The flight took place on Tuesday, Mar. 22, 1965. The astronauts were honored by the President at a White House ceremony on Mar. 26, 1965. They attended a lunch on the Senate side of the Capitol and then returned for the reception on the House side at 5 o'clock p.m.
2. 111 CONG. REC. 5957, 5958, 89th Cong. 1st Sess.

ception in the caucus room of the Cannon Office Building tomorrow afternoon at 5 o'clock, for the two astronauts who have just so successfully flown through outer space.

The two astronauts, Virgil Grissom and John Young, will be there.

Unfortunately, we must limit the invitation to Members of the Congress and their immediate families. Consequently, we cannot allow the members of the congressional staffs to attend because there are so many people who want to see the astronauts that I am afraid Members of Congress wouldn't have that opportunity.

I urge you to be present. I know there will be business on the floor but we are going to try to arrange it so that we can get off the floor in time to see these men who have made such a great contribution to space science and to the honor and dignity of our country.

On Mar. 26, 1965,<sup>(3)</sup> Speaker John W. McCormack, of Massachusetts, during debate in the Committee of the Whole, informed the House of plans to recess briefly so that Members might meet the astronauts in the Caucus Room of the Cannon House Office Building.<sup>(4)</sup>

3. *Id.* at pp. 6109, 6112.
4. Rule IV clause 1, *House Rules and Manual*, § 677 (2007), states: "The Hall of the House shall be used only for the legislative business of the House and for the caucus and conference meetings of its Members, except when the House agrees to take part in any ceremonies to be observed therein. The Speaker may not

Mr. GERALD R. FORD [of Michigan]. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN.<sup>(5)</sup> The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. I note that the Speaker is in the well of the House. Would he give us the benefit of his information concerning plans for the Members of the House to visit with the astronauts?

Mr. McCORMACK. I am very glad the gentleman propounded his question in the parliamentary inquiry.

It is my hope that the Committee of the Whole will rise within the next 15 or 20 minutes. Then, in the House, a unanimous-consent request will be made to authorize the Speaker to declare a recess in order that the Members and their dear ones can attend the reception for the two astronauts. After that we will come back, and the House will go back into the Committee of the Whole for the further consideration of this bill. . . .

Mr. [Adam C.] POWELL [of New York]. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to. . . .

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#### SPEAKER EMPOWERED TO DECLARE RECESS

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I ask unanimous consent that the Speaker may declare a recess subject to the call of the Chair.

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entertain a motion for the suspension of this clause.”

As to the use of House facilities generally, see Ch. 4, *supra*.

5. Richard Bolling (MO).

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

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#### RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair. The bells will be rung 15 minutes before reconvening.

Accordingly (at 4 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

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#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 6 o'clock and 9 minutes p.m.

### *Receptions for Generals*

#### § 19.4 Proceedings had during recess of the House for a House ceremony to welcome General H. Norman Schwarzkopf.

On May 7, 1991,<sup>(1)</sup> the following occurred:

Mrs. (Patricia) SCHROEDER [of Colorado]. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday May 8, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of welcoming Gen. H. Norman Schwarzkopf,

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1. 137 CONG. REC. 9955, 102d Cong. 1st. Sess.

commander in chief, U.S. General Command.

The SPEAKER pro tempore (Mr. MAZZOLI).<sup>(2)</sup> Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

On May 8, 1991,<sup>(3)</sup> the Speaker<sup>(4)</sup> presided over a reception in the House Chamber. The proceedings were as follows:

RECEPTION OF GEN. H. NORMAN  
SCHWARZKOPF BY THE  
HOUSE OF REPRESENTATIVES

The SPEAKER. The Chair appoints the following Members to welcome Gen. H. Norman Schwarzkopf into the Chamber:

The gentleman from Missouri, Mr. GEPHARDT; the gentleman from Pennsylvania, Mr. GRAY; the gentleman from Michigan, Mr. BONIOR, the gentleman from Maryland, Mr. HOYER; the gentleman from Illinois, Mr. MICHEL; the gentleman from Georgia, Mr. GINGRICH; the gentleman from California, Mr. LEWIS; the gentleman from Oklahoma, Mr. EDWARDS; the gentleman from Mississippi, Mr. WHITTEN; the gentleman from Pennsylvania, Mr. MCDADE; the gentleman from Florida, Mr. FASCELL; the gentleman from Michigan, Mr. BROOMFIELD; the gentleman from Indiana, Mr. HAMILTON; the gentleman from New York, Mr. SOLARZ; the gentleman from Mississippi, Mr. MONTGOMERY; the gentleman from Arizona, Mr. STUMP; the

gentleman from Wisconsin, Mr. ASPIN; the gentleman from Alabama, Mr. DICKINSON; the gentleman from Pennsylvania, Mr. MURTHA; the gentleman from Florida, Mr. YOUNG; the gentleman from Florida, Mr. GIBBONS; and the gentleman from California, Mr. FAZIO.

“My Country” was presented by the U.S. Army band, led by Co. L. Bryan Shelburne, Jr.

The Doorkeeper, the Honorable James T. Molloy, announced Gen. H. Norman Schwarzkopf, who entered the Hall of the House of Representatives accompanied by the escort committee, and was seated at the desk in front of the Speaker’s rostrum.

The SPEAKER. The Chair wants to welcome everyone in the Chamber on this special occasion.

We are honored to have with us today representatives from the armed services who distinguished themselves in service in the Persian Gulf during Operation Desert Storm.

Would they please rise so they may be recognized.

(Applause, the Members rising.)

The SPEAKER. We are also very honored to have with us in the President’s gallery, the wife of General Schwarzkopf, Brenda Schwarzkopf.

(Applause, the Members rising.)

The SPEAKER. We are pleased to welcome Senator MITCHELL, majority leader of the U.S. Senate, and Members of the U.S. Senate.

We are also pleased to welcome to the Chamber His Excellency Shaikh Saud Nasir Al-Sabah, Ambassador of the State of Kuwait.

(Applause.)

The SPEAKER. Members of the Congress, it is my great privilege and I

2. Romano Mazzoli (KY).  
3. 137 CONG. REC. 10243, 10244, 102d Cong. 1st Sess.  
4. Thomas S. Foley (WA).

deem it a high honor and personal pleasure to present to you a man who has made every American proud of our great country, Gen. H. Norman Schwarzkopf, commander in chief of the U.S. Central Command and one of the great heroes of Operation Desert Storm.

(Applause, the Members rising.)

General SCHWARZKOPF. Mr. Speaker, Members of Congress and distinguished guests, it is a great day to be a soldier, and it is a great day to be an American.

I want to thank you for the singular distinction of being allowed to speak to the special session of the Congress of the United States of America. . . .

(Applause, the Members rising.)

The U.S. Army Band presented a medley of marches.

Gen. H. Norman Schwarzkopf, accompanied by the escort committee, retired from the Chamber.

The honored guests retired from the Chamber.

At 11 o'clock and 58 minutes a.m., the reception honoring Gen. H. Norman Schwarzkopf was concluded.

The SPEAKER. The House will remain in recess until 12:15 p.m.

□ 1215

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. HOYER] at 12 o'clock and 15 minutes p.m.

### § 19.5 Proceedings of a joint meeting to hear an address

#### by General William Westmoreland, Commander, U.S. Military Assistance Command, Vietnam.

On Apr. 28, 1967,<sup>(1)</sup> the Governors of the States were invited to attend the joint meeting to hear a report by the General. The proceedings were as follows:

#### JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY GEN. WILLIAM C. WESTMORELAND, COMMANDER, U.S. MILITARY ASSISTANCE COMMAND, VIETNAM

The SPEAKER of the House presided.

The Doorkeeper, Hon. William M. Miller, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER.<sup>(2)</sup> The Chair appoints as members of the committee on the part of the House to escort our distinguished visitor into the Chamber the gentleman from Oklahoma, Mr. ALBERT; the gentleman from Louisiana, Mr. BOGGS; the gentleman from New York, Mr. CELLER; the gentleman from South Carolina, Mr. RIVERS; the gentleman from Michigan, Mr. GERALD R. FORD; the gentleman from Illinois, Mr. ARENDS; and the gentleman from South Carolina, Mr. WATSON.

The VICE PRESIDENT.<sup>(3)</sup> The Chair appoints as members of the committee

1. 113 CONG. REC. 11153-55, 90th Cong. 1st Sess.
2. John W. McCormack (MA).
3. Hubert H. Humphrey (MN).

of escort on the part of the Senate the Senator from Louisiana, Mr. LONG; the Senator from West Virginia, Mr. BYRD; the Senator from Georgia, Mr. RUSSELL; the Senator from South Carolina, Mr. HOLLINGS; the Senator from California Mr. KUCHEL; the Senator from Iowa, Mr. HICKENLOOPER; the Senator from North Dakota, Mr. YOUNG; the Senator from Maine, Mrs. SMITH; and the Senator from South Carolina, Mr. THURMOND.

The Doorkeeper announced the Governors of the several States of the Union.

The Governors of the several States of the Union entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 31 minutes p.m., the Doorkeeper announced Gen. William C. Westmoreland, Commander, the U.S. Military Assistance Command, Vietnam.

Gen. William C. Westmoreland, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the great pleasure and high privilege of presenting to you Gen. William C. Westmoreland, U.S. Army, Commander, the U.S. Military Assistance Command, Vietnam.

ADDRESS BY GEN. WILLIAM C. WESTMORELAND, U.S. ARMY, COMMANDER, U.S. MILITARY ASSISTANCE COMMAND, VIETNAM

General WESTMORELAND. Mr. President, Mr. Speaker, Members of Congress:

I am deeply honored to address the Congress of the United States. I stand in the shadow of military men who have been here before me, but none of them could have more pride than is mine in representing the gallant American fighting men in Vietnam today. . . .

[Applause, the Members rising.]

At 12 o'clock and 59 minutes p.m., General Westmoreland, accompanied by the escort committee, retired from the Hall of the House of Representatives. . . .

The SPEAKER. The purposes of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 1 o'clock and 4 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 5 minutes p.m.

PROCEEDINGS HAD DURING  
RECESS TO BE PRINTED

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

**§ 19.6 The House held a Joint Meeting in the House Chamber to hear an address by General Matthew B. Ridgway.**

On May 22, 1952,<sup>(1)</sup> the Speaker<sup>(2)</sup> presided over a joint meeting in the House Chamber to receive General Ridgway, who had just been relieved of command of the troops in Japan and Korea and was on his way to relieve General Eisenhower, Supreme Commander of the Allied Powers in Europe:

JOINT MEETING OF THE HOUSE  
AND SENATE TO HEAR AN AD-  
DRESS BY GEN. MATTHEW B.  
RIDGWAY

The SPEAKER of the House of Representatives presided.

At 12 o'clock and 20 minutes p. m. the Members were called to order by the Speaker.

The Doorkeeper announced the Vice President and the Members of the United States Senate.

1. 98 CONG. REC. 5812-15, 82d Cong. 2d. Sess.
2. Sam Rayburn (TX).

The Senate, preceded by the Vice President and its Secretary and Sergeant at Arms, entered the Hall of the House of Representatives.

The VICE PRESIDENT took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for them.

The SPEAKER. On the part of the House the Chair appoints as members of the committee to escort our distinguished visitor into the Chamber, the gentleman from Massachusetts, Mr. MCCORMACK; the gentleman from Massachusetts, Mr. MARTIN; the gentleman from Louisiana, Mr. BROOKS; and the gentleman from Missouri, Mr. SHORT.

The VICE PRESIDENT.<sup>(3)</sup> On the part of the Senate the Chair appoints as members of the committee of escort the Senator from Arizona, Mr. MCFARLAND; the Senator from Texas, Mr. CONNALLY, the Senator from Texas, Mr. JOHNSON; the Senator from New Hampshire, Mr. BRIDGES; and the Senator from New Jersey, Mr. SMITH.

The Doorkeeper announced the Ambassadors, Ministers and Chargés d'Affaires of foreign governments who entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the members of the President's Cabinet, who entered the Hall of the House of Representatives and took the seats reserved for them.

At 12 o'clock and 30 minutes p. m. the Doorkeeper announced General Matthew B. Ridgway.

General Ridgway, escorted the committee of Senators and Representatives, entered the Hall of the House of

3. Alben W. Barkley (KY).

Representatives and stood at the Clerk's desk. [Applause, the Members rising.]

The SPEAKER. Members of Congress, I have the great pleasure and the high privilege of presenting to you Gen. Matthew B. Ridgway. [Applause, the Members rising.]

ADDRESS OF GEN. MATTHEW B. RIDGWAY

General RIDGWAY. Mr. President, Mr. Speaker, distinguished Members of the Congress, to be here, before the Members of the Congress of my country, is the greatest honor. To the Senate and the House of Representatives from whence came the invitation, and to the President who gave his sanction, I express my profound and respectful thanks. . . .

At 12 o'clock and 55 minutes p. m., General Ridgway, accompanied by the escort committee, retired from the Chamber.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The members of the President's Cabinet.

JOINT MEETING DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Thereupon (at 12 o'clock and 58 minutes p. m.) the joint meeting of the two Houses of Congress was dissolved.

The Members of the Senate retired to their Chamber.

AFTER RECESS

The recess having expired, the House was called to order at 1:30 o'clock p. m.

PRINTING OF PROCEEDINGS DURING THE RECESS

Mr. [Jere] COOPER [of Tennessee]. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess today be included in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

§ 19.7 The House held a Joint Meeting in the House Chamber to receive General of the Army Douglas MacArthur.

On Apr. 19, 1951,<sup>(1)</sup> the following proceedings occurred:

JOINT MEETING IN HOUSE CHAMBER TO RECEIVE GENERAL OF THE ARMY DOUGLAS MACARTHUR

The Speaker of the House of Representatives presided.

At 12:20 p.m., the Doorkeeper announced the Vice President and the Members of the United States Senate.

The Senate, preceded by the Vice President and its Secretary and Sergeant at Arms, entered the Hall of the House of Representatives.

1. 97 CONG. REC. 4123-25, 82d Cong. 1st Sess.



The Vice President took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for them.

The SPEAKER.<sup>(2)</sup> The Chair appoints as members of the committee on the part of the House to escort our distinguished visitor into the Chamber the gentleman from Massachusetts, Mr. MCCORMACK; the gentleman from Massachusetts, Mr. MARTIN; the gentleman from Georgia, Mr. VINSON; the gentleman from Indiana, Mr. HALLECK; and the gentleman from Louisiana, Mr. BROOKS.

The VICE PRESIDENT.<sup>(3)</sup> On the part of the Senate the Chair appoints as members of the committee of escort the junior Senator from Arizona, Mr. MCFARLAND; the senior Senator from Texas, Mr. CONNALLY; the junior Senator from Georgia, Mr. RUSSELL; the junior Senator from Nebraska, Mr. WHERRY; the senior Senator from New Hampshire, Mr. BRIDGES; and the senior Senator from Wisconsin, Mr. WILEY.

The Doorkeeper announced General of the Army Douglas MacArthur.

General of the Army Douglas MacArthur, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk. [Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great pleasure and a distinct privilege to present to you General of the Army Douglas MacArthur. [Applause, the Members rising.]

2. Sam Rayburn (TX).

3. Alben W. Barkley (KY).

ADDRESS OF GENERAL OF THE ARMY  
DOUGLAS MACARTHUR

General MACARTHUR. Mr. President, Mr. Speaker, distinguished Members of the Congress, I stand on this rostrum with a sense of deep humility and great pride; humility in the wake of those great American architects of our history who have stood here before me; pride in the reflection that this forum of legislative debate represents human liberty in the purest form yet devised. [Applause.] Here are centered the hopes, and aspirations, and faith of the entire human race. . . .

I am closing my 52 years of military service [Applause.] . . .

JOINT MEETING DISSOLVED

The SPEAKER. The joint meeting of the two Houses is now dissolved.

Thereupon (at 1 o'clock and 15 minutes p. m.) the joint meeting of the two Houses was dissolved.

AFTER RECESS

The recess having expired (at 1 o'clock and 15 minutes p. m.), the House was called to order by the Speaker.

Mr. [John W.] MCCORMACK [of Massachusetts]. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

*Conferral of Honorary Veteran Status*

**§ 19.8 The House by unanimous consent discharged the**

**Committee on House Oversight from further consideration of, and adopted, a Senate concurrent resolution authorizing the use of the Capitol Rotunda for a congressional ceremony to honor Leslie Townes (Bob) Hope by conferring upon him the status of honorary veteran of the Armed Forces of the United States.**

On Oct. 23, 1997,<sup>(1)</sup> the following proceedings took place:

Mr. [Robert W.] NEY [of Ohio]. Madam Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 56) authorizing the use of the rotunda of the Capitol for a ceremony honoring Leslie Townes (Bob) Hope by conferring upon him the status of an honorary veteran of the Armed Forces of the United States, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution. . . .

The SPEAKER pro tempore (Mrs. Morella).<sup>(2)</sup> Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. Con. Res. 56

*Resolved by the Senate (the House of Representatives concurring), That the*

1. 143 CONG. REC. 22806, 22807, 105th Cong. 1st Sess.
2. Constance A. Morella (MD).

rotunda of the Capitol is authorized to be used on October 29, 1997, for a ceremony to honor Leslie Townes (Bob) Hope for conferring upon him the status of an honorary veteran of the Armed Forces of the United States. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

***Commemoration of 75th Anniversary of the Department of Veterans' Affairs***

**§ 19.9 The House suspended the rules and adopted a concurrent resolution authorizing the use of the Rotunda for a ceremony to commemorate the 75th anniversary of (what is now) the Department of Veterans Affairs.**

On July 10, 2006,<sup>(1)</sup> the following proceedings took place:

Mr. [Vernon J.] EHLERS [of Michigan]. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 427) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs.

1. 152 CONG. REC. 13793–95, 109th Cong. 2d. Sess.

The Clerk read as follows:

H. Con. Res. 427

*Resolved by the House of Representatives (the Senate concurring),* that the rotunda of the Capitol is authorized to be used on July 19, 2006, for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. EHLERS. Madam Speaker, I yield myself such time as I may consume.

For three-quarters of a century, the Department of Veterans Affairs has supported the distinguished men and women of our Armed Forces through the many services they offer. Since its inception in 1930, the VA has worked tirelessly to enhance patient care and veterans benefits, providing excellence in service to those who serve our Nation proudly. . . .

Mr. EHLERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 427.

The question was taken; and (two-thirds having voted in favor thereof)

2. Judith Biggert (IL).

the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**War-Related Observances**

**§ 19.10 Proceedings had during a recess of the House for a joint meeting to close the commemoration of the 50th anniversary of World War II.**

On Sept. 29, 1995,<sup>(1)</sup> the following proceedings occurred:

AUTHORIZING THE SPEAKER TO DECLARE RECESSES AT ANY TIME ON WEDNESDAY, OCTOBER 11, 1995

Mr. [Christopher] SHAYS [of Connecticut]. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses at any time on Wednesday, October 11, 1995, for the purpose of a joint meeting to commemorate the 50th anniversary of World War II.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Connecticut?

There was no objection.

On Oct. 11, 1995,<sup>(3)</sup> the House stood in recess subject to the call of the Chair:

RECESS

The SPEAKER.<sup>(4)</sup> Pursuant to the order of the House of Friday, September 29, 1995, the House will stand

1. 141 CONG. REC. 26982, 104th Cong. 1st Sess.
2. Terry Everett (AL).
3. 141 CONG. REC. 27579-84, 104th Cong. 1st Sess.
4. Newt Gingrich (GA).

in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0900

JOINT MEETING OF THE 104TH  
CONGRESS TO CLOSE THE  
COMMEMORATION OF THE  
50TH ANNIVERSARY OF  
WORLD WAR II

During the recess the following proceedings took place in honor of the 50th anniversary of World War II, the Speaker of the House presiding.

The Assistant to the Sergeant at Arms, Kevin Brennan, announced the Vice President of the United States and the Members of the U.S. Senate, who entered the Hall of the House of Representatives, taking the seats reserved for them.

The SPEAKER. The joint meeting to close the commemoration of the 50th anniversary of World War II will come to order.

The Assistant to the Sergeant at Arms announced the Joint Armed Forces Color Guard.

The historical colors were carried into the Chamber; the flag was carried into the Chamber by the color bearer and a guard from each of the branches of the Armed Forces.

The national anthem was presented by the U.S. Army Chorus.

The color guard saluted the Speaker, faced about, and saluted the House.

The flag was posted, and the Members and guests were seated.

The Chaplain of the U.S. House of Representatives, Rev. James David

Ford, D.D., delivered the . . . invocation[.] . . .

The SPEAKER. It is most appropriate we hold this joint meeting of Congress to thank and honor the World War II generation who 50 years ago fought the most destructive war in history and saved the world for freedom. This morning we remember all who served our Nation, but our focus is on the World War II veteran, their families and those who served on the home front. . . .

Mr. Vice President.

Vice President GORE.<sup>(5)</sup> Mr. Speaker, Mr. Leader, Members of Congress, members of the President's Cabinet, General Shalikashvili and members of the Joint Chiefs of Staff and all members of the Armed Services who are gathered here and, most of all, to our World War II veterans and to their families, on behalf of the U.S. Senate, I, too, welcome you. . . .

The SPEAKER. Representative HENRY J. HYDE enlisted in the U.S. Navy on Veterans Day, November 11, 1942, and was commissioned an ensign in the U.S. Navy Reserve in October 1944. He served in the South Pacific, New Guinea, and the Philippines. He continued his military career in the Naval Reserves until 1968, retiring with the rank of commander. . . .

The SPEAKER. The U.S. Army Chorus and the U.S. Coast Guard Band will now present "Songs of the GI."

The U.S. Army Chorus and the U.S. Coast Guard Band presented "Songs of the GI." [Applause.]

The SPEAKER. Representative G.V. "SONNY" MONTGOMERY is one of the

5. Albert A. Gore, Jr. (TN).

veterans' best friends. He entered World War II as an enlisted person, was awarded the Bronze Star for valor, earned three Battle Stars and attained the rank of captain by the end of the war. He was recently awarded the Department of Defense Medal for Distinguished Public Service by Secretary Perry because of the success of the Montgomery GI bill in recruiting, retention and readjustment to civilian life.

The Chair recognizes and wishes also to take a moment to express his personal feelings that we will all miss you upon your retirement next year and hopes that all will recognize the Honorable SONNY MONTGOMERY, representative from the state of Mississippi and ranking minority member of the Committee on Veterans' Affairs. . . .

The SPEAKER. It is an honor for me to introduce our next speaker. He is a distinguished World War II veteran who was awarded the Medal of Honor for his uncommon valor, leadership and inspiration during the bloody battle of Guam in July 1944.

During that battle, Marine Capt. Louis H. Wilson commanded his company through some of the Pacific war's most vicious combat. During several continuous days of battle, he led his men, spearheading attacks and repelling enemy counterattacks. . . .

The SPEAKER. The Honorable Robert H. Michel, former Republican leader of the House of Representatives, was elected to the 85th Congress and for 36 years served the constituents of Peoria, IL, with great distinction until his retirement at the end of the 103d Congress.

During World War II, he also served with great distinction. He was a combat infantryman in England, France, Belgium, and Germany. Having been wounded by machine gun fire, he was discharged as a disabled veteran after being awarded the Bronze Star, Purple Heart, and four battle stars.

At this time, the Honorable Robert H. Michel will lead the U.S. Army Chorus in singing "God Bless America." . . .

The SPEAKER. The benediction will be given by the Reverend Lloyd John Ogilvie, Chaplain of the U.S. Senate.

The Chaplain of the Senate, the Reverend Lloyd John Ogilvie, offered the . . . benediction[.] . . .

The SPEAKER. Members and guests will stand for the retirement of the colors.

The colors were retired from the Chamber.

The SPEAKER. At this time, the Members of the Senate will retire.

The Members of the Senate retired from the Chamber.

The SPEAKER. The purpose for the joint meeting having been fulfilled, the joint meeting is concluded. The House will continue in recess until approximately 11 a.m.

The honored guests retired from the Chamber, at 10 o'clock and 16 minutes a.m. The proceedings to close the Commemoration of the 50th Anniversary of World War II were concluded.

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□ 1101

#### AFTER RECESS

The recess having expired, the House was called to order by the

Speaker pro tempore [Mr. SHAYS] at 11 a.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. [Joe] KNOLLENBERG [of Michigan]. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore.<sup>(6)</sup> Is there objection to the request of the gentleman from Michigan?

There was no objection.

§ 19.11 By unanimous consent the House considered a concurrent resolution authorizing use of the Capitol Rotunda in ceremonies to honor Americans yet unaccounted for from the Vietnam War.

On June 26, 1991,<sup>(1)</sup> the following proceedings took place:

Mr. [William (Bill)] CLAY [of Missouri]. Madam Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 158) authorizing the use of the rotunda of the Capitol by the National League of POW/MIA Families for a ceremony to honor the members of the armed services and civilians still imprisoned, missing, and unaccounted for as a result of the Vietnam conflict.

6. Christopher Shays (CT).

1. 137 CONG. REC. 16460-62, 102d Cong. 1st Sess.

The Clerk read the title of the concurrent resolution.

□ 1650

The SPEAKER pro tempore (Mrs. UNSOELD).<sup>(2)</sup> Is there objection to the request of the gentleman from Missouri?

Mr. [Bill] BARRETT [of Nebraska]. Madam Speaker, reserving the right to object, I yield to the gentleman from Missouri [Mr. CLAY] for the purpose of explaining his request.

Mr. CLAY. Madam Speaker, I thank the gentleman for yielding.

House Concurrent Resolution 158 provides for the use of the Capitol rotunda by the National League of POW/MIA Families on July 13, 1991 at 11 a.m. for a ceremony to honor the members of the armed services and civilians still imprisoned, missing and unaccounted for as a result of the Vietnam conflict. . . .

Mr. BARRETT. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 158

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol may be used by the National League of POW/MIA Families on July 13, 1991, from 11:00 o'clock ante meridian until 12:00 o'clock noon, for a ceremony to honor the members of the Armed Services and civilians still imprisoned, missing and unaccounted for as a result of the Vietnam conflict. Physical preparations

2. Jolene Unsoeld (WA).

for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 19.12 Example of a concurrent resolution, considered by unanimous consent, authorizing the use of the Capitol Rotunda for a ceremony.**

On May 23, 1990,<sup>(1)</sup> the following proceedings took place:

Mr. [Joe] KOLTER [of Pennsylvania]. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 133) providing for the use of the Capitol rotunda, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Pennsylvania?

Mr. [Paul E.] GILLMOR [of Ohio]. Mr. Speaker, reserving the right to object, I would ask the gentleman from Pennsylvania to explain the resolution.

Mr. KOLTER. Mr. Speaker, if the gentleman will yield, the resolution provides for the use of the rotunda for Members of Congress to assemble in conjunction with a ceremony com-

memorating American military heroism. The Senate adopted the resolution on Monday and the ceremony is tomorrow.

□ 2200

It is essential that we adopt it at this time in order to insure that the rotunda is available for the ceremony in the event of inclement weather.

Mr. GILLMOR. Mr. Speaker, further reserving the right to object, I join in supporting this resolution. I think it is only appropriate, and I particularly feel, as an Air Force veteran, that we should have this ceremony in the rotunda tomorrow recognizing the bravery of Americans.

Mr. Speaker, I would ask my colleagues to join in supporting the resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PARKER). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. Con. Res. 133

Whereas America can never forget the sacrifices of our brave military heroes: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the Rotunda of the Capitol may be used on Thursday, May 24, 1989, at 10:30 a.m., to allow the assembling of Members of Congress for ceremonies celebrating American Military Heroism.

SEC. 2. The Architect of the Capitol may prescribe conditions for physical preparations with respect to

1. 136 CONG. REC. 12090, 12091, 101st Cong. 2d Sess.

2. Mike Parker (MS).

the use of the Rotunda authorized by the first section.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

**§ 19.13 By unanimous consent, the House considered and agreed to a concurrent resolution authorizing the use of the Capitol Rotunda for ceremonies to observe the unveiling of the National League of Families POW/MIA flag.**

On Feb. 22, 1989,<sup>(1)</sup> the following proceedings took place:

Mr. [Ronnie G.] FLIPPO [of Alabama]. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 5) to provide for the use of the rotunda of the Capitol to inaugurate the display of the POW/MIA flag, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. Con. Res. 5

Whereas America can never forget the sacrifices of our brave service-

men still missing in action, nor the heroic suffering of our prisoners of war;

Whereas the families of Americans missing in Southeast Asia, having suffered greatly themselves, joined together in 1970 as the National League of Families to facilitate and promote the fullest possible accounting for POW/MIAs;

Whereas the official National League of Families POW/MIA flag symbolizes the nationwide recognition that is justly deserved by the missing and unaccounted for servicemen of all armed conflicts; and

Whereas the POW/MIA flag is an effective means of further raising public consciousness on this key American issue: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the rotunda of the Capitol may be used on Thursday, March 9, 1989, at 3 p.m., for ceremonies to observe the unveiling of the National League of Families POW/MIA flag which shall be displayed in the Capitol Rotunda until a satisfactory accounting of all America's POW/MIA's has taken place. The POW/MIA flag so displayed shall be in such size and at such place as the Architect of the Capitol, the Speaker and the Minority Leader of the United States House of Representatives, and the Majority and Minority Leaders of the United States Senate shall designate.

SEC. 2. The Architect of the Capitol may prescribe conditions for physical preparations with respect to the use of the rotunda authorized by the first section.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. FLIPPO] is recognized for 1 hour.

Mr. FLIPPO. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois [Mr. MICHEL], who is the author of the House companion bill.

1. 135 CONG. REC. 2505-08, 101st Cong. 1st Sess.

2. George (Buddy) Darden (GA).



Mr. [Robert H.] MICHEL [of Illinois]. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for the display of the POW/MIA flag in the rotunda of the Capitol and allows the rotunda to be used for appropriate ceremonies on March 9 for the unveiling of the flag.

It is identical as the gentleman indicated, to a resolution I introduced on January 27 here in the House.

Display of this flag until such time as there has been a satisfactory accounting of all our American POW's and MIA's, is a means of demonstrating our national concern and support for our servicemen who are missing in action or unaccounted for.

I can think of no better place for this flag to be displayed. The rotunda, with its statues of great Americans like Washington, Jefferson, Lincoln, Jackson, and Grant and the new bust of Martin Luther King is a place fit for American heroes. . . .

Mr. MICHEL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

**§ 19.14 The House agreed to a Senate concurrent resolution providing for the purchase of a floral wreath to be placed near catafalques bearing the remains of the unknown dead of World War II and**

**Korea as they lay in state in the Rotunda of the Capitol.**

On May 22, 1958,<sup>(1)</sup> the Speaker<sup>(2)</sup> recognized Mr. John W. McCormack, of Massachusetts, to offer the following resolution:

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 90.

The Clerk read the concurrent resolution, as follows:

*Resolved by the Senate (the House of Representatives concurring),* That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are each hereby authorized and directed to purchase a floral wreath to be placed by the catafalques bearing the remains of the unknowns of World War II and Korea which are to lie in state in the rotunda of the Capitol of the United States from May 28 to May 30, 1958, the expenses of which shall be paid from the contingent funds of the Senate and the House of Representatives, respectively.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

**§ 19.15 Announcement that Members would meet informally in the House Chamber to proceed in a body to the Rotunda to witness the arrival of the remains of the Unknowns of World War II and Korea.**

1. 104 CONG. REC. 9368, 85th Cong. 2d Sess.
2. Sam Rayburn (TX).

On May 27, 1958,<sup>(1)</sup> the Speaker<sup>(2)</sup> announced that the House would gather informally the next morning (before the convening of the House for the day) to attend a commemorative ceremony:<sup>(3)</sup>

The SPEAKER. The Chair desires to make the following announcement:

Members will meet here in the House Chamber, informally, at 9:30 a.m. on tomorrow, Wednesday, May 28, 1958, and will then proceed in a body to the rotunda of the Capitol to witness the arrival of the remains of the unknown servicemen of World War II and Korea which will there lie in state until May 30, 1958.

In the Senate, on May 28, 1958,<sup>(4)</sup> the following proceedings occurred:

Mr. [Lyndon B.] JOHNSON [of Texas]. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The VICE PRESIDENT.<sup>(5)</sup> Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 9 o'clock and 46 minutes, a. m.) the Senate, preceded by its

1. 104 CONG. REC. 9612, 85th Cong. 2d Sess.
2. Sam Rayburn (TX).
3. H. Con. Res. 242 authorized the use of the Rotunda for the lying in state of the soldiers. See 104 CONG. REC. 2442, 85th Cong. 2d Sess., Feb. 19, 1958. See also Ch. 38 Appendix, *infra*.
4. 104 CONG. REC. 9661, 85th Cong. 2d Sess.
5. Richard M. Nixon (CA).

Secretary (Felton M. Johnston), its Sergeant at Arms (Joseph C. Duke), and Vice President Richard M. Nixon, of California, proceeded to the rotunda in the Capitol Building to participate in the commemorative exercises in connection with placing on the catafalques the caskets containing the bodies of the unknown dead of World War II and the Korean war. When the Members of the two Houses had assembled in the rotunda, the Vice President and the Speaker of the House of Representatives, on behalf of the Congress of the United States, placed wreaths before the caskets.

The Senate reassembled at 10 o'clock and 7 minutes a. m., when called to order by the President pro tempore.

In the House, on May 28, 1958,<sup>(6)</sup> Members, by unanimous consent and special order respectively, spoke about the ceremony held in the Rotunda earlier in the day.

#### THE TWO UNKNOWN AMERICANS

Mr. [Eugene J.] KEOUGH [of New York]. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEOUGH. Mr. Speaker, it is with great humility that we receive in the Capitol the remains of the two unknown Americans of World War II and of Korea. . . .

6. 104 CONG. REC. 9761, 85th Cong. 2d Sess.

The two unknowns in our midst will give us pause. For here is the symbol of tremendous faith and respect and dedication from which we may all take inspiration. . . .

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THE UNKNOWN SERVICEMEN  
OF THE KOREAN WAR AND  
WORLD WAR II

The SPEAKER. Under previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 10 minutes. . . .

Mrs. [Edith Nourse] ROGERS of Massachusetts. Mr. Speaker, I believe everyone of us, as we viewed this morning in the rotunda of the Capitol the flag-covered caskets of the two unknown soldiers, one from the Korean war and one from World War II, soldiers known only to God, was deeply moved. . . .

Mr. Speaker, our prayers, our love and devotion and undying gratitude will be with them always. They typify every soldier known only to God.

**§ 19.16 A concurrent resolution providing that the flag of the United States shall be displayed at half mast over the Capitol Building on the date of arrival in port of the first vessel returning to the United States with the remains of American soldiers, sailors, marines, and airmen who gave their lives to their country in the Korean hostilities.**

On Mar. 20, 1951,<sup>(1)</sup> Mr. J. Percy Priest, of Tennessee, asked unanimous consent for the immediate consideration of Senate Concurrent Resolution 20. The proceedings were as follows:

HONORING OUR KOREAN HEROES

Mr. PRIEST. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (S. Con. Res. 20) to display the flag on the Capitol at half-mast on the occasion of the first arrival of the remains of members of the armed services killed in Korea.

The Clerk read the concurrent resolution, as follows:

*Resolved by the Senate (the House of Representatives concurring), That the flag of the United States shall be displayed at half-mast on the Capitol Building on the date of the arrival in port of the first vessel returning to the United States the remains of gallant and heroic American soldiers, sailors, marines, and airmen who gave their lives to their country in the Korean hostilities. . . .*

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

**§ 19.17 When the unconditional surrender of Germany**

1. 97 CONG. REC. 2673, 2674, 82d Cong. 1st Sess.
2. Sam Rayburn (TX).

**(World War II) was anticipated as imminent, the Speaker arranged that Members of the House might remain in their seats in recess to hear the expected Presidential proclamation.**

On May 7, 1945,<sup>(1)</sup> Mr. John W. McCormack, of Massachusetts, requested permission for the House to hear the expected proclamation of the unconditional surrender of Germany in World War II.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order during the remainder of the day for the Speaker to declare such recess as he may desire, the reconvening of the House to be subject to the call of the Chair.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Massachusetts?

Mr. [Joseph W.] MARTIN [Jr.], of Massachusetts. Mr. Speaker, reserving the right to object, I do this for the purpose of making an inquiry as to the object of this request and ask for any detail that the gentleman might like to give us.

Mr. McCORMACK. In the event the hoped-for proclamation from an official angle of VE-day has arrived, I thought it might be that the Speaker would desire to have the House stand in recess. There are many rumors. The leadership, as far as I am able to ascertain, has nothing definite although it is

hoped that the official announcement may be made possibly some time during the afternoon, in which event the Speaker may desire to have the House stand in recess.

The SPEAKER. Permit the Chair to make this statement: The Chair has been in communication with the White House this morning. The Chair knows nothing more than any other Member of the House. But in case the President of the United States issues a proclamation this afternoon it will be on the air and the Chair has arranged that the Members may remain in their seats to hear this proclamation. The Chair thinks it would be wise, therefore, for the House to be in recess for this reason.

*Parliamentarian's Note:* The radio gallery connected their radio system to the House amplifiers. However, the proclamation did not come that day; it came at 9 a.m. the next day, before the House met.

## § 20. Presentation of Gifts and Awards

On occasion, the House (or the Congress) has received works of art or historic objects donated by private individuals, organizations or foundations, for preservation in the public trust.<sup>(1)</sup> These donations will generally have a patriotic significance and upon their

1. 91 CONG. REC. 4264, 79th Cong. 1st Sess.
2. Sam Rayburn (TX).

1. Acceptance of foreign gifts, emoluments, offices, or titles by House employees is subject to the limitations

receipt, an announcement of acceptance or dedication ceremony may be held.<sup>(2)</sup>

—

***The John W. McCormack Annual Award of Excellence***

**§ 20.1 The Majority Leader announced to the House that the Speaker, at ceremonies in his honor, had been given a book signed by all House employees and that an annual award of excellence had been established in the Speaker's name to be presented to the employee performing the most valuable service to the House.**

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of Section 9, Article 1 of the U.S. Constitution; the Foreign Gifts and Decorations Act of 1966 (Pub L. No. 90-83, 81 Stat. 208, Sept. 11, 1967; codified at 5 USC § 7342) and by House ethics rules (See *House Ethics Manual*, Committee on Standards of Official Conduct, 110th Cong. 2d Sess., U.S. G.P.O. (Washington 2007)). See also 5 Hinds' Precedents §§ 7100–7106 and 8 Cannon's Precedents §§ 3558, 3559.

2. See §§ 20.2–20.4, *infra*. The Committee on House Administration has jurisdiction over statuary, pictures, and the acceptance or purchase of works of art for the Capitol. The Committee on Natural Resources is responsible for the erection of monuments to the memory of individuals. See Rule X clause 1, *House Rules and Manual* § 731 (2007).

On Dec. 17, 1970,<sup>(1)</sup> Majority Leader Carl Albert, of Oklahoma, announced that Speaker John W. McCormack, of Massachusetts, had been presented with a book signed by all the employees of the House and that an award had been designated in his honor, as follows:

Mr. ALBERT. Mr. Speaker, one of the most deserved and touching ceremonies I have ever witnessed took place in the caucus room of the Cannon House Office Building today. On this occasion, the employees of the House of Representatives honored the Speaker by giving him a book signed by all of them and presented in his name a plaque to be called "The John W. McCormack Annual Award of Excellence" on which each year the name of the House employee, who performs the most valuable service for the House, will be inscribed. This plaque will be hung in a conspicuous place on the House side of the Capitol and will be a permanent part of the House and its heritage.

The employees paid the Speaker a tribute which expressed both their high regard and deep affection. In responding, the Speaker made a remarkably beautiful spontaneous speech which brought tears to the eyes of many in attendance. It was evident that everyone present from the lowliest employee to the ranking officials of the House loved our great Speaker and were saddened that he will not be with them next year. They all appreciate his

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1. 116 CONG. REC. 42190, 42191, 91st Cong. 2d Sess.

decency, his humility, his consideration, and his kindness. He has certainly been a friend of the House employees.

***Presentation of Historic Chairs to the House***

**§ 20.2 Proceedings in connection with the presentation to the House of two antique chairs, used in the new House Chamber when it was first occupied in 1857, were inserted in the *Congressional Record*.**

On July 22, 1968,<sup>(1)</sup> the following proceedings occurred in the House:

Mr. [Fred] SCHWENGEL [of Iowa]. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, on July 18 in a brief ceremony in the Speaker's Lobby, Mrs. George J. Le Blanc, of Alexandria, Va., presented two chairs used by the House of Representatives over 100 years ago when they were still meeting in the old House Chamber, now known as Statuary Hall. Because of the special interest present Members of the House may

1. 114 CONG. REC. 22684, 22685, 90th Cong. 2d Sess.
2. Carl Albert (OK).

have in this and because it was a historic occasion, it should be properly recorded in the Journal. I am having the remarks made at the occasion placed in the CONGRESSIONAL RECORD:

CONGRESSIONAL CHAIR  
PRESENTATION CEREMONY

REMARKS BY HON. FRED SCHWENGEL

Mr. Speaker, fellow Congressmen, friends and guests: We are gathered again today to make another presentation to the Capitol. I speak as President of the United States Capitol Historical Society to serve as a vehicle to present to the House of Representatives of the Congress of the United States of America, two antique chairs used by Congressmen in the House Chamber over one hundred years ago, to be here as daily reminders of our history and heritage. . . .

PRESENTATION BY MRS. GEORGE J. LE  
BLANC

I am very happy to attend this homecoming for it gives me the opportunity to see these two chairs returned to their rightful place, the Capitol of the United States, where they once had the honor of serving Congressmen of the House of Representatives. . . .

And so it is with great pleasure that I return these chairs to their rightful place, realizing by your acceptance of them they will be preserved for posterity as a part of our great American Heritage.

REMARKS OF THE SPEAKER OF THE  
HOUSE

Mr. Schwengel, I am glad to be here in this historic Speaker's Lobby for this important ceremony and accept these fine heirlooms for the House of Representatives. I am glad to have these chairs that were used by Congressmen over one hundred

years ago. They will be reminders of our early patriots and Representatives of the House who were statesmen in the very real and important sense. The memories of these men should be noted and called to our attention more often than they are and with the acceptance of these chairs placed here in this Lobby, we will have an interesting daily reminder of these men and women. . . .

In closing may I say again these two chairs are a reminder of history—the history of yesterday, and I want to assure Mrs. Le Blanc that these chairs will become an intricate part of the House of Representatives in its daily work to serve the people.

REMARKS OF HON. FRED SCHWENGEL

Thank you, Mr. Speaker, for those eloquent words of appreciation and assurance. Once again, you have gone beyond the call of duty as you have done so often—especially for the Historical Society and for those projects and programs that have for their purpose the recalling of the magnificent story of our Capitol and the history of our country. You have been a great Speaker and you have been great in the support of those things that recall a great foundation based on freedom on which our nation was built. . . .

### *Donation of Marble Bust to Congress*

#### **§ 20.3 A marble bust was donated to Congress by an organization and placed in the rotunda of the Old House Office Building.**

On May 15, 1962,<sup>(1)</sup> a marble bust of former Speaker Joseph W.

1. 108 CONG. REC. 8453–57, 87th Cong. 2d Sess.

Martin, Jr. was presented to the Congress of the United States by the National Federation of Republican Women.<sup>(2)</sup> The following proceedings occurred:

Mr. [Don L.] SHORT [of North Dakota]. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore.<sup>(3)</sup> Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. [F. Bradford] MORSE [of Massachusetts]. Mr. Speaker, hundreds, indeed thousands, of men have served in this great House, but none has inspired greater respect, devotion and affection than has our distinguished colleague from the Commonwealth of Massachusetts, the beloved former Speaker of this body, JOE MARTIN. The qualities that have earned Speaker MARTIN such a high place in the regard of his colleagues have endeared him to millions of Americans.

The honors that have been accorded this great yet humble man bear eloquent testimony to his stature. Honors, indeed, are not new to JOE MARTIN, but I believe that of all the tributes he has received none have had greater meaning than that which was accorded

2. The bust was placed in the “Old House Office Building,” which was subsequently renamed the Cannon House Office Building. See <http://www.aoc.gov/cc/cobs/chob.cfm> (last visited Jan. 5, 2010).
3. Carl Albert (OK).

him on Sunday, April 15, 1962, when the National Federation of Republican Women presented to the Congress of the United States a marble likeness of JOE MARTIN, executed by the noted sculptress, Mme. Suzanne Silvercruys, to be placed in the rotunda of the House Office Building.

Scores of JOE'S colleagues from both branches of the Congress joined with hundreds of Republican ladies from throughout our nation in the presentation ceremony. In order that our colleagues who were not able to attend the ceremonies may share the sentiments of those who paid tribute to JOE on this notable occasion, I am incorporating at this point in the CONGRESSIONAL RECORD the program describing the ceremonies together with a record of the proceedings which was transcribed from a tape recording of the ceremonies contributed as a public service by Mr. Isaac Street, of Business and Social Recordings[.]<sup>(4)</sup>

### ***Donation of 49-Star Flag to House***

#### **§ 20.4 A 49-star flag, for use on the rostrum, was presented to the House of Representatives by the Daughters of the American Revolution.**

On July 16, 1959,<sup>(1)</sup> Mr. Clifford G. McIntire, of Maine, gave a one-

4. The taped ceremonies were printed in the *Congressional Record* at 108 CONG. REC. 8453-57, 87th Cong. 2d Sess., May 15, 1962.
1. 105 CONG. REC. 13592, 13593, 86th Cong. 1st Sess.

minute speech announcing that a 49-star flag had been presented to the House by the Daughters of the American Revolution. The proceedings were as follows:

Mr. McINTIRE. Mr. Speaker, it is an honor and privilege to direct the attention of the House to the fact that as this session opens today the new 49-star flag of our beloved country is officially displayed over the Speaker's rostrum for the first time.

A flag of the United States was presented to the House of Representatives in 1901 by the National Society of the Daughters of the American Revolution and hung over the Speaker's rostrum for the first time.

On August 19, 1919, the House was presented with a new flag by this society to replace the flag displayed since 1901, which had become soiled and worn. This new flag was formally accepted by House resolution, September 18, 1919, and hung over the Speaker's rostrum, back of the Speaker's chair. By House Resolution of September 18, 1919, the old flag was returned to the society, to be displayed and carefully preserved in the archives of the society.

On December 28, 1950, a new flag was once again presented to the House by this society to replace the flag that had been displayed in the Chamber since 1919, and was hung over the Speaker's rostrum back of the Speaker's chair, on January 3, 1951, the day when the House met for the first time in the remodeled Chamber. The old flag was returned to the society for preservation, December 28, 1950.

In the office of the Speaker this morning, Mrs. Doris White, distinguished citizen of Maine and president-general of the Daughters of the



American Revolution, presented this beautiful 49-star flag to the House of Representatives.

This continues a project which began in 1901 as a project truly in keeping with the great traditions and high ideals of this distinguished organization of American women.

### *Memorial Bell Tower*

#### **§ 20.5 A resolution authorizing the printing of proceedings in connection with the dedication ceremonies of the Robert A. Taft Memorial.**

On Apr. 13, 1959,<sup>(1)</sup> Mr. Clarence J. Brown, of Ohio, asked unanimous consent to address the House:

##### DEDICATION CEREMONY, TAFT MEMORIAL TOWER

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I have requested this time to announce that tomorrow morning the dedicatory exercises for the Taft Memorial Bell Tower on the Capitol Grounds, just across Constitution Avenue, will begin at 10 o'clock. All Members of Congress, of course, are invited, along with their

wives. Tickets have been sent to each Member of the House and each Member of the Senate, two tickets to each. Special reserved seats have been arranged and are being held for the use of Members of Congress.

If I may take just a second or two, I should like to tell you something of the program:

The Indian Hill High School Band, which comes from the little community where Senator Taft lived, will give a part of the musical program, which will start about 10 minutes of 10. Then the U.S. Marine Band will follow.

The presiding officer to open the meeting will be Representative B. CARROLL REECE of Tennessee, who is the president of the Robert A. Taft Memorial Foundation, Inc.

The invocation will be given by Rev. Frederick Brown Harris, Chaplain of the Senate.

The meaning of the tower will be explained in a short address by Representative REECE, who will present, in a body, the 100 trustees of the memorial foundation.

The meeting will then be turned over to me as the chairman of the Physical Memorial Subcommittee, and I in turn will introduce, first, Senator STYLES BRIDGES, who will speak for 4 or 5 minutes for the Senate, then Senator HARRY FLOOD BYRD, who will speak also for the Senate for about the same length of time, to be followed by William Howard Taft III, the eldest son of Senator Taft, former Ambassador to Ireland, as you recall. He will respond for a minute or so in behalf of the family.

Following I will present the former President of the United States, the

1. 105 CONG. REC. 5776, 86th Cong. 1st Sess.

2. Sam Rayburn (TX).

chairman of the board of trustees of the foundation, the Honorable Herbert Hoover, who will deliver a eulogy on Senator Taft.

Next, the President of the United States, Dwight D. Eisenhower, honorary chairman of the foundation, will be presented, and in turn he will dedicate the memorial by turning over symbolic keys to the Vice President of the United States and to Speaker RAYBURN, of the House, both of whom will respond on behalf of the Congress.

Following the address of Mr. Speaker RAYBURN, the benediction will be given by the Acting Chaplain of the House.

This memorial, as you know, which cost approximately 1 million is being presented to the Congress of the United States by the Taft Memorial Foundation, and the Congress will serve as its custodian for the benefit of the American people.

Following the speaking program there will be a 20-minute carillon concert so that those assembled may have the opportunity to hear these famous bells for the first time.

On Apr. 14, 1959,<sup>(3)</sup> the following resolution was offered.

Mr. REECE of Tennessee. Mr. Speaker, I offer a resolution (H. Res. 243) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That there be printed as a House document,<sup>(4)</sup> will [sic] illus-

trations, the proceedings in connection with the dedication ceremonies of the Robert A. Taft Memorial on April 14, 1959.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### ***Presentation of Gift to Speaker by Member***

#### **§ 20.6 The Speaker was presented an Irish shillelagh on St. Patrick's Day.**

On Mar. 17, 1952,<sup>(1)</sup> Mr. Fred E. Busbey, of Illinois, presented Speaker Sam Rayburn, of Texas, with a shillelagh, as indicated below:

Mr. BUSBEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BUSBEY. Mr. Speaker, today Americans the length and breadth of the land are joining the Irish in honoring their patron saint and we pay our respects to the gallant people of Irish extraction on this St. Patrick's Day. . . .

I hold in my hand a genuine black-thorn shillelagh which came from the county of Tipperary, Ireland. By virtue of the esteem the Members of this body hold for the Speaker, I believe it very

3. See 105 CONG. REC. 5858, 86th Cong. 1st Sess.

4. H. Doc. No. 86-121.

1. 98 CONG. REC. 2403, 82d Cong. 2d Sess.

appropriate for him to use a shillelagh on St. Patrick's Day to preside over the House of Representatives. This shillelagh was presented to me during my visit in Ireland by Mr. Nicholas Lakas, one of our younger and most promising Foreign Service officers, who was in charge of the United States consulate at Cork, Ireland. I, in turn, present it to our Speaker with my compliments, a shillelagh from O'Busbey to Speaker O'Rayburn.

The SPEAKER. I appreciate the suggestion of the gentleman from Illinois.

## § 21. Statuary

The old Hall of the House of Representatives is today used for the reception and protection of statuary and has come to be known as National Statuary Hall. Statuary Hall was created under a July 2, 1864, law that authorized the President to "invite all the states to provide and furnish statues, in marble or bronze, not exceeding two in number for each state, of deceased citizens deemed worthy of this national commemoration."<sup>(1)</sup> In 1876, supervision and direction of the collection were assigned to the Architect of the Capitol.<sup>(2)</sup>

1. Act July 2, 1864, ch. 210, §§ 2, 13 Stat. 347, codified as 2 USC § 2131.
2. See R.S. § 1814; Aug. 15, 1876, ch. 287, 19 Stat. 147, codified as 2 USC § 2131.

Originally, all State statues were placed in National Statuary Hall. However, the Hall soon became overcrowded, and the aesthetic appearance of the Hall began to suffer as a result. In 1933, Congress adopted a concurrent resolution providing for the relocation of statues and to govern the future reception and location of statues by the Architect of the Capitol, upon the approval of the Joint Committee of the Library and with the advice of the Commission of Fine Arts.<sup>(3)</sup> Under authority of this resolution, it was decided that only one statue from each State should be placed in Statuary Hall. The collection is now located in several areas of the Capitol: in National Statuary Hall, the Capitol Rotunda, the first and second floor House and Senate corridors, the Hall of Columns, the Crypt and the Capitol Visitor Center.<sup>(4)</sup> In 2000, legislation was passed that allowed for

*Parliamentarian's Note:* If the State legislature votes to replace one of its statues its request must be approved by the Joint Committee on the Library. State replacement statues for former Presidents Eisenhower, Reagan, and Ford have been approved.

3. H. Con. Res. 47, adopted Feb. 24, 1933, 47 Stat. Part 2, 1784.  
See 5 Hinds' Precedents §§ 7089–7099 and 8 Cannon's Precedents §§ 3545–3557.
4. See Ch. 4, § 6 *supra*.

any State to request that the Joint Committee on the Library replace a statue that had previously been provided for display.<sup>(5)</sup>

With the addition of New Mexico's second statue in 2005, the collection is now complete and consists of 100 statues contributed by 50 States.<sup>(6)</sup> In addition, in 2005, Congress, by law, directed the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in National Statuary Hall in a suitable permanent location.<sup>(7)</sup> Upon completion, the Rosa Parks statue will be the only non-state statue contribution to National Statuary Hall. Other non-State statutes in the Capitol complex include Martin Luther King in the Rotunda and Sojourner Truth in the Visitor's Center.

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### *Honoring Rosa Parks*

#### **§ 21.1 The House, by unanimous consent, considered and passed an unreported bill authorizing the place-**

5. Pub. L. No. 106-554, codified as 2 USC § 2132.
6. For a complete list of statuary in the collection, see <http://www.aoc.gov/cc/art/nsh/index.cfm>
7. Pub. L. No. 109-116. See § 21.1, *infra*.

#### **ment in Statuary Hall of a statue of Rosa Parks (after adopting an amendment imposing a 10-year moratorium on the placement of most other statues).**

On Nov. 17, 2005,<sup>(1)</sup> the following proceedings took place:

##### PLACEMENT OF STATUE OF ROSA PARKS IN NATIONAL STATUARY HALL

Mr. [Robert W.] NEY [of Ohio]. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the bill (H.R. 4145) to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Ohio?

Ms. [Juanita] MILLENDER-McDONALD [of California]. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio to explain the purpose of this legislation.

Mr. NEY. Mr. Speaker, I rise today in support of House Resolution 4145, a bill to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall. . . .

Ms. [Juanita] MILLENDER-McDONALD [of California]. Mr. Speaker, I withdraw my reservation of objection.

1. 151 CONG. REC. 26849-53, 109th Cong. 1st Sess.
2. John Randy Kuhl, Jr. (NY).

The SPEAKER pro tempore (Mr. KUHL of New York). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4145

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PLACEMENT OF STATUE OF ROSA PARKS IN NATIONAL STATUARY HALL.**

(a) Obtaining Statue.—The Architect of the Capitol shall enter into an agreement to obtain a statue of Rosa Parks, under such terms and conditions as the Architect considers appropriate consistent with applicable law.

(b) Placement.—Not later than 2 years after the date of the enactment of this Act, the Architect shall place the statue obtained under subsection (a) in the United States Capitol in a suitable permanent location in National Statuary Hall.

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act, and any amounts so appropriated shall remain available until expended.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Ney:

Strike all after the enacting clause and insert the following:

**SECTION 1. PLACEMENT OF STATUE OF ROSA PARKS IN NATIONAL STATUARY HALL.**

(a) Obtaining Statue.—Not later than 2 years after the date of the enactment of this Act, the Joint Committee on the Library shall enter into an agreement to obtain a statue of Rosa Parks, under such terms and conditions as the Joint Committee considers appropriate consistent with applicable law.

(b) Placement.—The Joint Committee shall place the statue obtained under sub-

section (a) in the United States Capitol in a suitable permanent location in National Statuary Hall.

**SEC. 2. ELIGIBILITY FOR PLACEMENT OF STATUES IN NATIONAL STATUARY HALL.**

(a) Eligibility.—No statue of any individual may be placed in National Statuary Hall until after the expiration of the 10-year period which begins on the date of the individual's death.

(b) Exceptions. Subsection (a) does not apply with respect to--

(1) the statue obtained and placed in National Statuary Hall under this Act; or

(2) any statue provided and furnished by a State under section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131) or any replacement statue provided by a State under section 311 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132).

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act, and any amounts so appropriated shall remain available until expended.

Mr. NEY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. NEY).

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

***Honoring Po'Pay***

**§ 21.2 The House suspended the rules and adopted an unreported concurrent resolution authorizing the use of the Rotunda to commemorate the unveiling of a statue**

**of Po'Pay that was provided for display in Statuary Hall by the State of New Mexico.**

**PROVIDING FOR ACCEPTANCE OF STATUE OF PO'PAY FOR PLACEMENT IN NATIONAL STATUARY HALL**

On Sept. 21, 2005,<sup>(1)</sup> the following proceedings took place:

Mr. [Robert W.] NEY [of Ohio]. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 242) providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes.

The Clerk read as follows:

**H. CON. RES. 242**

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. ACCEPTANCE OF STATUE OF PO'PAY FROM THE PEOPLE OF NEW MEXICO FOR PLACEMENT IN NATIONAL STATUARY HALL.**

(a) In General.—The statue of Po'Pay, furnished by the people of New Mexico for placement in National Statuary Hall in ac-

1. 151 CONG. REC. 20806, 109th Cong. 1st Sess.

See also 116 CONG. REC. 40211, 40212, 91st Cong. 2d Sess., Dec. 7, 1970 (S. Con. Res. 2, authorizing acceptance for National Statuary Hall of a statue of the late Senator E.L. Bartlett, presented by the State of Alaska); and 114 CONG. REC. 21332, 21333, 90th Cong. 2d Sess., July 15, 1968 (S. Con. Res. 75, authorizing acceptance for the National Statuary Hall of a collection of statues of Father Damien and King Kamehameha I, presented by the State of Hawaii).

cordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of the Congress are tendered to the people of New Mexico for providing this commemoration of one of New Mexico's most eminent personages.

(b) Presentation Ceremony.—The State of New Mexico is authorized to use the Rotunda of the Capitol on September 22, 2005, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) Display in Rotunda.—The statue shall be displayed in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be moved to its permanent location in the National Statuary Hall Collection.

**SEC. 2. TRANSMITTAL TO GOVERNOR OF NEW MEXICO.**

The Clerk of the House of Representatives shall transmit an enrolled copy of this concurrent resolution to the Governor of New Mexico.

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Concurrent Resolution 242. As the chairman of the Joint Committee on the Library, which has the privilege and responsibility for the acceptance and placement of statues, the National Statuary Hall collection, I want to first thank my colleagues from the New Mexico delegation and their constituents for the statue of the Indian Pueblo leader Po'Pay. This resolution was introduced by the gentlewoman from New Mexico (Mrs. WILSON) and also supported by the gentleman from New

2. Candice S. Miller (MI).

Mexico (Mr. UDALL) and the gentleman from New Mexico (Mr. PEARCE). I also want to thank all three of those Members for bringing this resolution before us.

Po'Pay was the San Juan Pueblo Indian leader and organizer of the Pueblo Revolt of 1680 that drove the Spanish colonials from Pueblo lands. It was not until after his death that the Spanish recolonized the land. But because of Po'Pay, they granted the Pueblo more rights and freedoms during their recolonization. . . .

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 242.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

### *Honoring Sarah Winnemucca*

#### **§ 21.3 The House suspended the rules and adopted an unreported concurrent resolution authorizing the use of the Rotunda to commemorate the unveiling of a statue of Sarah Winnemucca that was provided for display in Statuary Hall by the State of Nevada.**

On Mar. 1, 2005,<sup>(1)</sup> the following proceedings took place:

1. 151 CONG. REC. 3068, 3069, 3079, 109th Cong. 1st Sess.

Mr. [Robert W.] NEY [of Ohio]. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 5) providing for the acceptance of a statue of Sarah Winnemucca, presented by the people of Nevada, for placement in National Statuary Hall, and for other purposes, as amended.

The Clerk read as follows:

#### H. CON. RES. 5

Whereas Sarah Winnemucca was the daughter of Chief Winnemucca and the granddaughter of the redoubtable Chief Truckee of the Northern Paiute Tribe who led John C. Fremont and his men across the Great Basin to California;

Whereas Sarah, before her 14th birthday, had acquired five languages, including three Indian dialects, Spanish, and English, and was one of only two Northern Paiutes in Nevada at the time who was able to read, write, and speak English;

Whereas Sarah was an intelligent and respected woman who served as an interpreter for the United States Army and the Bureau of Indian Affairs and served as an aide, scout, peacemaker, and interpreter for General Oliver O. Howard during the Bannock War of 1878, in Idaho;

Whereas, in 1883, Sarah published *Life Among the Paiutes: Their Wrongs and Claims*, the first book written and published by a Native American woman;

Whereas Sarah became a tireless spokeswoman for the Northern Paiute Tribe and in 1879, gave more than 300 speeches throughout the United States concerning the plight of her people;

Whereas Sarah established a non-governmental school for Paiute children near Lovelock, Nevada, which operated for three years and became a model for future educational facilities for Native American children; and

Whereas Sarah, in fighting for justice, peace, and equality for all persons, represented the highest ideals of America and is hereby recognized as a distinguished citizen of Nevada: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. ACCEPTANCE OF STATUE OF SARAH WINNEMUCCA FROM THE PEOPLE OF NEVADA FOR PLACEMENT IN NATIONAL STATUARY HALL.**

(a) In General.—The statue of Sarah Winnemucca, furnished by the people of Nevada for placement in National Statuary Hall in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of the Congress are tendered to the people of Nevada for providing this commemoration of one of Nevada’s most eminent personages.

(b) Presentation Ceremony.—The State of Nevada is authorized to use the rotunda of the Capitol on March 9, 2005, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) Display in Rotunda.—The statue shall be displayed in the rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be moved to its permanent location.

**SEC. 2. TRANSMITTAL TO GOVERNOR OF NEVADA.**

The Clerk of the House of Representatives shall transmit a copy of this concurrent resolution to the Governor of Nevada.

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it gives me great honor to rise and welcome Nevada’s second statue to the National Statuary Hall Collection, located inside of the United States Capitol. This statue, of Sarah

2. John Abney Culberson (TX).

Winnemucca, is a welcome addition. . . .

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 5, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. NEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. . . .

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15. . . .

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**Portrait Busts**

**§ 21.4 By unanimous consent, the House considered a Senate concurrent resolution to authorize use of the Capitol Rotunda for the unveiling of a bust of President George H. W. Bush.**

On June 26, 1991,<sup>(1)</sup> the following proceedings took place:

1. 137 CONG. REC. 16462, 102d Cong. 1st Sess.



Mr. [William (Bill)] CLAY [of Missouri]. Madam Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 49) authorizing the use of the rotunda of the Capitol for the unveiling of the portrait bust of President George Bush on June 27, 1991.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Missouri?

Mr. [Bill] BARRETT [of Nebraska]. Madam Speaker, reserving the right to object, I yield to the gentleman from Missouri [Mr. CLAY] for the purpose of explaining his request.

Mr. CLAY. Madam Speaker, I thank the gentleman for yielding.

Senate Concurrent Resolution 49 authorizes the use of the rotunda by the Senate Rules Committee for unveiling

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On May 13, 1886, the Senate passed a resolution ordering the commissioning of marble portrait busts of those who have served as Vice President of the United States. The busts were intended to honor their service, under the Constitution, as Presidents of the Senate. The first 20 portrait busts (honoring those who served between 1789 and 1885) are housed in niches in the Senate gallery. The remaining busts are placed throughout the Senate wing of the Capitol. For additional information, see *United States Senate Catalogue of Fine Art*, by William Kloss and Diana K. Skvarta, S. Doc. No. 107-11 (2002).

2. Jolene Unsoeld (WA).

of the portrait bust of President George Bush tomorrow, June 27, at 1:30 p.m.

□ 1700

The Senate has asked the House to process the resolution, and as a matter of comity, the House shall approve this resolution.

Mr. BARRETT. Madam Speaker, I thank the gentleman for his explanation.

Madam Speaker, George Herbert Walker Bush, now our 41st President, was the 43d man to serve as Vice President, and only the 14th of our Vice Presidents to later become President of the United States. We all look forward to the unveiling of the portrait bust of President Bush, and its placement in the Senate corridors, where it will join the marble busts of the other men who served the country as Vice President and fulfilled their constitutional duty as presiding officer of the Senate.

Madam Speaker, I will not object to the request by the gentleman from Missouri and withdraw my reservation.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Missouri.

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 49

*Resolved by the Senate (the House of Representatives concurring), That the Senate Committee on Rules and Administration is authorized to use the rotunda of the Capitol for the unveiling of the portrait bust of President George Bush at 2:30 p.m. on June 27, 1991. The Architect of*

the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

**§ 21.5 The House, by unanimous consent, agreed to a Senate concurrent resolution authorizing the use of the Rotunda for the unveiling of a portrait bust of Vice President Dan Quayle.**

On Sept. 5, 2003,<sup>(1)</sup> the following proceedings took place:

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE UNVEILING OF THE PORTRAIT BUST OF VICE PRESIDENT DAN QUAYLE ON SEPTEMBER 10, 2003

Mr. [Robert H.] NEY [of Ohio]. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 63) authorizing the use of the rotunda of the Capitol for the unveiling of the portrait bust of Vice President Dan Quayle on September 10, 2003, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Ohio?

1. 149 CONG. REC. 21319, 21320, 108th Cong. 1st Sess.
2. Mac Thornberry (TX).

Mr. [Robert A.] BRADY of Pennsylvania. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Ohio (Mr. NEY) for the purposes of explaining the resolution.

Mr. NEY. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. BRADY), one of our distinguished members of the Committee on House Administration for yielding to me.

Mr. Speaker, I rise today in support of Senate Concurrent Resolution 63 which authorizes the use of the Rotunda of the Capitol for the unveiling of the portrait bust of former Vice President Dan Quayle on September 10, 2003.

The mainstay of the Senate's fine arts collection is the Vice Presidential bust collection. In 1886, the Joint Committee on the Library began commissioning busts to be sculpted of the Vice Presidents to occupy the niches that surround the Senate Chamber. Once these spaces were filled, new additions were placed throughout the Senate wing of the Capitol.

The collection acknowledges the patriotic service performed by each individual who has served as Vice President and pays tribute to the Vice President's role as President of Senate. It also provides a unique survey of American sculpture for the 19th century to the present day.

The Senate currently maintains over 80 sculptures by some of America's preeminent artists, commemorating many of the great figures of our national history. . . .

In August 1988, at the Republican National Convention in New Orleans,

George Bush called upon Mr. Quayle to serve as his Vice Presidential running mate in the general election, which George Bush went on to win.

Dan Quayle was sworn in as the 44th Vice President of the United States on January 20 of 1989 and served with distinction in that capacity over the following 4 years. . . .

Mr. Speaker, I urge full support of this resolution.

Mr. BRADY of Pennsylvania. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

*Resolved by the Senate (the House of Representatives concurring), That the Senate Committee on Rules and Administration is authorized to use the rotunda of the Capitol for the unveiling of the portrait bust of Vice President Dan Quayle on September 10, 2003. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.*

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

### ***Honoring Sakakawea***

**§ 21.6 The House suspended the rules and adopted an unreported concurrent resolution authorizing the use of the Rotunda to commemo-**

**rate the unveiling of a statue of Sakakawea that was provided for display in Statuary Hall by the State of North Dakota.**

On July 15, 2003,<sup>(1)</sup> the following proceedings took place:

PERMITTING USE OF THE ROTUNDA TO COMMEMORATE THE UNVEILING OF THE STATUE OF SAKAKAWEA PROVIDED BY THE STATE OF NORTH DAKOTA FOR DISPLAY IN STATUARY HALL

Mr. [Robert W.] NEY [of Ohio]. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 236) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall.

The Clerk read as follows:

H. CON. RES. 236

*Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on October 16, 2003, for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.*

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the rule, the gentleman from

1. 149 CONG. REC. 18032-34, 108th Cong. 1st Sess.
2. E. Clay Shaw, Jr. (FL).

Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 236. This legislation permits the use of the rotunda of the Capitol on October 16, 2003, for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota. . . .

Sakakawea, simply put, was a leader of leaders. She was a key part of the boldest and most dangerous expedition in American history. She served as an interpreter, guide, and provider to Lewis and Clark; but her most important role was that of a peacemaker. As a woman and a mother, her presence made it clear that Lewis and Clark were not leading a war party. As Clark wrote in his journal: "Our interpreter we find reconciles all the Indians as to our friendly intentions. A woman with a party of men is a token of peace." She was courageous and indomitable, but it was her gentle spirit and interpretive skills that appeased potential enemies. . . .

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 236.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

### ***Honoring President Dwight D. Eisenhower***

#### **§ 21.7 The House suspended the rules and adopted a concurrent resolution authorizing the placement of a statue of President Dwight D. Eisenhower of Kansas in the Capitol.**

On Mar. 25, 2003,<sup>(1)</sup> the following proceedings took place:

#### PROVIDING FOR ACCEPTANCE OF STATUE OF PRESIDENT DWIGHT D. EISENHOWER FOR PLACEMENT IN CAPITOL

Mr. [Robert W.] NEY [of Ohio]. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 84) providing for the acceptance of a statue of President Dwight D. Eisenhower, presented by the people of Kansas, for placement in the Capitol, and for other purposes.

The Clerk read as follows:

#### H. CON. RES. 84

Whereas Dwight D. Eisenhower gave a lifetime of service to the Nation as a military officer, leader of the victorious Allied armies in World

1. 149 CONG. REC. 7403–407, 108th Cong. 1st Sess.

*Parliamentarian's Note:* This concurrent resolution, providing for the replacement of one of Kansas' existing statues (of former Kansas Governor George Washington Glick) is believed to be the first of its kind.

War II, first supreme commander of the North Atlantic Treaty Organization, and as President of the United States;

Whereas Dwight D. Eisenhower was raised in Abilene, Kansas;

Whereas Dwight D. Eisenhower was the 34th President of the United States from 1953 to 1961, and during his presidency he saw the end of the Korean War, maintained peace during the Cold War, desegregated the military, marking the beginning of the modern civil rights movement, and implemented the interstate highway program, among other accomplishments;

Whereas Dwight D. Eisenhower and his wife Mamie are buried in the Place of Meditation, on the grounds of the Eisenhower Center and Presidential Library and Museum in Abilene, Kansas, a premier historical institution recognized around the world; and

Whereas the great State of Kansas desires to honor its most famous son for his many contributions and to keep his legacy alive for future generations: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. ACCEPTANCE OF STATUE OF DWIGHT D. EISENHOWER FROM THE PEOPLE OF KANSAS FOR PLACEMENT IN THE CAPITOL.**

(a) IN GENERAL.—The statue of Dwight D. Eisenhower, furnished by the people of Kansas for placement in the Capitol in accordance with section 1814 of the Revised Statutes of the United States (40 U.S.C. 187), is accepted in the name of the United States, and the thanks of Congress are extended to the people of Kansas for providing this commemoration of one of the most eminent persons from Kansas.

(b) PRESENTATION CEREMONY.—The State of Kansas is authorized to use the Rotunda of the Capitol on June 4, 2003, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The statue shall be displayed in the Rotunda of the Capitol for a period of not more than 6 months,

after which time the statue shall be moved to its permanent location.

**SEC. 2. TRANSMITTAL TO GOVERNOR OF KANSAS.**

The Clerk of the House of Representatives shall transmit a copy of this resolution to the Governor of Kansas.

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Concurrent Resolution 84. This legislation provides for the acceptance of the statue of President Dwight D. Eisenhower, presented by the people of Kansas, for placement in the Capitol.

The Capitol's National Statuary Hall Collection started in 1864 to let each State honor two of its famous own. About half the statues joined the collection in the late 1800s and the early 1900s.

A bronze statue of Dwight D. Eisenhower, better known as "Ike," will replace the statue of the former Governor, George Washington Glick. . . .

Mr. NEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 84.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**2. Jo Ann Emerson (MO).**

***Portrait Monument to the Pioneers of the Women's Suffrage Movement***

**§ 21.8 The House agreed to a concurrent resolution directing the Architect of the Capitol to restore the statue of three suffragettes (portrait monument)<sup>(1)</sup> and to move it from the Capitol crypt to the Rotunda for one year and then to a permanent sit to be selected by a commission.**

On Sept. 26, 1996,<sup>(2)</sup> the following proceedings took place:

1. This group portrait monument to the pioneers of the woman suffrage movement was sculpted by Adelaide Johnson from an 8-block of marble in Carrara, Italy. The monument features portrait busts of Elizabeth Cady Stanton, Lucretia Mott and Susan B. Anthony, the leaders of the woman suffrage movement. The monument was presented to the Capitol as a gift from the women of the United States by the National Woman's Party and was accepted on behalf of Congress by the Joint Committee on the Library on Feb. 10, 1921. The unveiling ceremony was held in the Rotunda on Feb. 15, 1921, the 101st anniversary of the birth of Susan B. Anthony, and was attended by representatives of over 70 women's organizations. The Committee authorized the installation of the monument in the Crypt, where it remained on continuous display. In accordance with H. Con. Res. 216, the sculpture was relocated to the Capitol Rotunda in May 1997.
2. 142 CONG. REC. 25244-46, 104th Cong. 2d Sess.

PROVIDING FOR RELOCATION OF PORTRAIT MONUMENT

Mrs. [Constance A.] MORELLA [of Maryland]. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the concurrent resolution (H. Con. Res. 216) providing for relocation of the portrait monument, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore.<sup>(3)</sup> Is there objection to the request of the gentlewoman from Maryland? . . .

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 216

Whereas in 1995, women of America celebrated the 75th anniversary of their right to participate in our government through suffrage;

Whereas Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony were pioneers in the movement for women's suffrage and the pursuit of equal rights; and

Whereas the relocation of the Portrait Monument to a place of prominence and esteem would serve to honor and revere the contribution of thousands of women: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That the Architect of the Capitol shall—

(1) restore the Portrait Monument and place it in the Rotunda of the Capitol for one year at which time it shall be moved to a permanent site along with an appropriate educational display, as determined by

3. Mark Foley (FL).

the commission created in section 3, and an alternative statue recommended by the commission shall be placed in the Rotunda;

(2) make all necessary arrangements for a rededication ceremony of the Portrait Monument in the Rotunda in conjunction with the Woman Suffrage Statue Campaign; and

(3) use no Federal funds to pay any expense of restoring or moving the statue.

SEC. 2. The Rotunda of the Capitol is authorized to be used at a time mutually agreed upon by the majority leader of the Senate and the Speaker of the House of Representatives for a ceremony to commemorate and celebrate the statue's return to the Rotunda.

SEC. 3. A commission of 11 interested parties, including Senators and Representatives, will be appointed. The majority leader of the Senate will appoint three members and the minority leader of the Senate will appoint two members to the commission. The Speaker of the House of Representatives will appoint one member, the majority leader of the House of Representatives will appoint two members, the minority leader of the House of Representatives will appoint two members, and the Architect of the Capitol will serve as the eleventh member of the commission. Immediately following the relocation of the Portrait Monument, the commission shall—

(1) select a permanent site for the Portrait Monument;

(2) plan and develop an educational display to be located near the statue at its permanent site, describing some of the most dramatic events of the suffragettes' lives;

(3) select an alternative statue for permanent placement in the Rotunda of the Capitol to commemorate the struggle of women in America for equal rights;

(4) provide its recommendation to the Senate and the House of Representatives no later than one year after the relocation of the Portrait Monument; and

(5) use no Federal funds to pay any expense of the educational display and/or relocation of the Portrait Monument.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 21.9 A concurrent resolution relating to the use of the Capitol building and grounds has no force and effect beyond the Congress in which it is adopted since the House is not a continuing body, and authorities contained therein must be reaffirmed in a subsequent Congress to have continuing effect.<sup>(1)</sup>**

1. *Parliamentarian's Note*: H. Con. Res. 216 of the 104th Congress authorized the movement of the monument and an accompanying ceremony in the Rotunda. See §21.8, *supra*. The Senate leadership originally resisted a concurrent resolution in the 105th Congress and attempted to use a letter to be signed jointly by the President pro tempore and the Speaker. Because the House is not a continuing body, and because the authority of that concurrent resolution did not constitute a rule of the House such as would be carried forward by the customary provision in H. Res. 5 of the 105th Congress, the authority for a ceremony required renewal in the 105th Congress. The

On June 24, 1997,<sup>(2)</sup> the House, by unanimous consent, authorized extension into the 105th Congress of the authority, granted by concurrent resolution in the 104th Congress, to use the Rotunda for a ceremony to commemorate the placement of the Portrait Monument in the Capitol Rotunda. The proceedings were as follows:

Mr. [Bill] THOMAS [of California]. Mr. Speaker, I ask unanimous consent that the authorization contained in House Concurrent Resolution 216, which was passed in the 104th Congress, relating to the use of the rotunda for a ceremony to commemorate the placement of the Portrait Monument in the Capitol rotunda, be extended into this, the 105th Congress, subject to concurrence by the Senate.

The SPEAKER pro tempore.<sup>(3)</sup> Is there objection to the request of the gentleman from California?

Mr. [Steny H.] HOYER [of Maryland]. Reserving the right to object, Mr. Speaker, and I will not object, but

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Senate finally “confirmed” the language authorizing the ceremony on June 25, 1997. As an example of the Senate originating in a subsequent Congress a new concurrent resolution for use of the Rotunda, see S. Con. Res. 2, 105th Congress, continuing authority to use the Rotunda for inaugural ceremonies, originally contained in S. Con. Res. 48 of the previous Congress.

2. 143 CONG. REC. 11900, 105th Cong. 1st Sess.
3. George Radanovich (CA).

if there is any further explanation necessary, I will yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, since the Portrait Monument was actually placed in the rotunda in the 105th Congress we had created an opportunity for a ceremony in the 104th. Given the rules since the 104th expired, there is no current ability to hold a ceremony. What we are asking for is to bring that ceremony authorized in Concurrent Resolution 216 into the 105th, based upon concurrence by the Senate.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

### *Dedication of Sam Rayburn Statue*

#### **§ 21.10 Ceremonies were held to dedicate a statue of former Speaker Rayburn in the foyer of the Rayburn Office Building.**

On Jan. 6, 1965,<sup>(1)</sup> the following proceedings occurred:

#### DEDICATION OF THE SAM RAYBURN STATUE

Mrs. [Patsy T.] MINK [of Hawaii]. Mr. Speaker, I ask unanimous consent

1. 111 CONG. REC. 142, 89th Cong. 1st Sess.

The proceedings were printed pursuant to H. Con. Rec. 83. See 111 CONG. REC. 4765, 89th Cong. 1st Sess., Mar. 11, 1965.



that the gentleman from Wisconsin [Mr. ZABLOCKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentlewoman from Hawaii?

Mr. [Clement J.] ZABLOCKI [of Wisconsin]. Mr. Speaker, today it was my privilege to be present for the impressive ceremony to dedicate the statue of Sam Rayburn which stands in the main stair hall of the new congressional office building which bears his name.

The speech of dedication by Mrs. Lyndon Baines Johnson was a fine tribute to an outstanding American statesman and former Speaker of the House. The First Lady succeeded in capturing in words the feelings which were in the hearts of all on this inspiring occasion. Your own remarks, Mr. Speaker, bespoke the dignity and power of the office in which both Sam Rayburn and you have distinguished yourselves.

The statue of "Mr. Sam" which was unveiled today is also deserving of high praise. Its sculptor, Mr. Felix W. de Weldon, is recognized as one of the Nation's finest creators of public monuments. He has given us a statue which portrays Sam Rayburn as the man of vigor and purpose which we all remember him to be.

It is fitting that his statue should stand as the focal point of a building which he worked and planned for, and which now bears his name. His presence will be a constant reminder to us and future generations that true greatness can be achieved through service in Congress.

2. John W. McCormack (MA).

### *Unveiling of Repaired Statue of Abraham Lincoln*

#### **§ 21.11 Ceremonies were held in the Rotunda of the Capitol in connection with the unveiling of the repaired statue of Abraham Lincoln.**

On May 10, 1962,<sup>(1)</sup> the second unveiling of the Vinnie Ream Statue of Abraham Lincoln in the Capitol Rotunda occurred as follows:

Mr. [Fred] SCHWENGEL [of Iowa]. Mr. Speaker, it was my distinct privilege on April 16 to participate in a ceremony in the rotunda of this beautiful Capitol Building during which the Vinnie Ream statue of Abraham Lincoln was unveiled for a second time.

When the statue was completed and unveiled originally in 1871, the figure of Lincoln held a scroll in his hand. During the course of the years, this scroll was broken off and either lost or misplaced. Through the cooperation of a great many dedicated people, the statue was repaired with a new scroll to replace the piece which had been broken off.

Since this is the centennial year of the abolition of slavery in the District of Columbia and the drafting of the Emancipation Proclamation, it was felt that we should unveil the statue again and thus call attention to these important events in our Nation's history. It is particularly apropos that we do not lose sight of their significance 100

1. 108 CONG. REC. 8232-35, 87th Cong. 2d Sess.

years later when certain civil rights are still in jeopardy.

It is appropriate, therefore, that a public record be made of what took place in the rotunda during this ceremony. I wish to place in the *Record* at this point a copy of the program for the unveiling and the remarks which were made by those who participated. In doing so, I especially want to call attention to the good offices of one individual who tied all of the many details together and made the program possible.

Permit me to recognize the efforts of Mr. Ralph Becker, chairman of the Emancipation Proclamation Committee, who served as master of ceremonies for the unveiling. Mr. Becker was also chairman of the Lincoln banquet on February 10 this year and is responsible for the success of that function. I would also like to note that Mr. Becker's interest in our Nation's history is well established and shared by many. His extensive collection of campaign badges and memorabilia has been donated to the Smithsonian Institution and is presently on display there.

He is a gentleman and a scholar, and what he has done to preserve history and make the record more complete will be long remembered and deeply appreciated. The program of the second unveiling of the Vinnie Ream Lincoln statue . . . is another one of his noble efforts[.](<sup>2</sup>)

2. For the complete program in the Rotunda, see *Id.*

## § 22. Dedication of Buildings and Structures

Congress has named certain buildings or structures after individuals.<sup>(1)</sup> These include a Federal building,<sup>(2)</sup> House Office Buildings,<sup>(3)</sup> and rooms in the Capitol.<sup>(4)</sup>

### *Federal Building*

#### § 22.1 The House suspended the rules and passed a bill designating a Federal building after a sitting Member.<sup>(1)</sup>

On Oct. 7, 2002,<sup>(2)</sup> the following proceedings took place:

1. In 2001, the House amended Rule XXI to provide that "It shall not be in order to consider a bill, joint resolution, amendment, or conference report that provides for the designation or redesignation of a public work in honor of an individual then serving as a Member, Delegate, Resident Commissioner, or Senator." See 147 CONG. REC. 25, 107th Cong. 1st Sess., Jan. 3, 2001 (H. Res. 5 § 2(q)) and Rule XXI clause 6, *House Rules and Manual* § 1068a (2007).
2. See § 22.1, *infra*.
3. See §§ 22.4, 22.5, *infra*.
4. See § 22.6, *infra*.
1. *Parliamentarian's Note*: Consideration of this measure under suspension of the rules rendered inapplicable any point of order under Rule XXI, clause 6, *House Rules and Manual*, § 1068a (2007).
2. 148 CONG. REC. 19387-89, 107th Cong. 2d Sess.

JOE SKEEN FEDERAL BUILDING

Mr. [Steven] LATOURRETTE [of Ohio]. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5427) to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the “Joe Skeen Federal Building”.

The Clerk read as follows:

H.R. 5427

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, shall be known and designated as the “Joe Skeen Federal Building”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Joe Skeen Federal Building”.

**SEC. 3. EFFECTIVE DATE.**

This Act shall take effect on January 1, 2003. . . .

The SPEAKER pro tempore (Mr. BROWN of South Carolina).<sup>(3)</sup> The question is on the motion offered by the gentleman from Ohio (Mr. LATOURRETTE) that the House suspend the rules and pass the bill, H.R. 5427.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

***Chestnut-Gibson Memorial Door***

**§ 22.2 The House suspended the rules and agreed to a**

3. Henry E. Brown, Jr. (SC).

**concurrent resolution designating the “document entrance” on the east plaza of the Capitol as the “Chestnut-Gibson Memorial Door”, in honor of two Capitol Police officers slain in the line of duty.<sup>(1)</sup>**

On July 20, 1999,<sup>(2)</sup> the following proceedings took place:

Mr. [Bob] FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 158), as amended, designating the Document Door of the United States Capitol as the “Memorial Door”.

The Clerk read as follows:

H. CON. RES. 158

Whereas on July 24, 1998, a lone gunman entered the United States Capitol through the door known as the Document Door, located on the first floor of the East Front;

Whereas Officer Jacob Joseph Chestnut was the first United States Capitol Police officer to confront the gunman just inside the Document Door and lost his life as a result;

Whereas Detective John Michael Gibson also confronted the gunman and lost his life in the ensuing shoot-out;

Whereas the last shot fired by Detective John Gibson—his final act as an officer of the law—finally brought down the gunman and ended his deadly rampage;

1. See § 15 *supra*, for more information about the officers’ deaths.
2. 145 CONG. REC. 16745–50, 106th Cong. 2d. Sess. See also § 15, *infra*; and Ch. 38, *infra*.

Whereas while the gunman's intentions are not fully known, nor may ever be known, it is clear that he would have killed more innocent people if United States Capitol Police Officer Jacob Chestnut and Detective John Gibson had not ended the violent rampage;

Whereas the United States Capitol Police represent true dedication and professionalism in their duties to keep the United States Capitol and the Senate and House of Representatives office buildings safe for all who enter them;

Whereas the United States Capitol shines as a beacon of freedom and democracy all around the world;

Whereas keeping the sacred halls of the United States Capitol, known as the People's House, accessible for all the people of the United States and the world is a true testament of Congress and of our Nation's dedication to upholding the virtues of freedom;

Whereas the door near where this tragic incident took place has been known as the Document Door; and

Whereas it is fitting and appropriate that the Document Door henceforth be known as the Memorial Door in honor of Officer Jacob Chestnut and Detective John Gibson: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That the door known as the Document Door and located on the first floor of the East Front of the United States Capitol is designated as the "Memorial Door" in honor of Officer Jacob Joseph Chestnut and Detective John Michael Gibson of the United States Capitol Police, who gave their lives in the line of duty on July 24, 1998, near that door.

The SPEAKER pro tempore (Mr. CALVERT).<sup>(3)</sup> Pursuant to the rule, the gentleman from New Jersey (Mr.

FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 158, as amended, introduced by the Majority Whip, the Speaker, the Majority Leader, the Minority Leader, the Minority Whip and other Members of both sides of the aisle, designates the Document Door located on the first floor of the east front of the Capitol as "Memorial Door", in honor of Officer Jacob Chestnut and Detective John Gibson.

In my brief tenure of chairman of the subcommittee charged with the responsibility of bringing to the House bills designating Federal facilities in honor of individuals, I have considered it a great pleasure to honor Americans who have distinguished themselves in public service. A naming bill is often a capstone for those fortunate to have bestowed upon them such an honor.

But this action that we take today, while richly deserved, gives me no joy. This week is the first anniversary of an event that we hope will never be repeated. Officer Chestnut became the first Capitol Hill Police Officer killed in the line of duty. Detective Gibson became the second.

Those few minutes on Friday, July 24, 1998 changed forever the way we look and feel about the Document Door and the visitor's entrance to the Capitol. The horror of senseless shootings that cut short the lives of these officers will remain forever in the minds of those who are alive today because of them.

3. Ken Calvert (CA).

These two officers were ordinary men, and in those horrifying minutes did extraordinary things. The action we take today reminds us we should never forget the duty these officers swear to uphold. We also need to remember particularly how fragile life is in the face of the dangers that confront the fine men and women of the Capitol Police. . . .

### ***Capitol Police Headquarters Building***

#### **§ 22.3 The House suspended the rules and agreed to a concurrent resolution redesignating the Capitol Police headquarters building as the “Eney, Chestnut, Gibson Memorial Building.”**

On Oct. 15, 1998,<sup>(1)</sup> the following proceedings took place:

Mr. [Jay] KIM [of California]. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 120) to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the “Eney, Chestnut, Gibson Memorial Building.”

The Clerk read as follows:

#### S. CON. RES. 120

Whereas the United States Capitol Police force has protected the Capitol

and upheld the beacon of democracy in America;

Whereas 3 officers of the United States Capitol Police have lost their lives in the line of duty;

Whereas Sgt. Christopher Eney was killed on August 24, 1984, during a training exercise;

Whereas officer Jacob “J.J.” Chestnut was killed on July 24, 1998, while guarding his post at the Capitol; and

Whereas Detective John Gibson was killed on July 24, 1998, while protecting the lives of visitors, staff, and the Office of the Majority Whip of the House of Representatives: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., shall be known and designated as the “Eney, Chestnut, Gibson Memorial Building”.

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Senate Concurrent Resolution 120 redesignates the United States Capitol Police Headquarter Building located at 119 D Street, Northeast, Washington, D.C., as the Eney, Chestnut, Gibson Memorial Building in honor of the three Capitol Police officers who made an ultimate sacrifice by giving their lives in the line of service.

Officer Eney was killed in training exercises in August 1984. Officers

1. 144 CONG. REC. 26486–88, 105th Cong. 2d Sess.

See also § 15, *supra*; and Ch. 38, *infra*, for additional information on the deaths of Capitol Police officers.

2. Gil Gutknect (MN).

Chestnut and Gibson were struck down in the line of fire defending the Members of this body, congressional staff and visitors just a few weeks ago on July 24.

This certainly is a most fitting tribute to these fallen heroes. I support the resolution and urge my colleagues to join me in support.

Mr. Speaker, I reserve the balance of my time. . . .

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 120.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

*House Office Buildings*

**§ 22.4 A resolution was adopted under suspension of the rules to designate House Annex 1 as the Thomas P. O'Neill, Jr., House Office Building and House Annex 2 as the Gerald R. Ford House Office Building.**

On Sept. 10, 1990,<sup>(1)</sup> the following proceedings took place:

1. 136 CONG. REC. 23632-35, 101st Cong. 2d Sess.

Mr. [Glenn M.] ANDERSON [of California]. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 402) designating two House of Representatives office buildings as the "Thomas P. O'Neill, Jr. House of Representatives Office Building" and the "Gerald R. Ford House of Representatives Office Building," respectively, and for other purposes.

The Clerk read as follows:

H. RES. 402

*Resolved,*

**SECTION 1. DESIGNATIONS.**

(a) Thomas P. O'Neill, Jr. House of Representatives Office Building.—The House of Representatives office building located at C Street and New Jersey Avenue, Southeast, in the District of Columbia, and known as House of Representatives Office Building Annex No. 1, shall be known and designated as the "Thomas P. O'Neill, Jr. House of Representatives Office Building".

(b) Gerald R. Ford House of Representatives Office Building.—The House of Representatives office building located at 3d and D Streets, Southwest, in the District of Columbia, and known as House of Representatives Office Building Annex No. 2, shall be known and designated as the "Gerald R. Ford House of Representatives Office Building".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to a building referred to in section 1 shall be deemed to be a reference to the building as designated in that section.

**SEC. 3. STATUES.**

The Speaker of the House of Representatives may purchase or accept as a gift to the House of Representatives, for permanent display in the appropriate building designated in section 1, a suitable statue or bust of the individual for whom the building is named. Such purchase or acceptance shall be carried out—

(1) in the case of the building referred to in section 1(a), in consultation with the majority leader of the House of Representatives; and

(2) in the case of the building referred to in section 1(b), in consultation with the minority leader of the House of Representatives.

For general information about House office buildings, see Ch. 4, *supra*.

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation being brought to the House floor for consideration today would result in an important and appropriate tribute to two former Members of the House: Speaker Thomas P. (Tip) O'Neill, Jr. and President Gerald R. Ford. . . .

Mr. ANDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and agree to the resolution, House Resolution 402.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 22.5 Members were invited to include personal messages or other writings in the copper box to be sealed in the cornerstone of the Rayburn House Office Building.**

2. Romano L. Mazzoli (KY).

On May 24, 1962,<sup>(1)</sup> the President and the Speaker of the House participated in laying the cornerstone of the Rayburn House Office Building. The proceedings were as follows:

The proceedings commenced at 10:30 o'clock, a.m.

Mr. STEWART.<sup>(2)</sup> Mr. President, Mr. Speaker, honored guests, ladies and gentlemen, we have met today to lay the cornerstone of the Rayburn House Office Building. I welcome each of you to the ceremony, and express the hope that in the years to come those who labor in this building will pause occasionally and pay tribute to the Honorable Sam Rayburn, whose great leadership and foresight made this structure possible.

At this time I will ask the Reverend Bernard Braskamp, D.D., Chaplain of the House of Representatives, to offer the invocation.

INVOCATION

Mr. BRASKAMP. Let us pray. . . .

Hear us in the name of the Prince of Peace. Amen.

Mr. STEWART. I now have the great honor to introduce to this assembly the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives, and also Chairman of the House Office Building Commission. Speaker MCCORMACK. [Applause.]

REMARKS BY SPEAKER MCCORMACK

The SPEAKER. Mr. President, Mr. Chief Justice, reverend clergy, my distinguished colleagues of both branches of the Congress, ladies and gentlemen:

1. 108 CONG. REC. 9119, 9120, 87th Cong. 2d Sess.
2. J. George Stewart, Architect of the Capitol.

As great Americans of the past have contributed to the making and stabilizing of our Constitution, now the oldest Constitution on earth, a living, dynamic organism representing the hopes and the national objectives of our people, so did our late friend, Speaker Sam Rayburn, make his contributions during his long and honored public career. . . .

This building will always be a living monument to his memory, a constant reminder to present and future legislators that Speaker Sam Rayburn was a legislator's legislator.

We are signally honored in having with us today the Chief Executive of our country, a former colleague of ours, and a personal friend and strong admirer of Sam Rayburn. Under our Constitution the President represents and symbolizes the hopes and aspirations of our people and the national objectives of our country. With the wisdom he gained by his service in both branches of the Congress, the people have complete confidence in him and his courageous qualities of leadership. How happy is Sam Rayburn in the Great Beyond in the knowledge that President John F. Kennedy is with us on this occasion.

I have the great honor and personal privilege of presenting to you the President of the United States. [Applause, the audience rising.]

REMARKS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. I thank you.

Mr. Speaker, Mr. Chief Justice, Members of the House and Senate, I appreciate very much the opportunity to join you in dedicating this building

today to Speaker Sam Rayburn. We say in this country that ours is a Government of laws, and not of men; and it is in that sense that we strive for equality and integrity in the administration of Government and of justice. But this is also a Government of man, and it needs men of particular talents to make this system of ours work. . . .

This ceremony, this edifice, this assembly of public servants from all branches of Government, all States, and all parties pay homage to the memory of Speaker Sam Rayburn.

No monument, no memorial, no statue would please him half so much, I believe, as to have his name preserved here in this fashion on Capitol Hill. The Congress was his life, the House was his home. He served far longer than any who preceded him, but with distinction and wisdom as well. He preferred to preside over this body to any place of prestige or power.

As a former Member of the House of Representatives, I join with all of you in saying that while he may be long missed, he will not be forgotten. Our task is to carry on the work to which he was so deeply dedicated.

Thank you. [Applause, the audience rising.]

A READING

Mr. STEWART. At this time, Dr. Norman Gerstenfeld, rabbi of the Washington Hebrew Congregation, will give a reading. Dr. Gerstenfeld.

Dr. GERSTENFELD. Mindful of our experience at the last inaugural, I have attempted extreme brevity. This is a reading, this is not a prayer; this is a reading from the morning service of the Union Prayer Book[.] . . .



THE LAYING OF THE CORNERSTONE

Mr. STEWART. We will now proceed with the laying of the cornerstone.

Thereupon, at 10 o'clock and 40 minutes a.m., the Speaker of the House, the Honorable JOHN W. McCORMACK, laid the cornerstone.

BENEDICTION

Mr. STEWART. The Very Reverend Monsignor Edward J. Herrmann, assistant chancellor of the Archdiocese of Washington, will pronounce the benediction. . . .

Mr. STEWART. This concludes the ceremony. I thank you all for coming.

Thereupon (at 10 o'clock and 49 minutes a.m.) the ceremony was concluded.

CORNERSTONE OF THE RAYBURN HOUSE OFFICE BUILDING

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

Mr. SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, the copper box that will be sealed into the cornerstone of the Rayburn House Office Building will be placed in the Speaker's Lobby on May 28, 29, and 30, 1962, and during that period Members of the House of Representatives may deposit in the box any message, signature, or other writing which they wish to have preserved for posterity, in an envelope not to exceed the size of a postal card.

It is requested that each Member deposit only one message.

*Rooms of the Capitol*

**§ 22.6 The Speaker took the floor following adoption of a resolution naming a room in the Capitol after him to express his gratitude for the action by the House.**

On Oct. 9, 1986,<sup>(1)</sup> the following proceedings took place:

DESIGNATING ROOM H-324 IN THE CAPITOL AS THE THOMAS P O'NEILL, JR. ROOM

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, I send to the desk a resolution (H. Res. 582) designating room H-324 in the Capitol, as the Thomas P. O'Neill, Jr. Room, and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore (Mr. MOAKLEY).<sup>(2)</sup> The Clerk will report the resolution.

The Clerk read the resolution as follows:

H. RES. 582

*Resolved*, That room H-324 on the third floor of the House part of Capitol is hereby designed the Thomas P. O'Neill, Jr. Room.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection. . . .

1. 132 CONG. REC. 29952-54, 99th Cong. 2d. Sess.
2. John Joseph Moakley (MA).

The resolution was agreed to.

A motion to reconsider was laid on the table.

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DESIGNATION OF THE THOMAS  
P. O'NEILL, JR. ROOM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, little needs be said. A very few rooms in the Capitol on the House side have been officially designated by the House to honor individuals who are so much a part of our institution that their names will forever epitomize the heart and soul of the United States of House of Representatives.

One of those people, clearly, is THOMAS P. "TIP" O'NEILL, JR. As long as free men and women live and serve in this Chamber—the most democratic, in the sense of a little "d," of all institutions of Government—the memory of THOMAS P. O'NEILL, JR., will live and thrive and survive to inspire us and future generations of public servants.

Therefore, it seems appropriate to me, and I know to all of our colleagues on both sides of the aisle will surely agree, that it is a fitting tribute for us this day to designate officially the room on the third floor of the House side of the Capitol as the Thomas P. O'Neill, Jr. Room.

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THE THOMAS P. O'NEILL, JR.,  
ROOM IN PERPETUITY

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. [Robert H.] MICHEL [of Illinois]. Mr. Speaker, may I simply associate myself with the very appropriate remarks of the distinguished majority leader, the gentleman from Texas [Mr. WRIGHT].

But not being privy to where the recesses of this Capitol all are, cubbyholes or ornate rooms and all the rest, might I inquire of the distinguished majority leader if this room, so appropriately named for THOMAS P. O'NEILL, is sufficiently large enough in size and befitting to accommodate what we normally expect for the Speaker of the House?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, it is a spacious and gracious room, ample in its proportions, warm in its hospitality. It is on the third floor, just opposite the Visitors' Gallery, where the public may see it, and where a sign may forever proclaim it as the THOMAS P. O'NEILL, Jr. Room.

Mr. MICHEL. I definitely thank the gentleman for that explanation.

Might I assure the gentleman from Texas, and of course, the Speaker himself, that when that great day comes when we on the Republican side have a majority in this House, it shall remain the THOMAS P. O'NEILL, Jr. Room.

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□ 1030

EXPRESSION OF GRATITUDE  
FROM THE SPEAKER

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I want to tell all of you how grateful I am for having a room named after me in this building. . . .

*Parliamentarian's Note:* No House precedent was discernable on the authority of the House by simple resolution to name a room in the Capitol. The Committee on Appropriations has designated a room under its control the Mahon Room; and the East Front Commission designated the Rayburn Room. The Architect of the Capitol advised the Parliamentarian that several rooms on the Senate side of the Capitol had been named after Senators pursuant to Senate resolution. Under Rule I clause 3,<sup>(3)</sup> the Speaker controls rooms in the Capitol assigned to the House, but the naming of those rooms should be by House action.<sup>(4)</sup>

### ***Independence Hall in Philadelphia***

#### **§ 22.7 By House resolution, the Speaker was authorized to**

3. *House Rules and Manual* § 623 (2007).
4. See, e.g., 152 CONG. REC. 22267–22269, 109th Cong. 2d Sess., Dec. 5, 2006 (H. Res. 1087); 149 CONG. REC. 5827, 108th Cong. 1st Sess., Mar. 11, 2003 (H. Res. 19); 146 CONG. REC. 7818–22, 106th Cong. 2d Sess., May 15, 2000 (H. Res. 491); 136 CONG. REC. 34164, 34165, 101st Cong. 2d Sess., Oct. 25, 1990 (H. Res. 525).

#### **appoint a delegation to attend the dedication of the restored Assembly Room at Independence Hall in Philadelphia.**

On June 17, 1965,<sup>(1)</sup> Mr. William A. Barrett, of Pennsylvania, called up House Resolution 426, and asked for its immediate consideration. The proceedings were as follows:

Mr. BARRETT. Mr. Speaker, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved,* That the Speaker of the House of Representatives is authorized to appoint eight Members of the House of Representatives as a delegation to attend the dedication of the historic Assembly Room of Independence Hall, to be held in Philadelphia, Pennsylvania, on June 28, 1965, at the invitation of the city of Philadelphia, and to designate the chairman of said delegation.

SEC. 2. The expenses of the delegation shall not exceed 1,000 and shall be paid from the contingent fund of the House upon vouchers signed by the chairman of the delegation and approved by the Committee on House Administration.

The resolution was agreed to.<sup>(2)</sup>

1. 111 CONG. REC. 13956, 89th Cong. 1st Sess.
2. *Parliamentarian's Note:* The Speaker originated action on this resolution following receipt of a letter from the mayor of Philadelphia, requesting that a delegation from the House be appointed to attend this historic dedication.

A motion to reconsider was laid on the table.

*East Front of the Capitol*

**§ 22.8 Proceedings held during the ground-breaking ceremony for the extension of the East Front of the Capitol.**

On Feb. 24, 1959,<sup>(1)</sup> a ground-breaking ceremony was held for the extension of the East Front of the Capitol. The proceedings were as follows:

Mr. [Homer] THORNBERRY [of Texas]. Mr. Speaker, I ask unanimous consent that I may insert in the RECORD at this point the proceedings of the ground-breaking ceremony at the east front of the Capitol today.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.  
(The matter referred to follows:)

GROUND-BREAKING CEREMONY FOR THE EXTENSION OF THE EAST FRONT OF THE CAPITOL, TUESDAY, FEBRUARY 24, 1959, 11 A.M.

The Architect of the Capitol, J. George Stewart, acted as master of ceremonies.

Mr. STEWART. To the honored Members of the Congress, our neighbors on Capitol Hill, the distinguished members of the Supreme Court, their assistants, officials of the Library of Congress, and ladies and gentlemen, a warm welcome.

1. 105 CONG. REC. 2850, 2851, 86th Cong. 1st Sess.  
2. Sam Rayburn (TX).

In undertaking this historic ground-breaking ceremony, it is proper that we should invoke the blessing of the Divine Providence. I ask the Chaplain of the House of Representatives, the Reverend Bernard Braskamp, to offer an invocation.

The Rev. Bernard Braskamp, D.D., Chaplain of the House of Representatives, offered the . . . prayer[.] . . .

To Thy name we ascribe all the praise and glory. Amen.

Mr. STEWART. It is my high honor, and personal privilege, to present a member of the Commission for the Extension of the United States Capitol, the Honorable EVERETT MCKINLEY DIRKSEN,<sup>(3)</sup> the minority leader, U.S. Senate.

Mr. DIRKSEN. Mr. Chairman, distinguished guests, ladies and gentlemen, I presume that any modification of a historic shrine and structure that has over the generations insinuated itself into the hearts and into the affections of the people brings a clash between sentiment and necessity. And, oddly enough, I think a case can be made for both sides. On the sentimental side, and I use the term most advisedly, I think of it in terms of reverence, devotion, and respect for those things that are a part of the great pageantry of this Republic which have become so deeply instilled into the hearts of the people. I believe that sentiment, when the time comes to make a modification of one of our shrines, is a polite and good and felicitous deterrent, so that we do not act too hastily and too fast. . . .

So today I have come here to use the spade, and to turn the first piece of ground, hoping that in January 1961—and I have been promised that as much as anyone could be promised anything—the incoming President of the United States will walk through a hall just above us

3. Everett McKinley Dirksen (IL).

and will be inaugurated on the steps of the new east front of the Capitol. (The Speaker thereupon took the silver spade and broke the ground.)

## BENEDICTION

Mr. STEWART. The Chaplain of the U.S. Senate, the Reverend Frederick Brown Harris, will now pronounce the benediction. . . .

(Thereupon the ground-breaking ceremonies were concluded.)

On June 23, 1959,<sup>(4)</sup> Speaker Sam Rayburn, of Texas, laid before the House an announcement advising that cornerstone laying ceremonies for the Capitol's East Front extension would be held on July 4, 1959. The following proceedings occurred:

The SPEAKER laid before the House the following announcement:

J. George Stewart, Architect of the Capitol, announced today, on behalf of the Commission for the Extension of the U.S. Capitol, that the cornerstone of the East Front Extension of the U.S. Capitol will be laid by the Honorable Dwight D. Eisenhower, President of the United States, with Masonic ceremonies, at 12 o'clock, noon, Saturday, July 4, 1959. The members of the Commission are Speaker Sam Rayburn, Chairman, Vice President Richard M. Nixon, Senator Everett McKinley Dirksen, Representatives Charles A. Halleck, and J. George Stewart. July 4th commemorates the date on which President Millard Fillmore laid the cornerstone of the House and Senate wings of the U.S. Capitol in 1851. The Masonic ceremonies will commemorate the ceremonies held not

only at that cornerstone laying, but also at the laying of the cornerstone of the original section of the Capitol Building, September 18, 1793, by President George Washington.

When the first column in the portico of the extended East Front of the Capitol was to be installed, the Speaker, on May 24, 1960,<sup>(5)</sup> announced the date for the installation and invited Members to witness the installation:

Mr. RAYBURN. As chairman of the Commission for Extension of the U.S. Capitol, I wish to invite the members, officers, and employees of the House of Representatives to witness the setting in place of the first large marble column in the portico of the extended east central front of the Capitol, at 9:30 a.m., Thursday, May 26, 1960.

This is a historic occasion in which I feel each Member will be deeply interested. You are invited to enter the construction area at the door to the fenced enclosure just north of the entrance to the House wing, from where you will be directed to a safe and appropriate vantage point.

The old records indicate that the original sandstone columns were erected in 1824 and that the stonecutters at the Capitol participated in a procession and exhibit celebrating July 4, 1824.

The new columns are duplicates of the originals except that they are of Georgia white marble instead of sandstone. They are monolithic, weigh about 18 tons each, are 24 in number, and are 24 feet 9 inches high. The columns are of the Corinthian order and

4. 105 CONG. REC. 11669, 11670, 86th Cong. 1st Sess.

5. 106 CONG. REC. 10966, 86th Cong. 2d Sess.

taper uniformly from a diameter of 3 feet at the base to 2 feet 6 inches at the top.

The original columns were designed by Charles Bulfinch in carrying out the overall plan for the east portico prepared by, his predecessor, Benjamin H. Latrobe. Mr. Latrobe and Mr. Bulfinch were the second and third Architects of the Capitol, respectively.

The column to be set on Thursday, May 26, will be the one located immediately to the southeast of the main entrance leading to the rotunda.

On the legislative day of Aug. 31, 1960,<sup>(6)</sup> the Speaker announced the ceremonies to be held in connection with the raising of the first flag over the extended East Central Front of the Capitol:

The SPEAKER. The Chair desires to announce that a brief ceremony will be held on Friday, September 2, 1960, at 10 a.m., in connection with the raising of the first flag over the extended east central front of the U.S. Capitol. Members and their staffs are cordially invited to attend this ceremony.

In the Senate, on Aug. 31, 1960,<sup>(7)</sup> Senate Majority Leader Lyndon B. Johnson, of Texas, advised that a press release concerning the flag raising had been issued by the Speaker of the House, and referred the Speaker's

6. 106 CONG. REC. 18906, 86th Cong. 2d Sess. (Calendar Day Sept. 2, 1960).

7. 106 CONG. REC. 18506, 86th Cong. 2d Sess.

invitation to all Members, officers, and employees of both Houses of Congress to attend the ceremony:

Mr. JOHNSON of Texas. Mr. President, on Friday, September 2, at 10 a.m., the first flag will be raised over the extended east front of the U.S. Capitol.

For the information of the Members of the Senate, there will be a brief ceremony at that time. The U.S. Marine Band will be present and the Marine Corps will provide a color guard.

SPEAKER RAYBURN has invited all Members, officers, and employees of both branches of Congress to attend the ceremonies. I ask unanimous consent that a press release issued by the Speaker of the House be printed at this point in the RECORD.

There being no objection, the press release was ordered to be printed in the Record, as follows:

Speaker SAM RAYBURN, Chairman of the Commission for Extension of the U.S. Capitol, announced today that a brief ceremony would be held on Friday, September 2, 1960, at 10 a.m., in connection with the raising of the first flag over the extended east central front of the U.S. Capitol.

The U.S. Marine Band will play selections from 9:45 to 10 a.m. The U.S. Marine Corps will provide a color guard, the members of which will lower the flag from the temporary pole installed in the peristyle of the dome during construction (when the old east front and old flagpole were removed about 2 years ago) and will raise a new flag over the extended east front. The color guard will receive the new flag from the Speaker of the House and proceed up the main central steps and through the Capitol to the roof. As they ascend the steps, the band will

play “America the Beautiful.” As the flag is raised for the first time on the permanent pole located on the roof of the extended east front, and as, simultaneously, the flag on the temporary pole is lowered a trumpeter will sound “To the Colors.”

The band will then play “The Star Spangled Banner” and in conclusion, “Stars and Stripes Forever.”

SPEAKER RAYBURN invites Members, officers, and employees of the Senate and House of Representatives, and the general public to attend the ceremonies to be held in the area immediately in front of the main east central steps.

### § 23. Ceremonies for Visiting Dignitaries

The House and Senate often adopt unanimous-consent requests to recess to meet with the other legislative body in joint meetings in the Hall of the House in order to hear addresses from visiting foreign dignitaries.<sup>(1)</sup>

As part of the preparation for a joint meeting, the Chair announces the customary policy on

1. A joint meeting is distinguishable from a joint session, which is a more formal occasion that is arranged by the adoption of a concurrent resolution. Typically, joint sessions are held to receive Presidential messages and to count the electoral votes for the President and Vice President. For a discussion of joint sessions to receive Presidential messages, such as the President’s annual state of the Union address, see Ch. 35, *infra*.

floor privileges for joint meetings. In recent years the Chair has also announced that the practice of reserving seats by placard for joint meetings would not be allowed and that Members could reserve seats only by their physical presence following a security sweep of the Chamber.<sup>(2)</sup>

When the joint meeting commences, the Speaker and the Vice President traditionally announce the appointment of the Members of the House and Senate who will serve as the escort committee that ushers the foreign dignitary down the center aisle to the rostrum.<sup>(3)</sup>

2. *Parliamentarian’s Note:* The “no placard” announcement became standard for joint sessions as of Sept. 19, 2001 (see 147 CONG. REC. 17226, 107th Cong. 1st Sess.), and was first extended to a joint meeting during the address by the Honorable John Howard, Prime Minister of Australia, on June 12, 2002. See 148 CONG. REC. 10133–36, 107th Cong. 2d Sess.

3. For a variation on this practice, see 149 CONG. REC. 18595–98, 108th Cong. 1st Sess., July 17, 2003, for the joint meeting for Prime Minister of the United Kingdom. In that instance, members of the House and Senate escort committees assembled in the Office of the Speaker to meet with the Prime Minister, instead of first assembling in the Chamber. This change was prompted by the Prime Minister’s tight schedule and his meeting with Senate leadership

The Sergeant at Arms then traditionally announces the Acting Dean of the Diplomatic Corps, who travels down the center aisle to take his or her seat.<sup>(4)</sup> Members of the President's Cabinet and any attending Justices of the United States Supreme Court may also be announced.

The visiting foreign dignitary may speak from notes or with the

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prior to the joint meeting. Therefore, when the Speaker and the Vice President announced the members of the escort committee, their language reflected they *had appointed* the committee, which *had convened* in the Office of the Speaker.

4. *Parliamentarian's Note*: It was the practice for numerous attending Ambassadors, Ministers and Chargés d'Affaires of foreign governments to be announced and to travel down the center aisle to be seated, but this process was quite time consuming. See, e.g., 140 CONG. REC. 17891-95, 103d Cong. 2d Sess., July 26, 1994 (joint meeting to receive his Excellency Yitzhak Rabin, Prime Minister of Israel, and his Majesty King Hussein I of the Hashemite Kingdom of Jordan). Beginning with the joint meeting to receive President Jacques Chirac of France that took place on Feb. 1, 1996, only the Acting Dean of the Diplomatic Corps (the foreign diplomat with the longest record of continuous service in the United States) was announced and seated; this has become the practice henceforth. See 142 CONG. REC. 2202-205, 104th Cong. 2d Sess.

assistance of a teleprompter, and may speak in English or in a foreign language with the assistance of electronic and written translation. In several instances, simultaneous translation has been provided with the assistance of handheld translation devices that were provided by the foreign government.<sup>(5)</sup>

Congress has also held Rotunda ceremonies for foreign leaders,<sup>(7)</sup> religious leaders,<sup>(8)</sup> and human rights leaders.<sup>(9)</sup>

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### *Joint Meetings for Visiting Dignitaries*

#### **§ 23.1 The House by unanimous consent authorizes the Speaker to declare a recess on a specified day for the purpose of receiving a foreign dignitary in joint meeting.**

The proceedings of July 20, 2006,<sup>(1)</sup> illustrate the procedure

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5. See 142 CONG. REC. 2202-205, 104th Cong. 2d Sess., Feb. 1, 1996 (joint meeting to receive President Jacques Chirac of France) and 143 CONG. REC. 2759-62, 105th Cong. 1st Sess., Feb. 27, 1997 (joint meeting to receive his Excellency Eduardo Frei, President of the Republic of Chile).
7. See § 23.7, *infra*.
8. See §§ 23.8, 23.9, *infra*.
9. See § 23.10, *infra*.
1. 152 CONG. REC. 15222, 109th Cong. 2d Sess.



for authorizing the Speaker to declare a recess for the purpose of receiving a foreign dignitary in a joint meeting:

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, JULY 26, 2006, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY NOURI AL-MALIKI, PRIME MINISTER OF THE REPUBLIC OF IRAQ

Mr. [John A.] BOEHNER [of Ohio]. Mr. Speaker, I ask unanimous consent that it may in order at any time on Wednesday, July 26, 2006, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Nouri al-Maliki, Prime Minister of the Republic of Iraq.

The SPEAKER pro tempore (Mr. TERRY).<sup>(2)</sup> Is there objection to the request of the gentleman from Ohio?

There was no objection.<sup>(3)</sup>

**§ 23.2 The two Houses met in joint meeting to receive His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq. These proceedings illustrate the general ceremonial procedure for conducting such a joint meeting.**

On July 26, 2006,<sup>(1)</sup> the following occurred:

2. Lee Terry (NE).
3. See § 23.2, *infra*, for proceedings.
1. 152 CONG. REC. 15996–99, 109th Cong. 2d Sess.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(2)</sup> The Chair desires to make an announcement.

After consultation among the Speaker and the majority and minority leaders, the Chair announces that during the joint meeting to hear an address by His Excellency Nouri Al-Maliki, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

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#### RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 20, 2006, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 6 minutes a.m.), the House stood in recess subject to the call of the Chair.

2. Tom Price (GA).

□ 1051

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY NOURI AL-MALIKI, PRIME MINISTER OF THE REPUBLIC OF IRAQ

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Mr. Bill Sims, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER.<sup>(3)</sup> The Chair appoints as members of the committee on the part of the House to escort His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq, into the Chamber:

The gentleman from Missouri (Mr. BLUNT). . . .

The gentleman from California (Mr. LANTOS).<sup>(4)</sup>

3. J. Dennis Hastert (IL).
4. The full escort committee included the following members: Roy Blunt (MO) (Majority Whip), Deborah Pryce (OH) (Republican Conference Chair), Duncan Hunter (CA) (Chair of the Committee on Armed Services), Ileana Ros-Lehtinen (FL) (Committee on International Relations), Peter Hoekstra (MI) (Chair of the Permanent Select Committee on Intelligence), Nancy Pelosi (CA) (Minority Leader), Steny H. Hoyer (MD) (Minority Whip), James E. Clyburn (SC) (Chairman of the Democratic Caucus), John B. Larson, (CT) (Democratic Caucus Vice-Chair) and

The VICE PRESIDENT.<sup>(5)</sup> The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq, into the House Chamber:

The Senator from Tennessee (Mr. FRIST).

The Senator from Kentucky (Mr. MCCONNELL).

The Senator from Alaska (Mr. STEVENS).

The Senator from Pennsylvania (Mr. SANTORUM).

The Senator from Texas (Mrs. HUTCHISON).

The Senator from Arizona (Mr. KYL).

The Senator from North Carolina (Mrs. DOLE).

The Senator from Montana (Mr. BURNS).

The Senator from Nevada (Mr. REID).

The Senator from Illinois (Mr. DURBIN).

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Jesse Bibiano Marehalau, Ambassador of Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

Tom Lantos (CA) (Ranking Member of the Committee on International Relations).

5. Richard B. Cheney (WY).

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 6 minutes a.m., the Assistant to the Sergeant at Arms announced His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq.

The Prime Minister of the Republic of Iraq, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq.

[Applause, the Members rising.]

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ADDRESS BY HIS EXCELLENCY  
NOURI AL-MALIKI, PRIME MINISTER OF THE REPUBLIC OF IRAQ

Prime Minister AL-MALIKI. In the Name of God, the Most Gracious, the Most Merciful.

Your Excellency the Speaker of the House, Mr. Vice President, honorable ladies and gentlemen, Members of Congress, it is with great pleasure that I am able to take this opportunity to be the first democratically and constitutionally elected Prime Minister of Iraq to address you, the elected representatives of the American people, and I thank you for affording me this unique chance to speak at this respected assembly. . . .

Thank you very much.

[Applause, the Members rising.]

At 11 o'clock and 36 minutes a.m., His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

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JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 40 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

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ANNOUNCEMENT BY THE  
SPEAKER

The SPEAKER. The House will continue in recess until 12:15 p.m.

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□ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 12 o'clock and 15 minutes p.m.

PRINTING OF PROCEEDINGS  
HAD DURING RECESS

Mr. [Ted] POE [of Texas]. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore.<sup>(6)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

**§ 23.3 Instance in which a Speaker pro tempore presided over a joint meeting.**

On Apr. 6, 2005,<sup>(1)</sup> during a joint meeting to receive His Excellency Viktor Yushchenko, the President of Ukraine, Majority Leader Tom DeLay, of Texas, was appointed as Speaker pro tempore to preside over the joint meeting.

JOINT MEETING OF THE HOUSE  
AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY  
VIKTOR YUSHCHENKO, PRESIDENT OF UKRAINE

The Speaker pro tempore (Mr. DELAY) presided.

The Assistant to the Sergeant at Arms, Bill Sims, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker pro tempore, and the Members of the Senate the seats reserved for them.

The SPEAKER pro tempore. The Chair appoints as members of the com-

mittee on the part of the House to escort His Excellency Viktor Yushchenko into the Chamber:

The gentleman from Missouri (Mr. BLUNT); . . .

The President of Ukraine, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER pro tempore. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency Viktor Yushchenko, President of Ukraine.

[Applause, the Members rising.]

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ADDRESS BY HIS EXCELLENCY  
VIKTOR YUSHCHENKO, PRESIDENT OF UKRAINE

(The following address was delivered in Ukrainian, with a simultaneous translation in English.) . . .

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JOINT MEETING DISSOLVED

The SPEAKER pro tempore. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 44 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

**§ 23.4 Proceedings had during a recess of the House for a**

6. John Abney Culberson (TX).

1. 151 CONG. REC. 5711-14, 109th Cong. 1st Sess.

**joint meeting to receive his Excellency Yitzhak Rabin, Prime Minister of Israel, and his Majesty King Hussein I of the Hashemite Kingdom of Jordan.**

On July 26, 1994,<sup>(1)</sup> the following proceedings occurred at the first joint meeting with two invitees:

The proceedings were as follows:

RECESS

The SPEAKER.<sup>(2)</sup> Pursuant to the order of the House on Friday, July 22, 1994, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR ADDRESSES BY HIS MAJESTY KING HUSSEIN I OF THE HASHEMITE KINGDOM OF JORDAN AND HIS EXCELLENCY YITZHAK RABIN, PRIME MINISTER OF ISRAEL

The SPEAKER of the House presided.

The Doorkeeper, Hon. James P. Molloy, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking

1. 140 CONG. REC. 17891-93, 103d Cong. 2d Sess.

2. Thomas S. Foley (WA).

the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the House to escort His Majesty King Hussein I of the Hashemite Kingdom of Jordan and His Excellency Yitzhak Rabin, Prime Minister of Israel, into the Chamber: the gentleman from Missouri, Mr. GEPHARDT; the gentleman from Michigan, Mr. BONIOR; the gentleman from Maryland, Mr. HOYER; the gentleman from California, Mr. FAZIO; the gentleman from Indiana, Mr. HAMILTON; the gentleman from Illinois, Mr. YATES; the gentleman from West Virginia, Mr. RAHALL; the gentleman from Illinois, Mr. MICHEL; the gentleman from Georgia, Mr. GINGRICH; the gentleman from Texas, Mr. ARMEY; the gentleman from Illinois, Mr. HYDE; the gentleman from New York, Mr. GILMAN; the gentlewoman from Maine, Ms. SNOWE; and the gentleman from New York, Mr. LEVY.

The VICE PRESIDENT.<sup>(3)</sup> The President of the Senate as the direction of that body appoints the following Senators as members of the committee on the part of the Senate to escort His Majesty King Hussein I of the Hashemite Kingdom of Jordan and His Excellency Yitzhak Rabin, Prime Minister of Israel, into the Chamber: the Senator from Maine, Mr. MITHCELL; the Senator from Kentucky, Mr. FORD; the Senator from Rhode Island, Mr. PELL; the Senator from Hawaii, Mr. INOUE; the Senator from Georgia, Mr. NUNN; the Senator from Vermont, Mr. LEAHY; the Senator from New York, Mr. MOYNIHAN; the Senator from New

3. Albert A. Gore (TN).

Jersey, Mr. LAUTENBERG; the Senator from Wisconsin, Mr. KOHL; the Senator from California, Mrs. FEINSTEIN; the Senator from Kansas, Mr. DOLE; the Senator from Wyoming, Mr. SIMPSON; the Senator from Mississippi, Mr. COCHRAN; the Senator from Mississippi, Mr. LOTT; the Senator from Oklahoma, Mr. NICKLES; the Senator from South Carolina, Mr. THURMOND; the Senator from Oregon, Mr. HATFIELD; the Senator from Indiana, Mr. LUGAR; the Senator from Kentucky, Mr. MCCONNELL; the Senator from Pennsylvania, Mr. SPECTER.

The Doorkeeper announced the Ambassadors, Ministers and Chargés d’Affaires of foreign governments.

The ambassadors, ministers, and chargés d’affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Honorable Ruth Bader Ginsburg, an Associate Justice of the Supreme Court of the United States.

The Associate Justice of the United States Supreme Court entered the Hall of the House of Representatives and took the seat reserved for her in front of the Speaker’s rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker’s rostrum.

At 11 o’clock and 8 minutes a.m. the Doorkeeper announced his Majesty King Hussein I of the Hashemite Kingdom of Jordan; and his Excellency

Yitzhak Rabin, Prime Minister of Israel.

His Majesty King Hussein I of the Hashemite Kingdom of Jordan and His Excellency Yitzhak Rabin, Prime Minister of Israel, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk’s desk.

[Applause, the Members arising.]

The SPEAKER. Members of the Congress, it is my great privilege, and I deem it a high honor and a personal pleasure, to present to you His Majesty King Hussein I of the Hashemite Kingdom of Jordan and His Excellency Yitzhak Rabin, Prime Minister of Israel.

[Applause, the Members arising.]

The SPEAKER. His Excellency, Hussein I.<sup>(4)</sup>

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ADDRESS BY HIS MAJESTY KING  
HUSSEIN I OF THE  
HASHEMITE KINGDOM OF  
JORDAN BEFORE THE JOINT  
MEETING OF THE UNITED  
STATES CONGRESS

KING HUSSEIN I. Mr. Speaker, Mr. President, honored guests, Members of Congress, ladies and gentleman, it is an honor for me to stand before you, the Representatives of the Great American Nation, on this historic occasion . . .

To all of you, and to the American people, I offer my thanks for your kindness, hospitality, and for all your support.

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4. *Parliamentarian’s Note:* As a Head of State, King Hussein spoke first.

May God bless you all. . . .  
 (Applause, the Members rising.)  
 The SPEAKER. His Excellency  
 Yitzhak Rabin.

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ADDRESS BY HIS EXCELLENCY  
 YITZHAK RABIN, PRIME MIN-  
 ISTER OF ISRAEL

PRIME MINISTER RABIN. Mr.  
 Speaker, Mr. President, distinguished  
 Members of Congress, His Majesty, the  
 King of Jordan, I start with the Jewish  
 word "Shalom." . . .

God, bless the peace.  
 [Applause, the Members rising.]

At 12 noon his Majesty King Hus-  
 sein I of the Hashemite Kingdom of  
 Jordan and His Excellency Yitzhak  
 Rabin, Prime Minister of Israel, retired  
 from the Hall of the House of Rep-  
 resentatives.

The Doorkeeper escorted the invited  
 guests from the Chamber in the fol-  
 lowing order:

The members of the President's Cab-  
 inet.

The Associate Justice of the Su-  
 preme Court of the United States.

The Ambassadors, Ministers and  
 Chargés d'Affaires of foreign govern-  
 ments.

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JOINT MEETING DISSOLVED

The SPEAKER. The purpose of this  
 joint meeting having been completed,  
 the Chair declares the joint meeting of  
 the two Houses dissolved, and the  
 House will meet in session at about  
 1:30 p.m.

Accordingly, at 12 o'clock and 9 min-  
 utes p.m., the joint meeting of the two  
 Houses was dissolved.

The Members of the Senate retired  
 to their Chamber.

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□ 1330

AFTER RECESS

The recess having expired, the  
 House was called to order by the  
 Speaker pro tempore (Mr. MONT-  
 GOMERY) at 1:30 p.m.

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PRINTING OF PROCEEDINGS  
 HAD DURING THE RECESS

Mr. [James A.] TRAFICANT [Jr., of  
 Ohio]. Mr. Speaker, I ask unanimous  
 consent that the proceedings had dur-  
 ing the recess be printed in the  
 RECORD.

The SPEAKER pro tempore.<sup>(4)</sup> Is  
 there objection to the request of the  
 gentleman from Ohio?

There was no objection.

*Joint Meetings With Non-Head  
 of State Foreign Leaders*

**§ 23.5 Proceedings held during  
 recess to receive the Deputy  
 President of the African Na-  
 tional Congress.**

On June 26, 1990,<sup>(1)</sup> the Honorable  
 Nelson Mandela, Deputy  
 President of the African National

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4. G. V. (Sonny) Montgomery (MS).

1. 136 CONG. REC. 15632-35, 101st  
 Cong. 2d Sess.

Congress, addressed a joint meeting:

RECESS

The SPEAKER.<sup>(2)</sup> Pursuant to the order of the House of Thursday, June 14, 1990, the House will stand in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY NELSON MANDELA, DEPUTY PRESIDENT OF THE AFRICAN NATIONAL CONGRESS

The SPEAKER of the House presiding.

The Doorkeeper, the Honorable James T. Molly, announced the President pro tempore<sup>(3)</sup> and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the Chair at the left of the Speaker, and Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort Mr. Nelson Mandela, deputy president of the African National Congress, into the Chamber:

The gentleman from Missouri, Mr. GEPHARDT; . . .

2. Thomas S. Foley (WA).
3. *Parliamentarian's Note:* The Vice President, in attendance as the President of the Senate, sits to the Speaker's right. A President pro tempore of the Senate attending in place of the Vice President sits to the Speaker's left.

The gentlewoman from Hawaii, Mrs. SAIKI.

The PRESIDENT pro tempore. The President of the Senate pro tempore, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort Mr. Nelson Mandela, deputy president of the African National Congress, into the House Chamber:

The Senator from Maine, Mr. MITCHELL; . . .

The Senator from Kansas, Mrs. KASSEBAUM.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 9 minutes a.m., the Doorkeeper announced Mr. Nelson Mandela, deputy president of the African National Congress.

Mr. Nelson Mandela, deputy president of the African National Congress, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege, and I deem it a high honor and personal pleasure to present to you, Mr. Nelson Mandela, deputy president of the African National Congress.



[Applause, the Members rising.]

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ADDRESS BY NELSON MANDELA,  
DEPUTY PRESIDENT OF THE  
AFRICAN NATIONAL CON-  
GRESS

Mr. MANDELA. Mr. Speaker, Mr. President, esteemed Members of the U.S. Congress; your excellencies, ambassadors and members of the Diplomatic Corps; distinguished guests, ladies and gentlemen:

It is a fact of the human condition that each shall, like a meteor, a mere brief passing moment in time and space, flit across the human stage and pass out of existence. Even the golden lads and lasses, as much as the chimney sweepers, come, and tomorrow are no more. After them all, they leave the people, enduring, multiplying, permanent, except to the extent that the same humanity might abuse its own genius to immolate life itself. . . .

Thank you.

(Applause, the Members rising.)

At 11 o'clock and 48 minutes a.m., Mr. Nelson Mandela, deputy president of the African National Congress, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers and chargés d'affaires of foreign governments.

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JOINT MEETING DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses dissolved.

Accordingly, at 11 o'clock and 59 minutes a.m., the joint meeting of the two Houses was dissolved. The Members of the Senate retired to their Chamber.

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ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 12:45 p.m.

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□ 1250

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. DURBIN] at 12 o'clock and 50 minutes p.m.

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PRINTING OF PROCEEDINGS  
HAD DURING RECESS

Mr. [Joseph E.] BRENNAN [of Maine]. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore.<sup>(4)</sup> Is there objection to the request of the gentleman from Maine?

There was no objection.

**§ 23.6 Proceedings had during recess of the House for a joint meeting to receive the Honorable Lech Walesa.<sup>(1)</sup>**

4. Richard J. Durbin (IL).

1. *Parliamentarian's Note*: As the Chairman of the Polish trade union Solidarnosc, Mr. Walesa joined an

On Nov. 15, 1989,<sup>(2)</sup> the Honorable Lech Walesa addressed a joint meeting. The following proceedings occurred:

RECESS

The SPEAKER.<sup>(3)</sup> Pursuant to the order of the House of Thursday, November 9, 1989, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 5 minutes a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE HONORABLE LECH WALESZA, CHAIRMAN, SOLIDARNOSC

The Speaker of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the honorable Lech Walesa, Chairman, Solidarnosc, into the Chamber:

exclusive group of persons who, being neither head of state nor head of government, nevertheless addressed a joint meeting.

- 2. 135 CONG. REC. 28968-72, 103d Cong. 2d Sess.
- 3. Thomas S. Foley (WA).

The gentleman from Missouri [Mr. GEPHARDT]; . . .

The VICE PRESIDENT.<sup>(4)</sup> The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to join a like committee on the part of the House to escort the Honorable Lech Walesa into the House Chamber: . . .

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 5 minutes a.m., the Doorkeeper announced the Honorable Lech Walesa, Chairman, Solidarnosc.

The Honorable Lech Walesa, Chairman, Solidarnosc, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege, and I deem it a high honor and personal pleasure to present to you the Honorable Lech Walesa, Chairman, Solidarnosc.

[Applause, the Members rising.]

- 4. J. Danforth Quayle (IN).

ADDRESS BY THE HONORABLE  
LECH WALESZA, CHAIRMAN,  
SOLIDARNOSC

(The following is an English translation of the address delivered in Polish by Chairman Lech Walesa before the joint meeting, through an interpreter.)

Mr. WALESZA. Mr. Speaker, Mr. President, Members of the Cabinet, distinguished Members of the House and Senate, ladies and gentlemen[.] . . .

I stand before you as the third foreign non-head-of-state invited to address the joint Houses of Congress of the United States. The Congress, which for many people in the world, oppressed and stripped of their rights, is a beacon of freedom and a bulwark of human rights. And here I stand before you, to speak to America in the name of my nation. To speak to citizens of the country and the continent whose threshold is guarded by the famous Statue of Liberty. It is for me an honor so great, a moment so solemn, that I can find nothing to compare it with. . . .

[Applause, the Members rising.]

At 12 o'clock and 10 minutes, p.m., the Honorable Lech Walesa, Chairman, Solidarnosc, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet.

The Ambassadors, Ministers, and *chargés d'affaires* of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses dissolved.

Accordingly, at 12 o'clock and 10 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 12:45 p.m.

□ 1250

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mrs. SCHROEDER] at 12 o'clock and 50 minutes p.m.

PRINTING OF PROCEEDINGS  
HAD DURING RECESS

Mr. [Joseph E.] BRENNAN [of Maine]. Madame Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore.<sup>(5)</sup> Is there objection to the request of the gentleman from Maine?

There was no objection.

*Rotunda Receptions for Visiting Dignitaries*

§ 23.7 A reception was held by Congress in the Rotunda on

5. Patricia Schroeder (CO).

**the occasion of a visit to the United States by the King and Queen of Great Britain.**

On May 24, 1939,<sup>(1)</sup> the Speaker<sup>(2)</sup> pursuant to the provisions of Senate Concurrent Resolution 17, appointed members to the joint committee preparing for the welcoming of the King and Queen of Great Britain to the Capitol:

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 17, the Chair appoints as members of the joint committee to make the necessary arrangements for welcoming Their Majesties the King and Queen of Great Britain and the members of their party on the occasion of their visit to the Capitol, Mr. RAYBURN, Mr. BLOOM, and Mr. MARTIN of Massachusetts.

On June 9, 1939,<sup>(3)</sup> the morning of the reception for the King and Queen of Great Britain, the House convened at 10:30 a.m. Following the reading and approval of the Journal, the Clerk read an announcement on the part of the Chair concerning the reception for the King and Queen. Speaker Bankhead then offered further informal suggestions relating to the ceremony, and the House stood in recess to attend the reception.

The SPEAKER. The Chair will ask the Clerk to read the following announcement on the part of the Chair.

1. 84 CONG. REC. 6106, 76th Cong. 1st Sess.
2. William B. Bankhead (AL).
3. 84 CONG. REC. 6889, 76th Cong. 1st Sess.

The Clerk read as follows:

The Chair desires to announce, at the suggestion and request of the Joint Committee on Arrangements, that only Members of the House will be permitted to enter the rotunda.

Under the order adopted by the joint committee, ex-Members of the House and children will not be permitted in the rotunda.

The Chair further desires to suggest that Members refrain from smoking and after their presentation to Their Majesties they take the place provided for them in the rotunda and remain there until Their Majesties leave.

The SPEAKER. The Chair takes the liberty of suggesting that in forming the procession to proceed to the rotunda that, as far as it may be feasible, the older Members of the House—that is, those ranking in seniority of service—form at the head of the line. Of course, it will be very difficult to carry that out, but the older Members will recognize their terms of service. There is no restriction or regulation about that, but that has been suggested on the part of the Committee on Arrangements.

RECESS

The SPEAKER. The House will now stand in recess.

Accordingly (at 10 o'clock and 37 minutes a.m.), pursuant to Senate Concurrent Resolution 17,<sup>(4)</sup> the House stood in recess subject to the call of the Chair.

The proceedings of June 9, 1939 in the Senate,<sup>(5)</sup> the day of the reception, were recorded as follows:

4. See 84 CONG. REC. 6032, 76th Cong. 1st Sess., for proceedings.
5. 84 CONG. REC. 6888, 76th Cong. 1st Sess.

CONGRESSIONAL WELCOME TO KING  
GEORGE VI AND QUEEN ELIZABETH  
OF GREAT BRITAIN

Mr. [Alben W.] BARKLEY [of Kentucky]. Mr. President, the senior Senator from Nevada [Mr. PITTMAN], chairman of the Joint Committee on Arrangements and Reception, has a statement to make.

Mr. [Key] PITTMAN. Mr. President, Their Majesties the King and Queen of Great Britain will be met at the foot of the central steps in front of the Capitol at 11 o'clock a. m. by the Joint Committee on Arrangements and Reception, and will be escorted into the rotunda, where they will be received by the Vice President of the United States and the Speaker of the House of Representatives. The Vice President and the Speaker of the House will then escort them to the positions which they will occupy during the reception. The Members of the Senate will be presented to Their Majesties by the chairman of the joint committee.

When the Senate leaves its Chamber, the Members of the Senate will proceed through the rotunda to a section which is roped off on the southwest side of the rotunda, the portion nearest to the House. That is for the reason that the Members of the Senate and the House will move to the left after they greet Their Majesties. The Members of the Senate, being first to be presented, will be in the section nearest to the House, and the House Members will be in the section nearest to the Senate side of the rotunda. After Members of the Senate are presented, they will proceed to the north side of the rotunda; that is, the side nearest the Senate. The House Members will

then proceed to the section the Senate had originally occupied, and there the Members of the House will stand until they are presented. . . .

It is planned that the Members of the Senate and of the House of Representatives shall be in their positions at the time when Their Majesties are escorted into the rotunda.

After the Vice President and the Speaker have taken their positions near the door they will receive Their Majesties in the rotunda. The senior Senator from Idaho [Mr. BORAH], being the senior Member of the Senate, will lead the Senate in the presentation of the Members to Their Majesties.

At 10 o'clock and 40 minutes a.m., the Committee on Arrangements and Reception on the part of the Senate, consisting of Hon. KEY PITTMAN, of Nevada, chairman of the joint committee; Hon. ALBEN W. BARKLEY, of Kentucky; and Hon. CHARLES L. McNARY, of Oregon, withdrew from the Chamber and proceeded to the steps leading to the main entrance on the east front of the Capitol, where they joined the committee on the part of the House of Representatives, consisting of Hon. SOL BLOOM, of New York; Hon. SAM RAYBURN, of Texas; and Hon. JOSEPH W. MARTIN, Jr., of Massachusetts, and received Their Majesties, who were escorted into the rotunda in the following order:

On the left of the King, Senator PITTMAN;

On the right of the King, the Queen;

On the right of the Queen, Representative BLOOM.

Immediately following Their Majesties were Senators BARKLEY and McNARY and Representatives RAYBURN and MARTIN.

The Right Honorable William Lyon Mackenzie King, Prime Minister of Canada, Minister in Attendance, was next in line, followed by the British Ambassador, Sir Ronald Lindsay, and Lady Lindsay, and Their Majesties' entourage.

In the rotunda the reception lines for the Senate and House of Representatives, respectively, were as follows:

SENATE RECEPTION LINE

Senator Pittman.  
The King.  
The Queen.  
The Vice President.  
Senator Barkley.  
Senator McNary.  
Col. Edwin A. Halsey, Secretary of the Senate.  
Representative Bloom.  
The Right Honorable William Lyon Mackenzie King, Prime Minister of Canada, Minister in Attendance.  
Sir Ronald Lindsay.  
Lady Lindsay.  
Representative Rayburn.  
Col. Chesley W. Journey, Sergeant at Arms of the Senate.  
Col. Kenneth Romney, Sergeant at Arms of the House of Representatives.  
Mr. George T. Summerlin.  
Lady Nunburnholme.  
Col. Piers W. Legh.  
Mr. Alan Lascelles.

HOUSE RECEPTION LINE

Representative Bloom.  
The King.  
The Queen.  
The Speaker.  
Representative Rayburn.  
Representative Martin.

Mr. Lewis Deschler.  
Senator Pittman.

The Right Honorable William Lyon Mackenzie King, Prime Minister of Canada, Minister in Attendance.

Sir Ronald Lindsay.  
Lady Lindsay.  
Senator Barkley.  
Senator McNary.  
Col. Chesley W. Journey.  
Col. Kenneth Romney.  
Mr. George T. Summerlin.  
Lady Nunburnholme.  
Mr. Mallet.  
Mrs. Mallet.  
Col. Piers W. Legh.  
Mr. Alan Lascelles.

The VICE PRESIDENT<sup>(6)</sup> (at 10 o'clock and 45 minutes a. m.) Under the terms of the order entered yesterday the Senate stands adjourned until Monday, June 12, 1939, at 12 o'clock meridian.

Thereupon the Members of the Senate, preceded by the Vice President, the Secretary, and the Chaplain proceeded to the rotunda of the Capitol, where, in accordance with the terms of the concurrent resolution (S. Con. Res. 17), in conjunction with the Speaker and Members of the House of Representatives, they welcomed Their Majesties the King and Queen of Great Britain.

On June 13, 1939,<sup>(7)</sup> the House agreed to a Senate concurrent resolution authorizing expenses from the contingent funds of the two Houses to pay for the reception in

6. John N. Garner (TX).

7. 84 CONG. REC. 7151, 7152, 76th Cong. 1st Sess.

the rotunda of the Capitol. Mr. Lindsay C. Warren, of North Carolina, was recognized to ask unanimous consent for the immediate consideration of the resolution:

EXPENSES INCIDENT TO RECEPTION OF  
KING AND QUEEN OF GREAT BRITAIN

Mr. WARREN. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 20.

The Clerk read as follows:

Senate Concurrent Resolution 20

*Resolved by the Senate (the House of Representatives concurring),* That the expenses incurred by the joint committee appointed pursuant to Senate Concurrent Resolution 17, Seventy-sixth Congress, to arrange for the reception of Their Majesties the King and Queen of Great Britain in the rotunda of the Capitol of June 9, 1939, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the joint committee.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate concurrent resolution was agreed to.

***Rotunda Receptions for Religious Leaders***

**§ 23.8 The House agreed to suspend the rules and adopt a concurrent resolution authorizing the use of the Cap-**

**itol Rotunda to receive His All Holiness Bartholomew, the 270th Ecumenical Patriarch of Constantinople.**

On Sept. 16, 1997,<sup>(1)</sup> the following proceedings occurred:

AUTHORIZING USE OF CAPITOL ROTUNDA TO ALLOW MEMBERS OF CONGRESS TO RECEIVE HIS ALL HOLINESS PATRIARCH BARTHOLOMEW

Mr. [Robert W.] NEY [of Ohio]. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 134) authorizing the use of the rotunda of the Capitol to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew, as amended.

The Clerk read as follows:

H. CON. RES. 134

*Resolved by the House of Representatives (the Senate concurring),* That the rotunda of the Capitol is authorized to be used on October 21, 1997, from 11:00 a.m. to 12:00 noon for a ceremony to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew, the 270th Ecumenical Patriarch of Constantinople. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

1. 143 CONG. REC. 18936-38, 18958, 18959, 105th Cong. 1st Sess.

See also 136 CONG. REC. 15751, 101st Cong. 2d Sess., June 27, 1990 (H. Con. Res. 344, authorizing the use of the Capitol Rotunda in ceremonies to greet His All Holiness Patriarch Dimitrios).

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the rule, the gentleman from Ohio [Mr. NEY] and the gentlewoman from Michigan [Ms. KILPATRICK] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

This resolution provides for the use of the rotunda on October 21, 1997, for a ceremony to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew, the 270th Ecumenical Patriarch of Constantinople.

At the request of the resolution's sponsor, the gentleman from Florida [Mr. BILIRAKIS], the resolution has been amended to change the time of the ceremony from 10 a.m. to 11 a.m. . . .

Mr. NEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Ohio [Mr. NEY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 134, as amended.

The question was taken. . . .

RECORDED VOTE

Mr. NEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 421, noes 0, not voting 12[.] . . .

2. Ray LaHood (IL).

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

§ 23.9 Consideration by unanimous consent of a concurrent resolution authorizing the use of the Capitol Rotunda for a welcoming ceremony for the Dalai Lama of Tibet.

On Apr. 11, 1991,<sup>(1)</sup> the following proceedings took place:

Mr. [Charlie] ROSE [of North Carolina, Chairman of the House Administration]. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 115) authorizing the use of the rotunda of the Capitol for a ceremony of welcome for the Dalai Lama.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from North Carolina?

Mr. [William M.] THOMAS of California. Mr. Speaker, reserving the right to object, I yield to the gentleman from North Carolina [Mr. Rose] for the purpose of having the chairman explain the resolution.

Mr. ROSE. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I

- 1. 137 CONG. REC. 7846, 102d Cong. 1st Sess.
2. Michael R. McNulty (NY).



would be pleased to explain the purpose. Mr. Speaker, this resolution provides for the use of the rotunda for Members of Congress to assemble and to greet his holiness, the 14th Dalai Lama of Tibet. The Dalai Lama is the spiritual and temporal leader of the Tibetan people. The People's Republic of China invaded Tibet in 1949, and has brutally occupied Tibet for the past 42 years. The Dalai Lama and tens of thousands of his fellow Tibetans fled their homeland after a nationalist uprising was brutally suppressed by the Chinese Red Army. Since that time, the Dalai Lama has led the Tibetan nation in a nonviolent struggle against China's brutal occupation of Tibet. His strict adherence to the Gandian principles in his struggle against Chinese oppression and his personal philosophy of universal responsibility earned him the 1989 Nobel Peace Prize. He will come to Washington next week, and the U.S. Congress will honor the Dalai Lama by receiving him in the Capitol Rotunda, and I encourage my colleagues to attend. This event will take place on Thursday, April 18th between 11 a.m. and 12 noon.

Mr. THOMAS of California. Mr. Speaker, under my reservation of objection, I yield to the gentleman from New York [Mr. Gilman].

Mr. [Benjamin A.] GILMAN [of New York]. Mr. Speaker, I want to commend the gentleman from North California [Mr. Rose] for making these arrangements. Many Members had hoped that we could have had his Holiness address a joint session of Congress, but that was not possible.

I would hope that all of our colleagues would join in welcoming his Holiness, who has been not only the

spiritual leader of Tibet but a leader in the world for a peaceful, nonviolent means of opposing aggression by other nations.

Mr. THOMAS of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. [Thomas] Andrews of Maine). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The clerk read the concurrent resolution, as follows:

H. CON. RES. 115

*Resolved by the House of Representatives (the Senate concurring),* That the rotunda of the Capitol may be used on April 18, 1991, from 10:30 o'clock ante meridiem until 12:30 o'clock post meridiem, for a ceremony of welcome for the Dalai Lama. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

SEC. 2. The transcript of proceedings of the ceremony shall be printed as a House document, with illustrations and suitable binding. In addition to the usual number, there shall be printed, for the use of the Joint Committee on Printing, such number of copies of the document as does not exceed a cost of \$3,000.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

***Rotunda Reception for Human Rights Leader***

**§ 23.10 By unanimous consent, the House considered and**

**agreed to a concurrent resolution authorizing the use of the Capitol Rotunda for a welcoming ceremony for Natan Shcharansky, a leader in the Soviet Jewish emigration movement.**

On May 1, 1986,<sup>(1)</sup> the House considered by unanimous consent and adopted House Concurrent Resolution 329, authorizing the use of the Capitol Rotunda for a welcoming ceremony for Natan (Anatoly) Shcharansky. The resolution read as follows:

H. CON. RES. 329

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. FINDINGS**

The Congress finds that—

(1) Natan (Anatoly) Shcharansky was a leader in the Soviet Jewish emigration movement and a founding member of the Moscow Helsinki monitoring group who was arrested on March 15, 1977, and sentenced to thirteen years imprisonment for his human rights activities;

(2) Shcharansky's wife, Avital, campaigned tirelessly for the release of her husband and other Soviet Jewish prisoners, and those efforts were supported by two successive administrations, the Congress, and the American people;

(3) on February 11, 1986, those efforts were successful and Natan (Anatoly) Shcharansky was released from Soviet prison and allowed to emigrate to Israel;

(4) despite the fact that at least 400,000 other Soviet Jews seek to emigrate to Israel, the Soviet Government has severely restricted Jewish emigration in violation of its international commitments; and

(5) the support of the Congress for the right of Soviet Jews to emigrate is long established and remains strong.

1. 132 CONG. REC. 9189, 9190, 99th Cong. 2d Sess.

**SEC. 2. CONGRESSIONAL WELCOME: USE OF CAPITOL ROTUNDA**

(a) CONGRESSIONAL WELCOME.—The Congress welcomes Natan (Anatoly) Shcharansky to the United States and to the Nation's capital.

(b) USE OF CAPITOL ROTUNDA.—The rotunda of the Capitol is authorized to be used on May 13, 1986, for a ceremony of welcome for Natan (Anatoly) Shcharansky. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

**SEC. 3. CALL FOR CONTINUED EFFORTS TO OBTAIN FREEDOM FOR ALL SOVIET JEWS.**

It is the sense of the Congress that the President should continue to call upon the Soviet Union—

(1) to release immediately all those Soviet Jews who have been imprisoned for their efforts to emigrate;

(2) to allow those Soviet Jews who wish to emigrate in order to join their families abroad, or to be repatriated to their historic homeland of Israel, to do so; and

(3) to permit the exercise of religious and cultural rights by Soviet Jews.

The SPEAKER pro tempore.<sup>(2)</sup> The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 24. Congressional Gold Medals**

The Congressional Gold Medal is the highest award bestowed on civilians by the U.S. Congress. The commissioning and bestowing of a Congressional Gold Medal requires the passage of a bill awarding the medal itself. In addition, if a presentation ceremony is held in the Rotunda, the adoption of a

2. G. V. (Sonny) Montgomery (MS).

concurrent resolution authorizing the use of the Rotunda for such a ceremony is also required.

Legislation awarding a Congressional Gold Medal falls under the jurisdiction of the Committee on Financial Services. That committee has adopted rules governing the consideration and content of such legislation. Under Committee Rule 3(f)(1)(A),<sup>(1)</sup> the Subcommittee on Domestic and International Monetary Policy, Trade and Technology will not hold a hearing on Congressional Gold Medal legislation unless it is cosponsored by at least two-thirds of the Members of the House.<sup>(2)</sup> Rule 3(f)(1)(C) requires the subcommittee to apply several standards in considering legislation authorizing Congressional Gold Medals. Among these are that “the recipient shall be a natural person;”<sup>(3)</sup> the recipient shall have performed an achievement that “has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient’s field long after the achievement;”<sup>(4)</sup> that the recipient “shall not have received

a medal previously for the same or substantially the same achievement;”<sup>(5)</sup> that the recipient “shall be living or, if deceased, shall have been deceased for not less than five years and not more than 25 years;”<sup>(6)</sup> and the achievements “were performed in the recipient’s field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed by others in the same field, as evidenced by the recipient having received the highest honors in the field.”<sup>(7)</sup>

The Congressional Gold Medal has been bestowed on military personnel, entertainers, aeronautical and space pioneers, explorers, lifesavers, pioneers in agriculture, science and medicine, public servants, athletes, activists and foreign recipients.<sup>(8)</sup> What follows is a sampling of recent recipients of the award.

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#### § 24.1 The House, by unanimous consent, considered

1. See Rules of the Committee on Financial Services at 151 CONG. REC. H765–H768 [Daily Ed.], 109th Cong. 1st Sess., Feb. 17, 2005.
2. *Id.*
3. Rule 3(f)(1)(C)(i).
4. Rule 3(f)(1)(C)(ii).

5. Rule 3(f)(1)(C)(iii).
6. Rule 3(f)(1)(C)(iv).
7. Rule 3(f)(1)(C)(v).
8. For a full list of recipients, see [http://clerk.house.gov/art\\_history/house\\_history/goldMedal.html](http://clerk.house.gov/art_history/house_history/goldMedal.html) (last visited May 3, 2010).

**and adopted an unreported concurrent resolution (discharged from the Committee on House Administration) authorizing the use of the Rotunda for the posthumous presentation of a Congressional Gold Medal to Jackie Robinson.**

On Mar. 1, 2005,<sup>(1)</sup> the following proceedings took place:

PERMITTING USE OF CAPITOL ROTUNDA FOR CEREMONY TO AWARD CONGRESSIONAL GOLD MEDAL TO JACKIE ROBINSON

Mr. [Robert W.] NEY [of Ohio]. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 79) permitting the use of the rotunda of the Capitol for a ceremony to award a Congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and ask for its immediate consideration in the House.

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 79

*Resolved by the House of Representatives (the Senate concurring), That the*

1. 151 CONG. REC. 3072, 3073, 109th Cong. 1st Sess. See also 149 CONG. REC. 24229–33, 108th Cong. 1st Sess., Oct. 7, 2003 (H.R. 1900, to award a posthumous Congressional Gold Medal to Jackie Robinson in recognition of his many contributions to the Nation).

rotunda of the Capitol is authorized to be used on March 2, 2005, for a ceremony to award a Congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 24.2 The House, by unanimous consent, considered and adopted an unreported concurrent resolution (discharged from the Committee on House Administration) authorizing the use of the Rotunda for the presentation of a Congressional Gold Medal to General Henry H. Shelton.**

On Sept. 17, 2002,<sup>(1)</sup> the following proceedings took place:

Mr. [Vernon] EHLERS [of Michigan]. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution

1. 148 CONG. REC. 16912, 107th Cong. 2d. Sess. See also 147 CONG. REC. 27125–28, 107th Cong. 1st Sess., Dec. 19, 2001 (H.R. 2751, authorizing the President to award a gold medal on behalf of the Congress to General Henry H. Shelton and to provide for the production of bronze duplicates of such medal for sale to the public).

(H. Con. Res. 469) authorizing the Rotunda of the Capitol to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.), and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. DUNCAN).<sup>(2)</sup> Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 469

*Resolved by the House of Representatives (the Senate concurring),* That the Rotunda of the Capitol is authorized to be used on September 19, 2002, for a ceremony to present the Congressional Gold Medal to General Henry H. Shelton (USA, Ret.). Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 24.3 The House suspended the rules and agreed to a concurrent resolution (discharged from the Committee on House Administration) authorizing the use of the Rotunda for a ceremony to present a Congressional Gold Medal to former President**

2. John J. Duncan, Jr. (TN).

**Ronald Reagan and his wife, Nancy Reagan.**

On Mar. 5, 2002,<sup>(1)</sup> the following proceedings took place:

Mr. [John] LINDER [of Georgia]. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 305) permitting the use of the Rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to former President Ronald Reagan and his wife Nancy Reagan, as amended.

The Clerk read as follows:

H. CON. RES. 305

*Resolved by the House of Representatives (the Senate concurring),* That the Rotunda of the Capitol is authorized to be used on May 16, 2002, for a ceremony to present a gold medal on behalf of Congress to former President Ronald Reagan and his wife Nancy Reagan. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the rule, the gentleman from Georgia (Mr. LINDER) and the gentleman from Maryland (Mr. HOYER) will each control 20 minutes. The Chair recognizes the gentleman from Georgia (Mr. LINDER). . . .

So (two-thirds having voted in favor thereof) the rules were suspended and

1. 148 CONG. REC. 2393–95, 2398, 107th Cong. 2d. Sess. See also 146 CONG. REC. 4255–61, 107th Cong. 2d Sess., Apr. 3, 2000 (H.R. 3591, to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation).

2. John Culberson (TX).

the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**§ 24.4 The House, by unanimous consent, considered and adopted an unreported concurrent resolution (discharged from the committee on House Administration) authorizing the use of the Rotunda for the posthumous presentation of a Congressional Gold Medal to Charles M. Schulz, the creator of the Peanuts comic strip.**

On June 5, 2001,<sup>(1)</sup> the following proceedings took place:

PERMITTING USE OF ROTUNDA OF CAPITOL FOR PRESENTATION POSTHUMOUSLY OF CONGRESSIONAL GOLD MEDAL TO CHARLES M. SCHULZ

Mr. [Vernon] EHLERS [of Michigan]. Madam Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent

1. 147 CONG. REC. 9891, 9892, 107th Cong. 1st Sess. See also 146 CONG. REC. 9587, 9588, 106th Cong. 2d Sess., June 6, 2000 (H.R. 3642, to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and to the world).

resolution (H. Con. Res. 149) permitting the use of the Rotunda of the Capitol for a ceremony to present posthumously a gold medal on behalf of Congress to Charles M. Schulz, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Michigan? . . .

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 149

*Resolved by the House of Representatives (the Senate concurring),* That the Rotunda of the Capitol is authorized to be used on June 7, 2001, for a ceremony to present posthumously a gold medal on behalf of Congress to Charles M. Schulz. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 24.5 The House suspended the rules and agreed to an unreported concurrent resolution (discharged from the Committee on House Administration) authorizing use of the Rotunda to present a Congressional Gold Medal to Father Theodore Hesburgh.**

2. Judith Biggert (IL).

On June 27, 2000,<sup>(1)</sup> the following proceedings took place:

PERMITTING USE OF ROTUNDA  
OF CAPITOL FOR PRESEN-  
TATION CEREMONY OF CON-  
GRESSIONAL GOLD MEDAL TO  
FATHER THEODORE  
HESBURGH

Mr. [Bill] THOMAS [of California]. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 344) permitting the use of the rotunda of the Capitol for a ceremony to present the Congressional Gold Medal to Father Theodore Hesburgh, as amended.

The Clerk read as follows:

H. CON. RES. 344

*Resolved by the House of Representatives (the Senate concurring),* That the rotunda of the Capitol is authorized to be used on July 13, 2000, for a ceremony to present the Congressional Gold Medal to Father Theodore Hesburgh. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the rule, the gentleman from

1. 146 CONG. REC. 12520–22, 106th Cong. 2d Sess. See also 145 CONG. REC. 24976–82, 106th Cong. 1st Sess., Oct. 12, 1999 (H.R. 1932, to authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community).
2. Ray LaHood (IL).

California (Mr. THOMAS) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume. . . .

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 344, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed.

A motion to reconsider was laid on the table.

**§ 24.6 The House suspended the rules and agreed to a concurrent resolution authorizing the use of the Rotunda for a ceremony to present the Congressional Gold Medal to President and Mrs. Gerald R. Ford.**

On Oct. 18, 1999,<sup>(1)</sup> the following proceedings took place:

1. 145 CONG. REC. 25679, 25680, 25695, 106th Cong. 1st Sess. See also 144 CONG. REC. 17828, 105th Cong. 2d Sess., July 29, 1998 (H.R. 3506, to award a congressional gold medal to Gerald R. and Betty Ford in recognition of their dedicated public service and outstanding humanitarian contributions to the people of the United States).

Mr. [Bill] THOMAS [of California]. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 196) permitting the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to President and Mrs. Gerald R. Ford.

The Clerk read as follows:

H. CON. RES. 196

*Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on October 27, 1999, for the presentation of the Congressional Gold Medal to President and Mrs. Gerald R. Ford. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.*

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes. . . .

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

§ 25. Presidential Inaugurations

Inaugural ceremonies have evolved since George Washington gave his first inaugural address on Apr. 30, 1789, and his second on Mar. 4, 1793.

After Washington's first inauguration, the Mar. 4 date was

2. Judith Biggert (IL).

used for subsequent Presidential inaugurations until 1933.<sup>(1)</sup> The ratification of the 20th Amendment in 1933 mandated that the Presidential term begin at noon on Jan. 20.<sup>(2)</sup>

From the 1829 inauguration of Andrew Jackson through the 1977 inauguration of Jimmy Carter, the primary Inauguration Day ceremony took place on the Capitol's East Portico.<sup>(3)</sup>

1. The ratification of the 12th Amendment in 1804 mandated that the Presidential term expire on Mar. 4. U.S. Const. amend. XII.
2. U.S. Const. amend. XX. See also *House Rules and Manual* § 150 (2007).
3. The fourth inauguration of Franklin D. Roosevelt in 1945 was a notable exception. Because World War II was at its height, Roosevelt had a simple inauguration ceremony at the White House with no fanfare or formal celebration. See 91 CONG. REC. 364, 365, 79th Cong. 1st Sess., Jan. 22, 1945.

Ronald Reagan's second inaugural in 1985 was the coldest on record, with an estimated noon temperature of seven degrees Fahrenheit and wind chills well below zero. Because Jan. 20, 1985, fell on a Sunday, President Reagan was sworn in privately on that date at the White House and had scheduled his public inauguration ceremony for Monday, Jan. 21. The cold weather forced the ceremony to be moved indoors to the Capitol Rotunda, and limited space dictated that it be a semi-private ceremony. See 131 CONG. REC. 630-



Since the 1981 inauguration of Ronald Reagan, the ceremony has been held on a terrace on the Capitol's West Front.<sup>(4)</sup>

In preparation for the ceremonies, a joint committee is created months in advance of the event.<sup>(5)</sup> The committee is established by concurrent resolution in the preceding Congress and the authority continues in the following Congress by a continuing resolution.<sup>(6)</sup>

On inauguration morning, the House proceeds to participate in the ceremonies and stands adjourned at the conclusion of the ceremony pursuant to an adjournment resolution.<sup>(7)</sup>

At the designated hour of the morning, the Senate and House leave their respective Halls each to attend the ceremonies.

The House procession is traditionally headed by the Sergeant at Arms bearing the mace and led by the Speaker pro tempore (who is oftentimes the Dean of the House), followed by the House leadership, committee chairmen,

ranking minority members, and other Members in order of seniority.<sup>(8)</sup> The officers of the House have participated in the procession as well.<sup>(9)</sup>

The Vice Presidential oath of office has been administered variously by the outgoing Vice President,<sup>(10)</sup> by a Senator from the Vice President's home state,<sup>(11)</sup> by the Senate Minority Leader,<sup>(12)</sup> by the Speaker of the House,<sup>(13)</sup> and by a Justice of the U.S. Supreme Court.<sup>(14)</sup>

8. See, e.g., § 25.8, *infra*.

9. *Ibid*.

10. 91 CONG. REC. 364, 365, 79th Cong. 1st Sess., Jan. 22, 1945 (retiring Vice President Henry A. Wallace); 87 CONG. REC. 188–190, 77th Cong. 1st Sess., Jan. 29, 1941 (retiring Vice President John N. Garner).

11. 103 CONG. REC. 804–806, 85th Cong. 1st Sess., Jan. 21, 1957 (U.S. Senator William F. Knowland); 99 CONG. REC. 450–452, 83d Cong. 1st Sess., Jan. 20, 1953 (U.S. Senator William F. Knowland).

12. 115 CONG. REC. 1288–92, 91st Cong. 1st Sess., Jan. 20, 1969 (Senate Minority Leader Everett M. Dirksen).

13. See 151 CONG. REC. 295–298, 109th Cong. 1st Sess., Jan. 20, 2005 (Speaker Hastert); 123 CONG. REC. 1861–63, 95th Cong. 1st Sess., Jan. 20, 1977 (Speaker O'Neill); and 111 CONG. REC. 984–986, 89th Cong. 1st Sess., Jan. 20, 1965 (Speaker McCormack).

14. See, e.g., 147 CONG. REC. 547–549, 107th Cong. 1st Sess., Jan. 22, 2001

633, 99th Cong. 1st Sess., Jan. 21, 1985. See also *House Rules and Manual* § 159 (2007).

4. See 127 CONG. REC. 540–543, 97th Cong. 1st Sess.

5. See § 25.1, *infra*.

6. See § 25.4, *infra*.

7. See § 25.7, *infra*.

The Chief Justice of the Supreme Court has administered the oath to the President at every regularly scheduled inauguration since Chief Justice Oliver Ellsworth swore in President John Adams in 1797.

Following the swearing-in, the President makes an inaugural address.

In the closing, a well-known American musical group or person may perform a patriotic musical or poetic selection.

A benediction is pronounced and the ceremony comes to an end.

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### *Joint Committee for Inaugural Ceremonies*

#### **§ 25.1 The House, by unanimous consent, considered and agreed to a Senate concurrent resolution establishing a Joint Congressional Committee on Inaugural Ceremonies.**

On Mar. 16, 2004,<sup>(1)</sup> the following proceedings occurred:

(Chief Justice Rehnquist); 143 CONG. REC. 470–473, 105th Cong. 1st Sess., Jan. 20, 1997 (Associate Justice Ginsburg); and 119 CONG. REC. 1658–61, 93d Cong. 1st Sess., Jan. 20, 1973 (Chief Justice Burger).

1. 150 CONG. REC. 4380, 108th Cong. 2d Sess.

#### ESTABLISHING JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. [Robert W.] NEY [of Ohio]. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 94) establishing the Joint Congressional Committee on Inaugural Ceremonies, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON RES. 94

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the "joint committee"), consisting of 3 Senators and 3 Members of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States.

#### SEC. 2. SUPPORT OF THE JOINT COMMITTEE.

The joint committee—

- (1) is authorized to utilize appropriate equipment and the services of appropriate

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For other examples, see 146 CONG. REC. 2720, 2721, 106th Cong. 2d Sess., Mar. 14, 2000 (S. Con. Res. 89); 142 CONG. REC. 21405, 104th Cong. 2d Sess., Aug. 2, 1996 (S. Con. Res. 47); 138 CONG. REC. 16712, 102d Cong. 2d Sess., June 29, 1992 (S. Con. Res. 103).

2. Chris Chocola (IN).

personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of the departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities. . . .

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.<sup>(3)</sup>

***Appointments to Committee on Inaugural Ceremonies***

**§ 25.2 The Chair announced the Speaker’s appointment of members to the Joint Committee on Inaugural Arrangements.**

On Mar. 16, 2004,<sup>(1)</sup> the Chair announced the Speaker’s appointments to the Joint Congressional Committee on Inaugural Ceremonies:

3. *Parliamentarian’s Note:* The concurrent resolution has no effect beyond a Congress in which it is agreed to. A new concurrent resolution continuing the joint committee at the beginning of the Congress must be adopted at the beginning of the next Congress. See § 25.4, *infra*.

1. 150 CONG. REC. 4381, 108th Cong. 2d Sess.

For other examples, see 146 CONG. REC. 7055, 106th Cong. 2d Sess., May 8, 2000; and 142 CONG. REC. 22372, 104th Cong. 2d Sess., Sept. 10, 1996.

**APPOINTMENT OF MEMBERS TO JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES**

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to Senate Concurrent Resolution 94, 108th Congress, and the order of the House of December 8, 2003, the Chair announces the Speaker’s appointment of the following Members of the House to the Joint Congressional Committee on Inaugural Ceremonies:

Mr. HASTERT, Illinois;

Mr. DELAY, Texas;

Ms. PELOSI, California.

On Jan. 4, 2005,<sup>(3)</sup> the Members of the Joint Committee were reappointed, as follows:<sup>(4)</sup>

**REAPPOINTMENT AS MEMBERS OF JOINT COMMITTEE TO MAKE NECESSARY ARRANGEMENT FOR THE INAUGURATION ON JANUARY 20, 2005**

The SPEAKER pro tempore.<sup>(5)</sup> Pursuant to Senate Concurrent Resolution 2, 109th Congress, the Chair announces the Speaker’s reappointment as members of the joint committee to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States on the 20th day of January, 2005, the following Members of the House:

Mr. HASTERT of Illinois,

2. Chris Chocola (IN).

3. 151 CONG. REC. 68, 69, 109th Cong. 1st Sess.

4. For another example, see 139 CONG. REC. 104, 103d Cong. 1st Sess., Jan. 5, 1993.

5. Ray LaHood (IL).

Mr. DELAY of Texas,  
Ms. PELOSI of California.

*Use of the Rotunda by the  
Joint Congressional Com-  
mittee on Inaugural Cere-  
monies*

**§ 25.3 The House, by unani-  
mous consent, considered  
and agreed to a Senate con-  
current resolution author-  
izing the use of the Capitol  
Rotunda and other Federal  
resources in connection with  
Presidential inaugural cere-  
monies on Jan. 20, 2005.**

Several months before the inau-  
guration, the House considered  
and agreed to a concurrent resolu-  
tion authorizing the use of the  
Capitol Rotunda in connection  
with the Presidential inaugural  
ceremonies as a predicate on  
which to plan and to prepare for  
logistics and security.

On Mar. 16, 2004,<sup>(1)</sup> the fol-  
lowing proceedings took place:

1. 150 CONG. REC. 4380, 108th Cong. 2d Sess. See § 25.4, *infra*, for the continuing resolution related to this concurrent resolution.

For other examples, see 146 CONG. REC. 2721, 106th Cong. 2d Sess., Mar. 14, 2000 (S. Con. Res. 90); 142 CONG. REC. 21405, 104th Cong. 2d Sess., Aug. 2, 1996 (S. Con. Res. 48); 138 CONG. REC. 16712, 102d Cong. 2d Sess., June 29, 1992 (S. Con. Res. 103).

**AUTHORIZING USE OF CAPITOL  
ROTUNDA BY JOINT CONGRES-  
SIONAL COMMITTEE ON INAUGU-  
RAL CEREMONIES**

Mr. [Robert W.] NEY [of Indiana].  
Madam Speaker, I ask unanimous con-  
sent to take from the Speaker's table  
the Senate concurrent resolution (S.  
Con. Res. 93) authorizing the use of  
the rotunda of the Capitol by the Joint  
Congressional Committee on Inaugural  
Ceremonies, and ask for its immediate  
consideration in the House.

The Clerk read the title of the Sen-  
ate concurrent resolution.

The SPEAKER pro tempore.<sup>(2)</sup> Is  
there objection to the request of the  
gentleman from Ohio?

There was no objection.

The Clerk read the Senate concur-  
rent resolution, as follows:

S. CON. RES. 93

*Resolved by the Senate (the House  
of Representatives concurring),*

**SECTION 1. USE OF THE ROTUNDA OF THE CAP-  
ITOL BY THE JOINT CONGRES-  
SIONAL COMMITTEE ON INAUGURAL  
CEREMONIES.**

The rotunda of the United States Capitol is  
authorized to be used on January 20, 2005, by  
the Joint Congressional Committee on Inau-  
gural Ceremonies in connection with the pro-  
ceedings and ceremonies conducted for the  
inauguration of the President-elect and the  
Vice President-elect of the United States.

Mr. [JOHN B.] LARSON of Connecticut.  
Madam Speaker, I support S. Con. Res. 93,  
which authorizes planning for the use of the  
Capitol Rotunda on January 20, 2005, for the  
proceedings and ceremonies conducted for  
the inauguration of the President and Vice  
President of the United States. We traditionally  
pass this measure to begin the period of secu-  
rity planning and rehearsal for the inaugural,  
since the Rotunda is routinely used for cere-  
monial purposes during the inauguration and  
could host the event itself, depending on the  
weather at that time.

2. Chris Chocola (IN).

The 108th Congress does not formally authorize use of the Rotunda through this measure, since it will expire on January 3, 2005, like all concurrent resolutions which are not made part of permanent law and must be renewed in the 109th Congress. However, it initiates the period of pre-event planning necessary to bring one of our democracy's most memorable and historic ceremonies to fruition smoothly and safely. I urge its adoption.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

**§ 25.4 The House considered and agreed to a privileged Senate concurrent resolution continuing the authority of the Joint Committee on Inaugural Ceremonies and the authority to use the Capitol Rotunda for such ceremonies.**

On Jan. 4, 2005,<sup>(1)</sup> the following proceedings took place:

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested: . . .

1. 151 CONG. REC. 7, 109th Cong. 1st Sess. See also §§ 25.1, 25.3, *supra*.

For other examples of similar continuing resolutions, see 147 CONG. REC. 37, 38, 107th Cong. 1st Sess., Jan. 3, 2001 (S. Con. Res. 2); 143 CONG. REC. 143, 105th Cong. 1st Sess., Jan. 7, 1997 (S. Con. Res. 2); 139 CONG. REC. 100, 103d Cong. 1st Sess., Jan. 5, 1993 (S. Con. Res. 2); 135 CONG. REC. 84, 101st Cong. 1st Sess., Jan. 3, 1989 (S. Con. Res. 2).

S. Con. Res. 2. Concurrent resolution to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of S. Con. Res. 93 and S. Con. Res. 94 of the One Hundred Eighth Congress . . .

PROVIDING FOR CONTINUATION OF JOINT COMMITTEE TO MAKE INAUGURATION ARRANGEMENTS

The SPEAKER pro tempore<sup>(2)</sup> laid before the House the following privileged<sup>(3)</sup> Senate concurrent resolution (S. Con. Res. 2) to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provision of S. Con. Res. 93 and S. Con. Res. 94 of the One Hundred Eighth Congress.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 2

*Resolved by the Senate (the House of Representatives concurring), That effective from January 3, 2005, the joint committee created by Senate Concurrent Resolution 94 (108th Congress), to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority provided for in that resolution.*

SEC. 2. Effective from January 4, 2005, the provisions of Senate Concurrent Resolution 93 (108th Congress), to authorize the rotunda of the United States Capitol to be used in connection with the proceedings

2. Ray LaHood (IL).
3. *Parliamentarian's Note:* The concurrent resolution for the continuation of the joint committee is privileged as essential to the role of Congress in the inauguration.

and ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States, are continued with the same power and authority provided for in that resolution.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

***Vice Presidential Inauguration Included***

**§ 25.5 Ceremonies for the inauguration of both the President and the Vice President are now held on the steps of the Capitol.<sup>(1)</sup>**

On Feb. 3, 1956,<sup>(2)</sup> the concurrent resolution providing for the joint inaugural planning committee was amended in the Senate to provide for the inclusion of the Vice President-elect:

**JOINT COMMITTEE TO ARRANGE FOR INAUGURATION OF THE PRESIDENT-ELECT**

The concurrent resolution (S. Con. Res. 64) providing for a joint committee to arrange for the inauguration of the President-elect of the United States, January 20, 1957, was announced as next in order. . . .

1. The Vice President was inaugurated in the Senate Chamber until Jan. 20, 1937.
2. 102 CONG. REC. 1958, 84th Cong. 2d Sess.

Mr. [William H.] KNOWLAND [of California]. Mr. President, I should like to offer an amendment on line 6, after the word "President-elect", to add the words "and Vice President-elect."

Originally, the Vice President of the United States was inaugurated in the Senate Chamber, but in recent years the inaugural ceremonies for both the President-elect and the Vice President-elect have been held on the steps of the Capitol building. . . .

Mr. KNOWLAND. Mr. President, I conferred with the ranking Republican member of the Committee on Rules and Administration.

The PRESIDING OFFICER.<sup>(3)</sup> The clerk will state the amendment offered by the Senator from California.

The LEGISLATIVE CLERK. It is proposed to insert in line 6, after the word "President-elect", the words "and Vice President-elect."

The amendment was agreed to.

The concurrent resolution (S. Con. Res. 64), as amended, was agreed to, as follows:

*Resolved, etc.,* That a joint committee consisting of 3 Senators and 3 Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States on the 25th day of January 1957.

***Sunday Inauguration Date***

**§ 25.6 Debate occurred in the Senate concerning Inauguration Day 1957 falling on a**

3. Frederick G. Payne (ME).

### Sunday for the fifth time in history.<sup>(1)</sup>

On Feb. 16, 1956,<sup>(2)</sup> Senate Concurrent Resolution 64 was called up by unanimous consent, and the Presiding Officer laid before the Senate the House amendment thereto. The proceedings were as follows:

#### JOINT COMMITTEE TO ARRANGE FOR INAUGURATION OF THE PRESIDENT-ELECT

Mr. [Theodore F.] GREEN [of Rhode Island]. Mr. President, I desire to have Senate Concurrent Resolution 64 called up.

The PRESIDING OFFICER (Mr. BIBLE<sup>(3)</sup> in the chair). The unfinished business is Senate Resolution 168, Calendar 1408.

Mr. [Earle C.] CLEMENTS [of Kentucky]. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, so that Senate Concurrent Resolution 64 may be considered, in accordance with the wish of the Senator from Rhode Island.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 64) providing for a joint committee to arrange for the inauguration of the President-elect of the United States,

January 20, 1957, which was in line 7, to strike out "twentieth" and insert "twenty-first".

Mr. GREEN. Mr. President, let me say that Senate Concurrent Resolution 64 has been agreed to by both the Senate and the House of Representatives, and amendments to the concurrent resolution have been adopted by both bodies.

The concurrent resolution as submitted by me, and passed as agreed to by the Senate on February 3, 1956, provided for a joint committee to arrange for the inauguration of the President-elect of the United States, on January 20, 1957. On that day I was absent from the Senate, having been excused in order to attend the inauguration of the new President of Brazil. In my absence, Senate Concurrent Resolution 64 was amended to include the Vice-President-elect.

Senate Concurrent Resolution 64, as amended by the Senate, was agreed to by the House of Representatives on February 7, 1956, after it was further amended by the House to change the date in the text of the resolution from "January 20, 1957" to "January 21, 1957." The concurrent resolution is now back before the Senate for consideration of the House amendment.

I have no objection to either the Senate amendment, which added the Vice-President-elect, or to the House amendment, which changed the date from January 20, 1957, to January 21, 1957. I believe, however, that a statement in clarification of my position and of proposed further amendments, which I am about to offer, is in order.

As my colleagues in the Congress well know, under the Constitution, as

1. See *House Rules and Manual* § 150 (2007). See also 3 Hinds' Precedents § 1996; and 6 Cannon's Precedents § 449.
2. 102 CONG. REC. 2668, 2669, 84th Cong. 2d Sess.
3. Alan H. Bible (NV).

amended, the terms of the President and the Vice President end at noon on the 20th day of January 1957, and the terms of the President-elect and the Vice-President-elect begin at the same instant—Constitution of the United States, amendment XX, effective October 15, 1933; 62d United States Statutes at Large, page 672; title 3, United States Code, section 101. Accordingly, although I was well aware when I submitted Senate Concurrent Resolution 64 that the 20th day of January, in the year 1957, would fall on a Sunday. I employed that date in my resolution because it was fixed by the established law.

In 1957, for the first time since the ratification of the 20th amendment, January 20 will fall on a Sunday in an inaugural year. Under the old law, when Presidents of the United States were inaugurated on March 4, there were four occasions on which March 4 fell on a Sunday in an inaugural year. The former occasions were: In 1971, Woodrow Wilson's second term; in 1877, Rutherford B. Hayes' first term; in 1849, Zachary Taylor's first term; and in 1821, the beginning of James Monroe's second term.

In 1916, a Senate concurrent resolution was adopted by the Congress providing for a committee to arrange for the inauguration of the President elect, which carried in its text the date "March 5, 1917." I refer to Senate Concurrent Resolution 27 of the 64th Congress. President Wilson actually took his oath of office as President, however, at the Capitol, on Sunday morning, March 4, 1917. Present at the occasion were his Cabinet and a few friends. On the next day, Monday, March 5, 1917, the inaugural ceremony

was repeated in public for the benefit of the crowd which assembled at the east front of the Capitol.

On the three prior occasions in our history when March 4 fell on a Sunday in an inaugural year, there were no similar concurrent resolutions. In 1877, President Hayes took the oath of office on Saturday, March 3. Chief Justice Waite administered the oath in the red room of the White House. On the following Monday, March 5, the Chief Justice again swore President Hayes in at the formal ceremony on the occasion of the President's Inaugural Address.

In 1849, President Taylor did not take his oath of office until Monday, March 5, at 12 noon. It took place at the public inauguration ceremonies in front of the great portico. This occasion gave rise to a claim, apparently never completely resolved, that Senator David R. Atchison, President pro tempore of the Senate, was, under the Succession Act of 1792, actually President of the United States for 1 day, beginning at noon on March 4, 1849.

In 1821, President Monroe took the oath of office on March 5.

Today, the ending and beginning of a Presidential and Vice Presidential term is clearly defined in the 20th amendment to the Constitution which provides:

The terms of the President and Vice President shall end at noon on the 20th day of January \* \* \* and the terms of their successors shall then begin.

In my humble opinion, if the President-elect of the United States does not take his oath of office until noon on Monday, January 21, 1957, then, pursuant to the provisions of Public Law



199 of the 80th Congress, the Speaker of the House of Representatives will actually be the President of the United States from noon on January 20, 1957, until noon on the following day. Of course, I have no objection to having the Honorable SAM RAYBURN occupy the White House and only regret that his term of office, under those circumstances, would be so short lived. To those who are opposed to SAM RAYBURN'S elevation to this high office, I can only say that they will have to use irresistible persuasion on the next President-elect to make him take his oath of office at noon on Sunday, January 20, 1957.

Because the people of the State of Rhode Island, the smallest State in the Union, have no aversion to a citizen of the largest State taking possession of the White House, and because I feel that Senate Concurrent Resolution 64 provides for a committee to make arrangements for the public ceremonies attendant upon the assumption of office by a new President, I now suggest that the Senate agree to the amendment adopted by the House. In order to avoid any misunderstanding or any possible interpretation of Senate Concurrent Resolution 64 which would affect the law on Presidential succession, however, I offer an amendment to the resolution, as follows: On page 1, line 6, before the word "inauguration", insert the word "public."

In addition, I offer a further amendment, as follows: In the title of Senate Concurrent Resolution 64, before the word "inauguration" insert the word "public"; after the words "President-elect", insert the words "and Vice President-elect"; and, after the word "January", strike the date "20", and insert instead the date "21."

I ask unanimous consent that my amendments to Senate Concurrent Resolution 64 be now considered and approved; and that Senate Concurrent Resolution 64, as amended, be agreed to, by the Senate.

Mr. [William F.] KNOWLAND [of California]. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. KNOWLAND. I was wondering if the Senator would care to amplify the reasons for inserting the word "public," rather than, in the original language, merely referring to the "inauguration." As the Senator will recall, at the fourth inaugural of President Franklin D. Roosevelt, he determined to have the ceremony at the White House, since it was a case of reelection to the office. No one knows who the next President of the United States may be. He may be a reelected President or a new President.

Mr. GREEN. The idea is that with these four amendments—two of which have already been adopted, and the two I now offer—it will be possible to distinguish between the public inauguration and privately taking the oath in the White House or anywhere else the President-elect might choose. Of course, we would not want to do away with the public inauguration. Otherwise, as I have tried to make clear, this ambiguity might make it possible for the claim to be made that someone else than the elected President was President during that one day.

Mr. KNOWLAND. All I wish to do is clarify the legislative history. Let us assume, for the moment, that President Eisenhower were reelected, and that he might choose, as President

Franklin D. Roosevelt did, to have an inaugural ceremony at the White House instead of at the Capitol. Would the language suggested by the Senator foreclose the joint committee from such arrangements?

Mr. GREEN. No. As I understand, he could take the oath privately in the White House on Sunday, January 20, and later a public inauguration could be held, the next day. We might distinguish between the two ceremonies, and call one the inauguration and the other the affirmation, or celebration of the inauguration.

Mr. KNOWLAND. I understand that. However, because of the fact that January 20 falls on Sunday, the President-elect might privately take the oath of office on Sunday, and have the public or formal ceremonies the following day.

Mr. GREEN. We might call that the installation.

Mr. KNOWLAND. But suppose the present President should be reelected, as occurred during the Franklin D. Roosevelt administration, and that he should choose to have the ceremony at the White House. Would that be foreclosed under the language suggested by the Senator?

Mr. GREEN. No; it would not be foreclosed. He might forego the public inauguration if he so desired.

Mr. [Leverett] SALTONSTALL [of Massachusetts]. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. SALTONSTALL. I think the Senator from Rhode Island has made it clear, but in order to make the Record still clearer, let me ask one or two questions.

The President would take his oath on Sunday and become the President of the United States, whether he were a reelected President or a new President.

Mr. GREEN. That is correct.

Mr. SALTONSTALL. In connection with the public inauguration on Monday, is it the Senator's idea that the President-elect should again take the oath, or would the ceremonies on Monday be ceremonies of celebration, when he should make his speech and go through with all the other ceremonies?

Mr. GREEN. I think the public would like to see him take the oath over again. However, I do not think it is necessary legally.

Mr. [Herbert H.] LEHMAN [of New York]. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. LEHMAN. We have had some experience with matters of this kind in the State of New York.

The Constitution of the State of New York provides that the term of a governor shall end at midnight on December 31. However, he is not inaugurated until noon of the following day. Invariably the Governor, whether he be a new governor or a governor who has held office previously, has taken his oath of office at the executive mansion at 1 minute after 12 o'clock midnight December 31, and has been publicly inaugurated the following day.

The PRESIDING OFFICER. The first amendment offered by the Senator from Rhode Island will be stated.

The LEGISLATIVE CLERK. On page 1, line 6 before the word "inauguration" it is proposed to insert the word "public."

The PRESIDING OFFICER. The amendment is not in order, because

the Senate cannot amend its own concurrent resolution after it has been agreed to by the House.

Mr. GREEN. Mr. President, may I ask unanimous consent that the amendment be held to be in order, if a point of order is raised?

Mr. CLEMENTS. Will the Chair state the parliamentary situation?

The PRESIDING OFFICER. The Chair has held that the amendment offered by the Senator from Rhode Island [GREEN] adding the word "public" is not in order.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KNOWLAND. If the Senate does not concur in the House amendment and requests a conference with the House, would it be possible for the conferees to make the change?

The PRESIDING OFFICER. The Chair is advised that the conferees would not have any authority to take into consideration any amendments which were not in disagreement.

Mr. CLEMENTS. Mr. President, will the Chair state the procedure that should be followed in connection with this matter?

The PRESIDING OFFICER. The Chair is advised that all that the Senate may consider is the amendment of the House of Representatives, which is before it.

Mr. GREEN. Mr. President, I ask unanimous consent that I may withdraw my amendment, and merely move that the Senate concur in the House amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GREEN. I believe the understanding is perfectly clear on the RECORD without the use of the word "public." I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

### *Inaugural Procedures Reviewed*

**§ 25.7 The House considered and adopted a privileged resolution providing that at a designated time on Inauguration Day the House shall proceed to the West Front of the Capitol to attend the ceremony, and that at the conclusion of the ceremony the House shall stand adjourned until a day and time certain pursuant to an adjournment resolution.**

On Jan. 4, 2005,<sup>(1)</sup> the House considered and adopted a privileged resolution providing that at a designated time on Inauguration Day the House shall proceed to the West Front of the Capitol to attend the ceremony, and that at the conclusion of the ceremony the House shall stand adjourned until

1. 151 CONG. REC. 69, 109th Cong. 1st Sess.

a day and time certain pursuant to an adjournment resolution:<sup>(2)</sup>

PROVIDING FOR ATTENDANCE  
AT INAUGURAL CEREMONIES  
ON JANUARY 20, 2005

Mr. [Tom] DELAY [of Texas]. Mr. Speaker, I offer a privileged resolution

- Parliamentarian's Note:* In an improvement over prior years' resolutions, this one acknowledged the role of a concurrent resolution of adjournment in providing for the House to stand adjourned for more than three constitutional days (as opposed to appearing itself to grant such permission). For illustrations of the previous practice, see 147 CONG. REC. 38, 107th Cong. 1st Sess., Jan. 3, 2001 (H. Res. 10, providing that the House shall stand adjourned to a day certain "or pursuant to such other concurrent resolution of adjournment as may then apply"); 143 CONG. REC. 143, 105th Cong. 1st Sess., Jan. 7, 1997 (H. Res. 8, providing for adjournment until a date and time certain without reference to an adjournment resolution); 139 CONG. REC. 104, 103d Cong. 1st Sess., Jan. 5, 1993 (H. Res. 10, providing for procession to the West Front for the inauguration but not adjournment); 135 CONG. REC. 244, 101st Cong. 1st Sess., Jan. 19, 1989 (H. Res. 40, providing for adjournment until a date and time certain without reference to an adjournment resolution); and 131 CONG. REC. 418, 99th Cong. 1st Sess., Jan. 3, 1985 (H. Res. 10, providing for adjournment until a date and time certain without reference to an adjournment resolution).

(H. Res. 9) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 9

*Resolved,* That at 10:30 a.m. on Thursday, January 20, 2005, the House shall proceed to the West Front of the Capitol for the purpose of attending the inaugural ceremonies of the President and Vice President of the United States; and that upon the conclusion of the ceremonies the House stands adjourned until 2 p.m. on Tuesday, January 25, 2005, pursuant to such concurrent resolution of adjournment as may so permit.

The resolution was agreed to.

A motion to reconsider was laid on the table.

On that same day,<sup>(3)</sup> the House adopted a privileged concurrent resolution providing for the adjournment of the House for more than three days until Inauguration Day, and then from Inauguration Day to a date certain more than three days hence:

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. DELAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 2) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 2

*Resolved by the House of Representatives (the Senate concurring),*

- 151 CONG. REC. 69, 109th Cong. 1st Sess., Jan. 4, 2005.

That when the House adjourns on the legislative day of Thursday, January 6, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10 a.m. on Thursday, January 20, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Thursday, January 20, 2005, it stand adjourned until 2 p.m. on Tuesday, January 25, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, January 6, 2005, or Friday, January 7, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Thursday, January 20, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

### § 25.8 The Chair announced the policy for the seating of

#### Members (and former Members) for the inaugural ceremonies.

On Jan. 20, 2005,<sup>(1)</sup> the Chair made an announcement regarding the assembling and attendance of the House at the inaugural ceremonies on the East Front of the Capitol.<sup>(2)</sup>

The SPEAKER pro tempore.<sup>(3)</sup> The Chair announces that sitting Members are being delivered their official pins in order to be seated on the platform. There are no extra seats available, so former Members cannot join the procession. The same holds true for children. They can neither go with the procession nor be seated on the platform.

The area where Members of the House are to be seated is not covered. Members should keep this fact in mind in deciding whether to wear overcoats and hats.

The Sergeant-at-Arms will precede the procession bearing the mace. The Clerk will escort the Members to the west front of the Capitol. The procession will be led by the dean of the

1. 151 CONG. REC. 267, 109th Cong. 1st Sess.
2. For other illustrations, see 147 CONG. REC. 163, 107th Cong. 1st Sess., Jan. 20, 2001; 143 CONG. REC. 381, 105th Cong. 1st Sess., Jan. 20, 1997; 139 CONG. REC. 381, 103d Cong. 1st Sess., Jan. 20, 1993; 135 CONG. REC. 324, 325, 101st Cong. 1st Sess., Jan. 20, 1989; and 131 CONG. REC. 690, 99th Cong. 1st Sess., Jan. 21, 1985.
3. Michael K. Simpson (ID).

House, followed by the House leadership, committee chairmen, ranking minority members, and then other Members in order of seniority.

The House leadership, committee chairmen, and ranking minority members shall retire to the holding room upon leaving the Chamber.

The Chair would encourage Members, as they gather in order of seniority, to congregate by “classes” in the well.

Pursuant to House Resolution 9, the Members of the House will now proceed to the west front to attend the inaugural ceremonies for the President and the Vice President of the United States.

Upon completion of the ceremony, pursuant to House Resolution 9, 109th Congress, the House will stand adjourned.

Pursuant to House Concurrent Resolution 2, 109th Congress, that adjournment will be until 2 p.m. on Tuesday, January 25, 2005.

Thereupon, at 10 o'clock and 22 minutes a.m., the Members of the House, preceded by the Sergeant-at-Arms and the Speaker, proceeded to the west front of the Capitol.

### *Appointment of Speaker Pro Tempore*

**§ 25.9 The Speaker has designated the Dean of the House as Speaker pro tempore to lead the House procession to the inauguration of the President and the Vice President.**

On Jan. 19, 1989,<sup>(1)</sup> the Speaker designated the Dean of the House to act as Speaker pro tempore when the House convened just prior to the inaugural ceremonies, as follows:<sup>(2)</sup>

#### DESIGNATION OF SPEAKER PRO TEMPORE TO LEAD HOUSE “PROCESSION” IN INAUGURATION CEREMONY

The SPEAKER.<sup>(3)</sup> The Chair designates the Honorable JAMIE L. WHITTEN, of Mississippi, dean of the House, to act as Speaker pro tempore on Friday, January 20, 1989, to lead the House procession to the Inauguration of the President of the United States.

### *Clerk Authorized to Receive Messages*

**§ 25.10 The Clerk is authorized to receive messages from the**

1. 135 CONG. REC. 244, 101st Cong. 1st Sess.
2. For other examples, see 131 CONG. REC. 420, 99th Cong. 1st Sess., Jan. 3, 1985 (designating Jamie L. Whitten [MS] as Speaker pro tempore on Inauguration Day); 127 CONG. REC. 405, 97th Cong. 1st Sess., Jan. 19, 1981 (designating Jamie L. Whitten [MS] as Speaker pro tempore on Inauguration Day); 119 CONG. REC. 1555, 93d Cong. 1st Sess., Jan. 18, 1973 (designating Wright Patman [TX] as Speaker pro tempore on Inauguration Day); and 115 CONG. REC. 1184, 91st Cong. 1st Sess., Jan. 17, 1969 (designating Emanuel Celler [NY] as Speaker pro tempore on Inauguration Day).
3. James C. Wright, Jr. (TX).

**President and the Senate, notwithstanding adjournment of the House, prior to Inauguration Day.**

Prior to the existence of such authority in the standing rules,<sup>(1)</sup> the Clerk was routinely authorized to receive message by unanimous consent. For example, on Jan. 17, 1969,<sup>(2)</sup> the Speaker<sup>(3)</sup> recognized Mr. Carl Albert, of Oklahoma, who asked unanimous consent that the Clerk be authorized to receive certain messages:

MR. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday, January 20, 1969, the Clerk be authorized to receive messages from the President and the Senate.

THE SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

***Inaugural Ceremonies***

**§ 25.11 Ceremonies for the inauguration of the President and Vice President.<sup>(1)</sup>**

1. See Rule II clause 2(h), *House Rules and Manual* § 652 (2007).
2. 115 CONG. REC. 1184, 91st Cong. 1st Sess.
3. John W. McCormack (MA).
1. For other examples of inauguration programs, see 151 CONG. REC. 295–298, 109th Cong. 1st Sess., Jan. 20, 2005 (second inaugural of President

On Jan. 22, 2001,<sup>(2)</sup> the following proceedings took place in the Senate:

Bush); 143 CONG. REC. 470–473, 105th Cong. 1st Sess., Jan. 21, 1997 (second inaugural of President Clinton); 139 CONG. REC. 383–386, 103d Cong. 1st Sess., Jan. 20, 1993 (first inaugural of President Clinton); 135 CONG. REC. 303–306, 101st Cong., 1st Sess., Jan. 20, 1989 (inaugural of President George H.W. Bush); 131 CONG. REC. 630–633, 99th Cong. 1st Sess., Jan. 21, 1985 (second inaugural of President Reagan); 127 CONG. REC. 540–543, 97th Cong. 1st Sess., Jan. 20, 1981 (first inaugural of President Reagan); 123 CONG. REC. 1861–63, 95th Cong. 1st Sess., Jan. 20, 1977 (inaugural of President Carter); 119 CONG. REC. 1658–61, 93d Cong. 1st Sess., Jan. 20, 1973 (second inaugural of President Nixon); 115 CONG. REC. 1289–92, 91st Cong. 1st Sess., Jan. 20, 1969 (first inaugural of President Nixon); 111 CONG. REC. 984–986, 89th Cong. 1st Sess., Jan. 20, 1965 (inaugural of President Johnson); and 107 CONG. REC. 1010–1013, 87th Cong. 1st Sess., Jan. 20, 1961 (inaugural of President Kennedy).

2. 147 CONG. REC. 547–549, 107th Cong. 1st Sess.

*Parliamentarian's Note:* The Senate portion of the *Congressional Record* carried the inaugural proceedings even though the Senate was not in session during those proceedings. The House customarily has not printed the proceedings, even though it customarily remains in session for their duration.

INAUGURAL CEREMONY

Mrs. [Kay Bailey] HUTCHISON [of Texas]. Mr. President, I ask unanimous consent that the proceedings of Saturday's Inaugural Ceremony be printed in today's RECORD.

There being no objection, the proceedings of the Inaugural Ceremony were ordered to be printed in the RECORD, as follows:

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INAUGURATION CEREMONY, SATURDAY, JANUARY 20, 2001, 11:47 A.M.

Members of the House of Representatives, Members of the Senate, Justices of the Supreme Court, nominees to the Cabinet, the Governors of the States, and the Mayor of the District of Columbia, the Joint Chiefs of Staff, and other distinguished guests assembled on the West Front.

Mr. Martin Paone, Senate Secretary for the Majority, escorted Senator Clinton and Mrs. Gore, accompanied by Mrs. Clegg Dodd, Mrs. Gephardt, and Mrs. Daschle, to the President's platform.

Mrs. Elizabeth Letchworth, Senate Secretary for the Minority, escorted Mrs. Bush and Mrs. Cheney, accompanied by Mrs. McConnell (Elaine Chao), Mrs. Lott, Mrs. Hastert, and Mrs. Arney, to the President's platform.

Mr. Jay Eagen, House CAO, Mr. Gary Sisco, Secretary of the Senate, and Mr. Jeff Trandahl, Clerk of the House, escorted President Clinton and Vice President Gore, accompanied by Senator Dodd, Representative Gephardt, and Senator Daschle, to the President's platform.

Ms. Lani Gerst, Executive Director, JCCIC, Mrs. Loretta Symms, Senate Deputy Sergeant at Arms, and Ms. Kerri Hanley, House Deputy Sergeant at Arms, escorted Vice President-elect Cheney, accompanied

by Senator Lott and Representative Arney, to the President's platform.

Ms. Tamara Somerville, Chief of Staff, JCCIC, Mr. Jim Ziglar, Senate Sergeant at Arms, and Mr. Bill Livingood, House Sergeant at Arms, escorted President-elect Bush, accompanied by Senator McConnell, Senator Dodd, Speaker Hastert, and Senator Lott, to the President's platform.

Mr. [Mitch] McCONNELL [of Kentucky]. Everyone, please be seated so we can begin.

Welcome to the 54th inauguration of the President and the Vice President of the United States of America. Today we honor the past in commemorating two centuries of inaugurations in Washington, DC. As well, we embrace the future, this day marking the first inauguration of the 21st century and the new millennium.

America has now spanned four centuries, her promise still shining bright—beginning and present—linked by timeless ideals and faith. The enduring strength of our Constitution, which brings us to the West Front of the Capitol today, attests to the wisdom of America's founders and the heroism of generations of Americans who fought wars and toiled in peace to preserve this legacy of liberty. In becoming the 43rd President of the United States, George W. Bush will assume the sacred trust as guardian of our Constitution. Dick Cheney will be sworn in as our new Vice President. Witnessed by the Congress, Supreme Court, Governors, and Presidents past, the current President will stand by as the new President peacefully takes office. This is a triumph of our democratic Republic, a ceremony befitting a great nation.

In his father's stead, the Rev. Franklin Graham is with us today to lead the Nation in prayer. Please stand for the invocation.

Reverend Graham.



Reverend GRAHAM. Let us pray:

Blessed are You, O Lord our God. Yours, O God, is the greatness and the power and the glory and the majesty and the splendor, for everything in heaven and Earth is Yours. Yours, O Lord, is the kingdom. You are exalted as head over all. Wealth and honor come from You. You are the ruler of all things. In Your hands are strength and power to exalt and to give strength to all.

As President Lincoln once said, we have been the recipients of the choicest bounties of heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth, and power, as no other nation has ever grown, but we have forgotten God. It behooves us then to humble ourselves before the offended powers, to confess our national sins, and to pray for clemency and forgiveness.

O Lord, as we come together on this historic and solemn occasion to inaugurate once again a President and Vice President, teach us afresh that power, wisdom, and salvation come only from Your hand.

We pray, O Lord, for President-elect George W. Bush and Vice President-elect Richard B. Cheney to whom You have entrusted leadership of this Nation at this moment in history. We pray that You will help them bring our country together so that we may rise above partisan politics and seek the larger vision of Your will for our Nation. Use them to bring reconciliation between the races, healing to political wounds, that we may truly become one nation under God.

Give our new President, and all who advise him, calmness in the face of storms, encouragement in the face of frustration, and humility in the face of success. Give them the wisdom to know and to do what is right and the courage to say no to all that is contrary to Your statutes and holy law.

Lord, we pray for their families, and especially their wives, Laura Bush and Lynne Cheney, that they may sense Your presence and know Your love.

Today we entrust to You President and Senator Clinton and Vice President and Mrs. Gore. Lead them as they journey through new doors of opportunity to serve others.

Now, O Lord, we dedicate this Presidential inaugural ceremony to You. May this be the beginning of a new dawn for America as we humble ourselves before You and acknowledge You alone as our Lord, our Saviour, and our Redeemer.

We pray this in the name of the Father and of the Son, the Lord Jesus Christ, and of the Holy Spirit. Amen.

Mr. McCONNELL. Thank you, Reverend Graham.

It is my distinct pleasure to introduce the Dupont Manual Choir of Louisville, KY.

(Performance by the Dupont Manual Choir of Louisville, KY.)

Mr. McCONNELL. I now call on Senator Christopher J. Dodd of Connecticut to introduce the Chief Justice of the United States.

Mr. DODD. Thank you, Senator McConnell.

President and Senator Clinton, Vice President and Mrs. Gore, President-elect and Mrs. Bush, and fellow citizens, the Vice President-elect will now take the oath of office. His wife, Lynne, and their daughters, Elizabeth Cheney Perry and Mary Cheney, will hold the family Bible. I have the honor and privilege to now present the Chief Justice of the United States Supreme Court, the Hon. William Hobbs Rehnquist, to administer the oath of office to the Vice President-elect, Richard Bruce Cheney.

(Applause.)

Mr. Chief Justice REHNQUIST. Mr. Cheney, are you ready to take the oath? —

Vice President-elect CHENEY. I am.

Mr. Chief Justice REHNQUIST. Please raise your right hand and repeat after me.

The Chief Justice of the United States, William Hobbs Rehnquist, administered to the Vice President-elect the oath of office prescribed by the Constitution, which he repeated, as follows:

“I, Richard Bruce Cheney, do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of which I am about to enter. So help me God.”

Mr. Chief Justice REHNQUIST. Congratulations.

(The Marine Band performed “Hail Columbia.”)

(Applause.)

Mr. McCONNELL. Ladies and gentlemen, Staff Sergeant Alec T. Maly of the United States Army Band will now perform an American medley.

(Staff Sergeant Alec T. Maly sang a medley of American music.)

Mr. McCONNELL. It is now my high honor to again present the Chief Justice of the United States who will administer the Presidential oath of office. Everyone, please stand.

(Applause.)

Mr. Chief Justice REHNQUIST. Governor Bush, are you ready to take the oath?

President-elect BUSH. Yes, sir.

Mr. Chief Justice REHNQUIST. Please raise your right hand and repeat after me.

The Chief Justice of the United States, William Hobbs Rehnquist, administered to the President-elect the oath of office prescribed by the Constitution, which he repeated, as follows:

“I, George Walker Bush, do solemnly swear that I will faithfully execute the office of President of the United States and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States. So help me God.”

Mr. Chief Justice REHNQUIST. Congratulations.

(Applause.)

Mr. McCONNELL. Ladies and gentlemen, the President of the United States, George W. Bush.

(Applause.)

(Herald Trumpets play “Ruffles and Flourishes” and “Hail to the Chief,” and 21-gun salute.)

President BUSH. Thank you all.

Chief Justice Rehnquist, President Carter, President Bush—

(Laughter, applause.)

President Clinton, distinguished guests, and my fellow citizens:

This peaceful transfer of authority is rare in history, yet common in our country. With a simple oath, we affirm old traditions and make new beginnings.

As I begin, I thank President Clinton for his service to our Nation. —

(Applause.)

And I thank Vice President Gore for a contest conducted with spirit and ended with grace.

(Applause.)

I am honored and humbled to stand here, where so many of America’s leaders have come before me and so many will follow.

We have a place, all of us, in a long story; a story we continue, but whose end we will not see. It is the story of a new world that became a friend and liberator of the old, the story of a slave-holding society that became a servant of freedom, the

story of a power that went into the world to protect but not possess, to defend but not to conquer. It is the American story; a story of flawed and fallible people, united across the generations by grand and enduring ideals.

The grandest of these ideals is an unfolding American promise: that everyone belongs, that everyone deserves a chance, that no insignificant person was ever born.

Americans are called to enact this promise in our lives and in our laws. And though our Nation has sometimes halted, and sometimes delayed, we must follow no other course.

Through much of the last century, America's faith in freedom and democracy was a rock in a raging sea. Now it is a seed upon the wind, taking root in many nations.

Our democratic faith is more than the creed of our country, it is the in-born hope of our humanity; an ideal we carry but do not own, a trust we bear and pass along. And even after nearly 225 years, we have a long way yet to travel.

While many of our citizens prosper, others doubt the promise—even the justice—of our own country. The ambitions of some Americans are limited by failing schools, and hidden prejudice, and the circumstances of their birth. And sometimes our differences run so deep, it seems we share a continent, but not a country.

We do not accept this, and we will not allow it. Our unity, our union, is the serious work of leaders and citizens in every generation. And this is my solemn pledge: I will work to build a single nation of justice and opportunity.

(Applause.)

I know this is within our reach, because we are guided by a power larger than ourselves who creates us equal in His image.

And we are confident in principles that unite and lead us onward.

America has never been united by blood or birth or soil. We are bound by ideals that move us beyond our backgrounds, lift us above our interests, and teach us what it means to be citizens. Every child must be taught these principles. Every citizen must uphold them. And every immigrant, by embracing these ideals, makes our country more, not less, American.

(Applause.)

Today we affirm a new commitment to live out our Nation's promise through civility, courage, compassion, and character.

America, at its best, matches a commitment to principle with a concern for civility.

A civil society demands from each of us good will and respect, fair dealing and forgiveness.

Some seem to believe that our politics can afford to be petty because, in a time of peace, the stakes of our debates appear small. But the stakes, for America, are never small. If our country does not lead the cause of freedom, it will not be led. If we do not turn the hearts of children toward knowledge and character, we will lose their gifts and undermine their idealism. If we permit our economy to drift and decline, the vulnerable will suffer most.

We must live up to the calling we share. Civility is not a tactic or a sentiment. It is the determined choice of trust over cynicism, of community over chaos. And this commitment, if we keep it, is a way to shared accomplishment.

America, at its best, is also courageous.

Our national courage has been clear in times of depression and war, when defeating common dangers defined our common good. Now we must choose if the example of our fathers and mothers will inspire us or condemn us. We must show courage in a time of blessing by confronting

problems instead of passing them onto future generations.

(Applause.)

Together we will reclaim America's schools, before ignorance and apathy claim more young lives. We will reform Social Security and Medicare, sparing our children from struggles we have the power to prevent. And we will reduce taxes, to recover the momentum of our economy and reward the efforts and enterprise of working Americans.

(Applause.)

We will build our defenses beyond challenge, lest weakness invite challenge.

(Applause.)

We will confront weapons of mass destruction, so that a new century is spared new horrors.

The enemies of liberty and our country should make no mistake, America remains engaged in the world, by history and by choice, shaping a balance of power that favors freedom. We will defend our allies and our interests. We will show purpose without arrogance. We will meet aggression and bad faith with resolve and strength. And to all nations, we will speak for the values that gave our Nation birth.

(Applause.)

America, at its best, is compassionate.

In the quiet of American conscience, we know that deep, persistent poverty is unworthy of our Nation's promise. And whatever our views of its cause, we can agree that children at risk are not at fault. Abandonment and abuse are not acts of God; they are failures of love.

(Applause.)

And the proliferation of prisons, however necessary, is no substitute for hope and order in our souls.

Where there is suffering, there is duty. Americans in need are not strangers, they are citizens; not problems, but priorities. And all of

us are diminished when any are hopeless.

(Applause.)

Government has great responsibilities, for public safety and public health, for civil rights and common schools. Yet compassion is the work of a nation, not just a government. And some needs and hurts are so deep, they will only respond to a mentor's touch or a pastor's prayer. Church and charity, synagogue and mosque lend our communities their humanity, and they will have an honored place in our plans and in our laws.

(Applause.)

Many in our country do not know the pain of poverty. But we can listen to those who do. And I can pledge our Nation to a goal. When we see that wounded traveler on the road to Jericho, we will not pass to the other side.

(Applause.)

America, at its best, is a place where personal responsibility is valued and expected.

Encouraging responsibility is not a search for scapegoats; it is a call to conscience. And though it requires sacrifice, it brings a deeper fulfillment. We find the fullness of life, not only in options, but in commitments. And we find that children and community are the commitments that set us free.

Our public interest depends on private character; on civic duty and family bonds and basic fairness; on uncounted, unhonored acts of decency which give direction to our freedom. Sometimes in life we are called to do great things. But as a saint of our times has said, every day we are called to do small things with great love. The most important tasks of a democracy are done by everyone.

I will live and lead by these principles: to advance my convictions with civility; to pursue the public interest with courage; to speak for

greater justice and compassion; to call for responsibility, and try to live it as well. In all these ways, I will bring the values of our history to the care of our times.

What you do is as important as anything government does. I ask you to seek a common good beyond your comfort; to defend needed reforms against easy attacks; to serve your Nation, beginning with your neighbor. I ask you to be citizens—citizens, not spectators; citizens, not subjects; responsible citizens building communities of service and a nation of character.

(Applause.)

Americans are generous and strong and decent, not because we believe in ourselves, but because we hold beliefs beyond ourselves. When this spirit of citizenship is missing, no government program can replace it. When this spirit is present, no wrong can stand against it.

(Applause.)

After the Declaration of Independence was signed, Virginia statesman John Page wrote to Thomas Jefferson:

We know the race is not to the swift nor the Battle to the Strong. Do you not think an Angel rides in the Whirlwind and directs this Storm?

Much time has passed since Jefferson arrived for his inauguration. The years and changes accumulate, but the themes of this day he would know: our Nation's grand story of courage and its simple dream of dignity. We are not the story's author, who fills time and eternity with His purpose. Yet His purpose is achieved in our duty; and our duty is fulfilled in service to one another.

Never tiring, never yielding, never finishing, we renew that purpose today: to make our country more just and generous; to affirm the dignity of our lives and every life.

This work continues. This story goes on. And an angel still rides in the whirlwind and directs this storm.

God bless you all, and God bless America.

(Applause.)

Mr. McCONNELL. Please stand now as Pastor Kribyjon H. Caldwell will now deliver the benediction, and afterward, please remain standing for the singing of our National Anthem, after which the ceremony will be concluded. I call upon Senator Dodd to organize the Presidential party after the ceremony has ended to depart the platform.

Pastor Caldwell.

Pastor CALDWELL. Thank you, Senator McConnell.

Let us pray, please:

Almighty God, the supply and supplier of peace, prudent policy, and nonpartisanship, we bless Your holy and righteous name. Thank You, O God, for blessing us with forgiveness, with faith, and with favor. Forgive us for choosing pride over purpose. Forgive us for choosing popularity over principles. And forgive us for choosing materialism over morals. Deliver us from these and all other evils, and cast our sins into Your sea of forgetfulness to be remembered no more. And Lord, not only do we thank You for our forgiveness, we thank You for faith, faith to believe that every child can learn and no child will be left behind and no youth will be left out.

Thank You for blessing us with the faith to believe that all of Your leaders can sit down and reason with one another so that each American is blessed.

Thank You for blessing us with the faith to believe that the walls of inequity can be torn down and the gaps between the rich and the poor, the haves and the have-nots, the uneducated and the educated, can and will be closed.

And, Lord, lastly, we thank You for favor. We thank You for Your divine favor. Let Your favor be upon President Clinton and the outgoing administration. May they go forth in spiritual grace and civic greatness. And, of course, O Lord, let Your divine favor be upon President George W. Bush and First Lady Laura Welch Bush and their family. We decree and declare that no weapon formed against them shall prosper. Let Your divine favor be upon the Bush team and all Americans with the rising of the Sun and the going down of the same. May we grow in our willingness and ability to bless You and bless one another.

We respectfully submit this humble prayer in the name that is above all other names, Jesus the Christ. Let all who agree say "Amen."

(Staff Sergeant Maly performed the National Anthem with accompaniment.)

(Applause.)

The inaugural ceremonies were concluded at 12:24 p.m.

## § 26. Vice Presidential Swearing-in Ceremonies

On Dec. 6, 1973, a joint meeting occurred in the House for the swearing-in of Gerald R. Ford as Vice President of the United States.<sup>(1)</sup> Ford was nominated pursuant to § 2 of the 25th Amendment of the Constitution of the United States. Similarly, on Dec. 19, 1974, the House was invited to the Senate Chamber for the swearing-in of Nelson Rocke-

1. See § 26.2, *infra*.

feller as Vice President of the United States.<sup>(2)</sup>

For a discussion on the process for Presidential nominations for Vice President, see Ch. 10, § 4, *supra*.

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**§ 26.1 The Speaker announced that during the joint meeting for the swearing-in of Gerald R. Ford as Vice President on the following day, only certain doors would be open and only persons with floor privileges would be permitted in the Chamber.**

On Dec. 5, 1973,<sup>(1)</sup> the following occurred:

The SPEAKER.<sup>(2)</sup> The Chair desires to make an announcement.

After communication with the majority and minority leaders, and with their consent and approval, the Chair announces that on tomorrow, December 6, during the joint meeting to be held in connection with the swearing in of the Vice President, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House except those persons having the privilege of the floor of the House.

2. See § 26.3, *infra*.

1. 119 CONG. REC. 39677, 93d Cong. 1st Sess.

2. Carl Albert (OK).

**§ 26.2 Proceedings had during joint meeting for administration of oath of office to Gerald R. Ford as Vice President of the United States.**

On Dec. 6, 1973,<sup>(1)</sup> Speaker Carl Albert of Oklahoma presided over the Joint Meeting of the House and Senate for the swearing-in of Gerald R. Ford as Vice President:

The SPEAKER. Pursuant to a previous order of the House, the Chair declares a recess until 5:45 p.m. today.

Accordingly (at 4 o'clock and 44 minutes p.m.), the House stood in recess until 5:45 p.m.

JOINT MEETING OF THE HOUSE AND SENATE FOR SWEARING-IN OF GERALD R. FORD OF MICHIGAN AS VICE-PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Doorkeeper (Honorable William M. Miller) announced the President pro tempore and the Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the

1. 119 CONG. REC. 39925-27, 93d Cong. 1st Sess. For the Dec. 3, 1973, resignation letter of Gerald R. Ford from the House, see Ch. 37, *infra*. Upon the conclusion of the Joint Meeting for the swearing-in, Vice President Ford called the Senate to order as President of the body, see 119 CONG. REC. 40104-05, 93d Cong. 1st Sess., Dec. 6, 1973.

Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints on behalf of the House as members of the committee to escort the President and Vice President designate into the Chamber: the gentleman from Massachusetts (Mr. [Thomas] O'NEILL), the gentleman from California (Mr. [John] MCFALL), the gentleman from New Jersey (Mr. [Peter] RODINO), the gentlewoman from Michigan (Mrs. [Martha] GRIFFITHS), the gentleman from Illinois (Mr. [Leslie] ARENDS), the gentleman from Arizona (Mr. [John] RHODES), and the gentleman from Michigan (Mr. [J. Edward] HUTCHINSON).

The PRESIDENT pro tempore.<sup>(2)</sup> On behalf of the Senate, I appoint the following Senators to accompany the President of the United States and the Vice President designate of the United States into the Chamber: the Senator from Montana (Mr. [Michael] MANSFIELD), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Michigan (Mr. [Robert] GRIFFIN), the Senator from Nevada (Mr. [Howard] CANNON), and the Senator from Kentucky (Mr. [Marlow] COOK).

Mrs. Gerald R. Ford was brought into the Chamber through the Speaker's Lobby, and took the seat provided for her in the well to the right of the rostrum.

The Doorkeeper announced the Ambassadors, Ministers, and Charges d'Affaires of foreign governments.

The Ambassadors, Ministers, and Charges d'Affaires of foreign governments entered the Hall of the House of

2. James Eastland (MS).

Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and the Chief Justice took the seat provided for him in the well to the right of the rostrum, next to Mrs. Gerald R. Ford.

The Associate Justices took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 6 o'clock and 5 minutes p.m., the Doorkeeper announced the President of the United States and the Vice President designate of the United States. The President of the United States and the Vice President designate of the United States, escorted by the committee of Senators and Representatives, entered into the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

Mrs. Gerald R. Ford, followed by the Chief Justice, was escorted to the Clerk's desk with the Chief Justice to the right of Mrs. Ford.

The SPEAKER. The Senate, by a vote of 92 yeas to 3 nays on November 27, 1973, having confirmed the nomination of GERALD R. FORD of the State

of Michigan, to be Vice President of the United States, and the House of Representatives by a vote of 387 yeas to 35 nays on today having confirmed the nomination of Gerald R. Ford, of the State of Michigan, to be Vice President of the United States, the proceedings required by section 2 of the 25th amendment to the U.S. Constitution have been complied with.

The gentleman from Michigan (Mr. GERALD R. FORD) has advised the Chair that he has transmitted his letter of resignation as a Representative of the Fifth District of the State of Michigan to the Governor and the Secretary of State of Michigan as required by the law of that State.

The Chair now requests the Chief Justice of the United States to administer the oath of office to the Vice President.

The oath of office was administered by the Chief Justice of the United States to the Vice President, GERALD R. FORD, his right hand raised and his left hand on the Bible held by Mrs. Ford.

[Applause, the Members rising.]

The SPEAKER. Mr. President, Members of the Congress, and distinguished guests, I have the high personal honor of presenting to you a dear friend and former colleague whom we shall all miss, but whom we all congratulate—the Vice President of the United States.

[Applause, the Members rising.]

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ADDRESS OF THE VICE PRESIDENT OF THE UNITED STATES

The VICE PRESIDENT. Mr. Speaker, Mr. Chief Justice, Mr. President



pro tempore, distinguished guests, and friends:

Together we have made history here today. For the first time we have carried out the command of the 25th amendment. In exactly 8 weeks, we have demonstrated to the world that our great republic stands solid, stands strong upon the bedrock of the Constitution.

I am a Ford, not a Lincoln. My addresses will never be as eloquent as Mr. Lincoln's. . . .

At 6 o'clock and 21 minutes p.m., the President, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper—Hon. William D. Miller—escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

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#### JOINT MEETING DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly at 6 o'clock and 23 minutes p.m. the joint meeting of the two Houses was dissolved.

The Members of the Senate, together with the Vice President, retired to their Chamber.

#### AFTER RECESS

The recess having expired at 6 o'clock and 28 minutes p.m., the House was called to order by the Speaker.

#### PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess of the House to be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### § 26.3 The Speaker announced that all Members had been invited to attend the Senate session for the swearing-in of Vice President Rockefeller in the Senate Chamber.

On Dec. 19, 1974,<sup>(1)</sup> Speaker Carl Albert of Oklahoma announced the following:

#### ANNOUNCEMENT BY THE CHAIR

The SPEAKER. The Chair desires to announce that all Members of the House have been invited to attend the swearing in of Vice President designate Nelson A. Rockefeller, be held in the Senate Chamber tonight.

1. 120 CONG. REC. 41570, 93d Cong. 2d Sess. For the recess declaration, see Ch. 39, § 3.9, *infra*.



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# *Resignations*

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# *Resignations*

## **A. Introduction**

### **§ 1. Scope of Chapter**

This chapter covers resignations from the House of Representatives (with occasional illustrative instances from the Senate). Also addressed are resignations from committees, boards, and commissions and resignations of certain officers and staff of the House.

Because the process of resignation relates to a number of other House procedures, the reader may wish to consult other chapters, particularly those dealing with the assembly of Congress (Ch. 1, *supra*), party organizations in the House (Ch. 3, *supra*), officers, officials, and employees (Ch. 6, *supra*), committees (Ch. 17, *supra*), and House-Senate conferences (Ch. 33, *supra*).

### **§ 2. Background**

The resignation of a Member from the House, whether presented to the executive authority of the State concerned or to the Speaker of the House, becomes ef-

fective on its stated terms and ordinarily may not be withdrawn.<sup>(1)</sup>

1. 2 Hinds' Precedents §1213 and 6 Cannon's Precedents §65 (addressing whether a proposal to withdraw a resignation may be privileged). Extracts from the Judiciary Committee report in 6 Cannon's Precedents §65 state without citation that resignations are "self-acting" and may not be withdrawn. In one case a Member was not permitted by the House to withdraw a resignation. 2 Hinds' Precedents §1213. However, the House has allowed withdrawal in the case of defective resignation. 6 Cannon's Precedents §229 (Member had not actually transmitted, or withdrawal had overtaken, letter of resignation); §5.1, *infra* (Member had transmitted resignation to improper State official). A Member may appoint a future date for his resignation to take effect and, until the arrival of the date, participate in the proceedings of the House. 2 Hinds' Precedents §§1220–1225, 1228, 1229; 6 Cannon's Precedents §§227, 228; §5.1, *infra*. The modern practice of resignations with prospective effective dates has engendered a possible distinction between those including explicit language of irrevocability and others (see §5, *infra*). For a State to prospectively perceive a vacancy by reason of a prospective resignation, it presumably must be

Acceptance of the resignation of a Member is unnecessary, and the refusal of the executive authority of a State to accept a resignation does not operate to continue membership in the House of the individual who submitted the resignation.<sup>(2)</sup>

The resignation of an individual from office as a Representative

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assured that the resignation is irrevocable. A Member may include in a letter of prospective resignation a statement of intention that the resignation be “irrevocable” in order to allay any concern about the prospect of withdrawal. See 147 CONG. REC. 9892, 107th Cong. 1st Sess., June 5, 2001; 149 CONG. REC. 1750, 1751, 107th Cong. 1st Sess., Jan. 27, 2003; and §5.1, *infra*. In some cases executive authorities of States have been able to issue writs of election on the basis of time-contingent resignations, thereby producing Representatives-elect to fill vacancies almost immediately (see §5.1, *infra* [Rep. Neugebauer succeeding Rep. Combest]). In at least one case a Representative-elect was chosen to fill a vacancy even before the vacancy existed in fact (see §5.1, *infra* [Rep. Sullivan succeeding Rep. Largent]). In §5.6, *infra*, a resignation was effective on the election of a successor (Virginia; Dec. 1, 1944). In §5.7, *infra*, a resignation was effective on the scheduling of a special election (South Carolina; Jan. 18, 1965). In §5.12, *infra*, a delayed effective date for a resignation was disallowed (New York; Nov. 26, 1951).

2. 6 Cannon’s Precedents § 65.

creates a vacancy in the representation in the House of Representatives from the resigned Representative’s State within the meaning of clause 4, §2 of art. I of the Constitution, such that the executive authority thereof may issue a writ of election.<sup>(3)</sup>

Letters of resignation are presented as privileged.<sup>(4)</sup>

A Member may submit his resignation whenever he or she considers it necessary, whether the House is in session or adjourned. A resignation ordinarily becomes effective on its stated terms or on receipt by the executive authority of the State concerned. The fact that the House is not in session to receive notification of a resignation does not delay a resigning Member’s appointment to another office.<sup>(5)</sup>

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3. On occasion a Member who resigned has been reelected to the same House. 2 Hinds’ Precedents §§ 1210, 1212, 1256; 111 CONG. REC. 1452, 89th Cong. 1st Sess. Jan. 28, 1965; 111 CONG. REC. 13774, 89th Cong. 1st Sess., June 16, 1965; 129 CONG. REC. 114, 98th Cong. 1st Sess., Jan. 6, 1983; and 129 CONG. REC. 2575, 89th Cong. 1st Sess., Feb. 22, 1983.
  4. 2 Hinds’ Precedents § 1167.
  5. Compare 117 CONG. REC. 32413, 92d Cong. 1st Sess., Sept. 20, 1971 and 117 CONG. REC. 32239, 92d Cong. 1st Sess., Sept. 17, 1971 (relating to the appointment to the Senate of Mr. Robert T. Stafford [VT], who previously had submitted his resignation to the House). See also §5.11,

The first resignation from the House took place in 1791, after lengthy debate as to its permissibility.<sup>(6)</sup> The British Parliament did not allow resignations,<sup>(7)</sup> and it was asserted in the House that the U.S. Congress should adhere to this practice. However, the view prevailed that there was little analogy between the House of Representatives and Parliament and, further, that the U.S. Constitution does not prohibit the resignation of a Member of Congress.

It is desirable that a Member's resignation be sent to the House as well as the executive authority of the Member's State. It is necessary, on one hand, for the executive authority of the State to know when a Member resigns so the executive authority can fulfill the constitutional obligation to issue a writ of election to fill the vacant seat and, on the other hand, for the House to know of the resignation so that its records

*infra*, where the resignation of Rep. Melvin R. Laird (WI) bearing the date of his swearing in as Secretary of Defense, was laid before the House two days later.

6. 2 Hinds' Precedents § 1230.

7. See Todd, Alpheus, *Practices and Privileges of Parliament*, Rogers & Thompson, Toronto, 1840, pp. 89–91.

may accurately reflect the current membership.<sup>(8)</sup>

A Member who is resigning generally submits the Member's resignation simultaneously to the House and to the executive authority of the Member's State. When this is not done, it is customary for whomever has received the resignation to notify the other.<sup>(9)</sup>

8. U.S. Const. art. I, § 2; Rule XX clause 5(d), *House Rules and Manual* § 1024b (2007).

9. § 3.2, *infra*. See also Ch. 8, §§ 9.1–9.3, *supra*. When a Member purports to resign directly to the Speaker, rather than to the pertinent official of the Member's State, the Executive authority of the State concerned is notified. *House Rules and Manual* § 22 (2007). When a Member does not inform the House, the Executive authority of the Member's State has done so. 2 Hinds' Precedents §§ 1193, 1194; 6 Cannon's Precedents § 232. On occasion the House has learned of the resignation of a Member by the presentation of credentials of the Member's successor. 2 Hinds' Precedents §§ 1195, 1356. When the fact of a resignation has not appeared either from the credentials of a successor or otherwise, the Clerk has been ordered to inquire, or the House has ascertained the vacancy from information given by other Members.

## B. Resignation of a Member From the House

### § 3. Procedures and Forms

A Member customarily resigns from the House by transmitting a letter of resignation directly to the executive authority of the Member's State and customarily informs the House that he has done so by letter to the Speaker, the latter communication being satisfactory evidence of the Member's resignation.<sup>(1)</sup>

1. 2 Hinds' Precedents §§ 1167–1176; 1 Hinds' Precedents § 567. When the executive authority of the State concerned takes cognizance of a resignation, that executive declares a vacancy and issues a writ of election to fill it. U.S. Const. art. I, § 2, clause 4; Ch. 8, § 9, *supra*.

The House in the 108th Congress changed Rule XX clause 5 to codify the longstanding practice that the whole number of the House is reduced when a vacancy arises. The change also provided that the Speaker announce such reduction (without appeal) and lay before the House any documentation he might deem pertinent. See 149 CONG. REC. 9, 10, 108th Cong. 1st Sess., Jan. 7, 2003. The House also adopted changes to Rule I clause 8(b), *House Rules and Manual* § 632 (2007) for the event of a vacancy in the Office of Speaker. See Ch. 38, §§ 1, 2.2, *infra*.

### *Resignations Submitted to the Executive Authority of a State; Procedure*

**§ 3.1 A Member properly submits his resignation from the House to an official designated by State law and simply informs the House of his doing so, the latter communication being satisfactory evidence of the resignation,<sup>(1)</sup> and the Speaker lays before the House a letter from a Member transmitting a copy of his resignation by letter to the executive authority of his State.**

On Jan. 20, 2004,<sup>(2)</sup> the following proceedings occurred:

#### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 14, 2004.*

Hon. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Capitol Building, Washington, DC.*

DEAR MR. SPEAKER: Enclosed is a copy of my official resignation letter that was sent to the Governor of South Dakota and the SD Secretary of State.

1. 1 Hinds' Precedents § 567.  
2. 150 CONG. REC. 65, 108th Cong. 2d Sess.

I will be resigning from the House of Representatives effective 11:59 p.m. on January 20, 2004.

Please let me know if there are any further formalities which I must perform or accomplish to effectuate this resignation.

Thank you for all the courtesies you have extended to me and the people of South Dakota.

Sincerely,  
WILLIAM J. JANKLOW.

Enclosure.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 14, 2004.*

Hon. MIKE ROUNDS,  
*Governor of South Dakota,*  
*Pierre, SD.*  
Hon. CHRIS NELSON,  
*Secretary of State,*  
*Pierre, SD.*

DEAR GOVERNOR ROUNDS AND SECRETARY OF STATE NELSON: I wish to inform you that because of present circumstances, I am and will be unable to perform the duties incumbent upon me in representing the people of South Dakota as their US Representative.

Therefore, I wish to inform you that I will resign from the House of Representatives effective 11:59 p.m. on January 20, 2004.

Representing the people of South Dakota in all the capacities that I have over the years has brought a treasure of memories and friends. This includes the year I have spent in the US House.

I am thankful to the people of South Dakota for the courtesies they have shown me.

Sincerely,  
WILLIAM J. JANKLOW.

On Sept. 11, 1991,<sup>(3)</sup> the Speaker laid before the House a commu-

3. 137 CONG. REC. 22616, 102d Cong. 1st Sess.

nication from a Member resigning his seat in the House.

WASHINGTON, DC,  
*September 11, 1991.*

Hon. THOMAS S. FOLEY,  
*Speaker, U.S. Capitol, Washington,*  
*DC.*

DEAR MR. SPEAKER: By the attached letter to Governor Robert P. Casey, I have tendered my resignation as a Representative in Congress for the 2nd Congressional District of Pennsylvania effective at the close of business September 11, 1991.

Sincerely,  
WILLIAM H. GRAY, III  
*Member of Congress.*

On Sept. 8, 1982,<sup>(4)</sup> Speaker pro tempore Melvin Price, of Illinois, laid before the House a communication from a Member resigning his seat in the House.

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., August 25, 1982.*

Hon. THOMAS P. O'NEILL, Jr.  
*Speaker of the House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: It is with considerable and understandable regret and deep sadness that I submit my resignation as a Representative of the 14th Congressional District of New York. Copy of my statement is enclosed.

All good wishes.

Yours sincerely,  
FRED RICHMOND.

4. 128 CONG. REC. 22856, 97th Cong. 2d Sess.

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., August 25, 1982.*

Hon. HUGH CAREY,  
*Governor, State of New York,  
New York, N.Y.*

DEAR MR. GOVERNOR: It is with considerable and understandable regret and deep sadness that I submit my resignation as a Representative of the 14th Congressional District of New York. Copy of my statement is enclosed.

All good wishes.

Yours sincerely,

FRED RICHMOND.

On June 3, 1980,<sup>(5)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House.

JUNE 3, 1980.

Hon THOMAS P. O'NEILL, JR.  
*Speaker of the House,  
House of Representatives.*

DEAR MR. SPEAKER: I hereby resign from the Office of the Representative for the 13th Congressional District of Michigan, effective immediately.

In further compliance with applicable statutes, I have also sent the same letter of resignation to the Honorable William Milliken, Governor of the State of Michigan.

Sincerely,

CHARLES C. DIGGS, Jr.

On Sept. 3, 1975,<sup>(6)</sup> the Speaker laid before the House a commu-

5. 126 CONG. REC. 13005, 96th Cong. 2d Sess.

6. 121 CONG. REC. 27201, 94th Cong. 1st Sess.

nication from a Member resigning his seat in the House, as follows:

WASHINGTON, D.C., *August 14, 1975.*

Hon. RAY BLANTON,  
*Governor, State of Tennessee,  
Nashville, Tenn.*

DEAR GOVERNOR BLANTON: This is to respectfully inform you that I am hereby resigning my seat as Tennessee's Fifth District Representative to the United States House of Representatives effective this date.

Sincerely,

RICHARD H. FULTON.

SEPTEMBER 3, 1975.

Hon CARL ALBERT,  
*Speaker, U.S. House of Representatives  
2205 Rayburn Building  
Washington, D.C. 20515*

DEAR MR. SPEAKER: On August 14, 1975, I transmitted my letter of resignation from the U.S. House of Representatives, Fifth Congressional District of Tennessee to Honorable Ray Blanton, Governor, State of Tennessee.

Respectfully,

RICHARD H. FULTON.

On Jan. 23, 1969,<sup>(7)</sup> Speaker John W. McCormack, of Massachusetts, laid before the House the following resignations:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., January 21, 1969.*

Hon. JOHN W. MCCORMACK,

7. 115 CONG. REC. 1571, 91st Cong. 1st Sess.



*Speaker of the House of Representatives.*

SIR: I beg leave to inform you that I have this day transmitted to the governor of Wisconsin my resignation as a Representative in the Congress of the United States from the 7th district of Wisconsin.

MELVIN R. LAIRD.<sup>(8)</sup>

RESIGNATION OF A MEMBER  
FROM THE HOUSE

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., January 21, 1969.*

Hon. JOHN W. MCCORMACK,  
*House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Please consider this my formal resignation from the House of Representatives of the Congress of the United States in which I have served for the past four years as the Member from California's 27th District. This resignation is to be effective at the close of business, January 21, 1969. As you know, the reason for this resignation is that I have accepted the position of the Lieutenant Governor of California.

At this time, I would like to take this opportunity to thank you and all

8. *Parliamentarian's Note:* Rep. Laird's nomination to be Secretary of Defense had been approved by the Senate on Jan 20, 1969 (Senate Legislative Day of Jan. 10, 1969). See § 5.11, *infra*, for further information regarding the timing of Mr. Laird's resignation.

of my colleagues for your kindnesses, for your cooperation, and above all for the privilege of knowing and working in this, the greatest legislative body in the world.

Kindest personal regards.

Sincerely,

ED REINECKE,  
*Member of Congress.*

On May 4, 1964,<sup>(9)</sup> the Chair laid before the House communications which the Clerk read as follows:

MAY 1, 1964.

Hon. JOHN MCCORMACK,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I hereby resign my office as Representative in the Congress of the United States from the Fifth District of South Carolina.

I beg leave to inform you that I have this day transmitted to the Governor of South Carolina my resignation as Representative in the Congress of the United States from the Fifth District of South Carolina.

With great respect, I remain, your obedient servant,

ROBERT W. HEMPHILL.

MAY 1, 1964.

His Excellency DONALD S. RUSSELL,  
*Governor of South Carolina.*

SIR: I hereby tender my resignation as a Member of the House of Representatives in the Congress of the United States from the Fifth District of South Carolina.

ROBERT W. HEMPHILL.

9. 110 CONG. REC. 9946, 88th Cong. 2d Sess.

On June 19, 1952,<sup>(10)</sup> the Speaker laid before the House the following communications, which were read by the Clerk:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES  
*Washington, D. C., June 18, 1952.*

HON. SAM RAYBURN,  
*Speaker of the House of Representatives, Washington, D. C.*

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the Governor of Texas my resignation as a Representative in the Congress of the United States from the Seventh District of Texas, effective midnight June 30, 1952.

A copy of my letter to the Governor is enclosed herewith.

Respectfully yours,  
TOM PICKETT,  
*Member of Congress.*

[Enclosure.]

HOUSE OF REPRESENTATIVES,  
*Washington, D. C., June 18, 1952.*

HON. ALLAN SHIVERS,  
*Governor of Texas, Austin, Tex.*

DEAR GOVERNOR: I hereby tender to you my resignation as a Member of the House of Representatives in the Congress of the United States from the Seventh District of Texas, effective midnight, June 30, 1952.

Respectfully yours,  
TOM PICKETT,  
*Member of Congress.*

10. 98 CONG. REC. 7661, 82d Cong. 2d Sess.

On May 12, 1938,<sup>(11)</sup> the Speaker laid before the House the following notice of resignation:

WASHINGTON, D. C., *May 11, 1938.*

Hon. WILLIAM B. BANKHEAD,  
*Speaker, House of Representatives, Washington, D. C.*

MY DEAR MR. SPEAKER: I beg to inform you that I have this day transmitted to the Governor of Kentucky my resignation as a Representative in the Congress of the United States from the Eighth District of Kentucky, effective May 12, at 10 o'clock a. m. eastern standard time.

With kindest regards,

I am truly,  
FRED M. VINSON.

**Resignations Submitted to House; Procedure**

**§ 3.2 A resignation submitted in the first instance to the Speaker is laid before the House and spread upon the Journal, and the executive authority of the State is notified of the vacancy if this has not already been done by the Member.**

On Apr. 22, 1991,<sup>(1)</sup> Speaker pro tempore Dale E. Kildee, of Michigan, laid before the House a resignation submitted by a Member

11. 83 CONG. REC. 6775, 75th Cong. 3d Sess.

1. 137 CONG. REC. 8742, 102d Cong. 1st Sess.

to the Speaker rather than to the executive authority of his State, a copy of the letter to the Speaker having been transmitted to the Governor.

HOUSE OF REPRESENTATIVES  
*Washington, DC, April 19, 1991.*

Hon. THOMAS S. FOLEY,  
*Speaker of the House, The Capitol,  
Washington, DC.*

DEAR MR. SPEAKER: I hereby resign the office of Representative for the Second Congressional District of Arizona, effective May 4, 1991.

Sincerely,  
MORRIS K. UDALL.

cc: Gov. Fife Symington.

On Aug. 8, 1988,<sup>(2)</sup> Speaker pro tempore Paul E. Kanjorski, of Pennsylvania, laid before the House a telefacsimile of a letter from a Member informing the House of his resignation.

HOUSE OF REPRESENTATIVES  
*Washington, DC, August 5, 1988.*

Hon. JIM WRIGHT,  
*Speaker of the House of Representatives,  
H204, The Capitol, Washington, DC.*

DEAR MR. SPEAKER: I hereby resign as the Representative from the 19th Congressional District, effective immediately.

Sincerely,  
MARIO BIAGGI,  
*Member of Congress.*

2. 134 CONG. REC. 21026, 100th Cong. 2d Sess.

HOUSE OF REPRESENTATIVES  
*Washington, DC, August 5, 1988.*

Hon. MARIO CUOMO,  
*Governor of the State of New York,  
Executive Chambers, Albany,  
NY.*

DEAR GOVERNOR CUOMO: I hereby resign as the Representative from the 19th Congressional District, effective immediately.

Sincerely,  
MARIO BIAGGI,  
*Member of Congress.*

On Mar. 9, 1982,<sup>(3)</sup> Speaker pro tempore Dale E. Kildee, of Michigan, laid before the House a resignation submitted by a Member to the Speaker rather than to the executive authority of his State.

WASHINGTON, D.C.,  
*March 5, 1982.*

Hon. THOMAS P. O'NEILL, Jr.,  
*The Speaker,  
House of Representatives,  
Washington, D.C.*

DEAR MR. SPEAKER: I hereby resign my office as a Representative in Congress from the 30th Congressional District of California effective at 12 o'clock Noon on Tuesday, March 9, 1982.

Very truly yours,  
GEORGE E. DANIELSON,  
*Member of Congress.*

On Apr. 29, 1981,<sup>(4)</sup> the Speaker laid before the House a resignation submitted by a Member to

3. 128 CONG. REC. 3557, 97th Cong. 2d Sess.

4. 127 CONG. REC. 7815, 97th Cong. 1st Sess.

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the Speaker rather than to the executive authority of his State.

WASHINGTON, D.C., *Apr. 29, 1981.*

Hon. THOMAS P. O'NEILL, JR.,  
*Speaker of the House,*  
*The Capitol, Washington, D.C.*

DEAR MR. SPEAKER: Effective at the adjournment of the House on Tuesday, May 5, 1981, I hereby resign as a Member of the House of Representatives. I have also today notified the Governor of the Commonwealth of Pennsylvania of my action.

It has been an honor for me to serve the people of Pennsylvania's Third Congressional District as a Member of this body. I leave with nothing but the highest respect for this House and with great appreciation to all of its members for the advice and support that has been given me during my tenure here.

It is my prayer that each Member will be granted special insight as they deal with the difficulties facing our nation.

Respectfully yours,  
RAYMOND F. LEDERER,  
*Member of Congress.*

The SPEAKER. The Chair will notify the Governor of the Commonwealth of Pennsylvania of the resignation.

On Sept. 1, 1976,<sup>(5)</sup> the Speaker laid before the House a resignation submitted by a Member to the Speaker, who secured an order of the House to notify the Governor.

SEPTEMBER 1, 1976.

5. 122 CONG. REC. 28887, 94th Cong. 2d Sess.

Hon. CARL L. ALBERT,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR SIR: I hereby resign my office as Representative in Congress of the United States from the 18th district of Ohio, effective immediately.

With great respect,  
WAYNE L. HAYS.

The SPEAKER. Without objection, the Speaker will notify the Governor of the State of Ohio of the resignation of the gentleman from Ohio.

There was no objection.

On July 12, 1957,<sup>(6)</sup> a Member submitted his letter of resignation to the House, whereupon the Speaker was authorized to inform the Governor of the State concerned.<sup>(7)</sup>

The SPEAKER. The Chair lays before the House the following resignation:

JULY 12, 1957.

Hon. SAM RAYBURN,  
*Speaker of the House of Representatives,*  
*The Capitol, Washington, D. C.*

DEAR MR. SPEAKER: I hereby resign my office as Representative in the Congress of the United States from the 13th District of Pennsylvania, effective September 1, 1957.

6. 103 CONG. REC. 11536, 85th Cong. 1st Sess.

7. See §5.7, *infra*, where a Member resigned directly to the House, the Governor not having acted on the Member's previous letter of resignation.

It would be remiss of me if I did not state how much I have appreciated your many courtesies to me during the past years.

With great respect, I am,

Very sincerely yours,  
SAMUEL K. MCCONNELL, Jr.,  
*Member of Congress,*  
*13th District of Pennsylvania.*

The SPEAKER. Without objection, the Speaker will notify the Governor of the State of Pennsylvania of the resignation of the gentleman from Pennsylvania [Mr. MCCONNELL].

There was no objection.

The Speaker's letter notifying the Governor of the resignation was as follows:

JULY 12, 1957.

*His Excellency* GEORGE M. LEADER,  
*Governor of Pennsylvania,*  
*Harrisburg, Pennsylvania.*

SIR: Honorable Samuel K. McConnell, Jr. on Friday July 12, 1957, submitted his resignation as a Representative in the Congress of the United States from the Thirteenth District of Pennsylvania, effective September 1, 1957, and pursuant to the order of the House of Representatives of Friday July 12, 1957, I have been directed to so inform you.

Very truly yours,  
SPEAKER SAM RAYBURN.

**§ 3.3 The Speaker has laid before the House a copy of a letter of resignation from a Member to the executive authority of his State or a communication from an execu-**

**tive authority attaching a copy of such a letter.**

On Dec. 12, 1995,<sup>(1)</sup> Speaker pro tempore Ray LaHood, of Illinois, laid before the House a copy of a communication from a Member resigning his seat in the House.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, December 12, 1995.*

Hon PETE WILSON,  
*Governor, State Capitol,*  
*Sacramento, CA.*

DEAR MR. GOVERNOR: Obviously, you are aware of the recent turn of events in my life. While I finally received my day in court, I, unfortunately, was not judged by a jury of my peers and in my opinion, did not receive a just verdict. Nevertheless, that verdict is a reality pending appeal.

As I stated to the media immediately after my verdict, it was never my intention to put the Congress through a vote on expulsion if I were convicted. Therefore, I am hereby tending my resignation as representative of the 37th Congressional district effective December 15, 1995.

Contrary to what anyone has ever said or intimated, I have never sold out my constituency or my oath of office. I am fully persuaded that in the near future God will vindicate my name.

Sincerely,  
WALTER R. TUCKER III.

On Sept. 27, 1995,<sup>(2)</sup> the Speaker laid before the House a communication from the Governor of a

1. 141 CONG. REC. 36224, 104th Cong. 1st Sess.
2. *Id.* at p. 26567.

State, including the attachment thereto of a copy of a communication from a Member of the House to that Governor by which the Member resigned his seat as a Member of the House.

OFFICE OF THE GOVERNOR  
*Springfield, IL, September 8, 1995.*

Hon. NEWT GINGRICH,  
*Speaker of the House of Representatives, U.S. Congress, Washington, DC.*

DEAR SPEAKER GINGRICH: Attached please find the official letter of resignation from Congressman Mel Reynolds of Illinois' Second Congressional District.

Pursuant to state law, I will take the appropriate steps to fill the vacancy created by Congressman Reynolds' resignation. Please do not hesitate to let me know if you have any questions regarding this or any other matter.

Sincerely,

JIM EDGAR,  
*Governor.*

Attachment.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES  
*Washington, DC,  
September 1, 1995.*

Hon. JIM EDGAR,  
*Governor, State of Illinois,  
Springfield, IL.*

DEAR GOVERNOR: Tonight I shall be announcing my resignation from the 104th Congress. Please receive this letter as formal notice to you of my offi-

cial resignation effective October 1, 1995.

It has been both an honor and a privilege to serve the people of the Second Congressional District of Illinois.

Sincerely,

MEL REYNOLDS.

### ***Receipt During Adjournment Sine Die***

**§ 3.4 When the Speaker, during a period of adjournment, receives notice of the resignation of a Member from the House, he informs the House when it reconvenes.**

On Aug. 16, 1960,<sup>(1)</sup> following the adjournment of the 86th Congress, the resignation of a Member was laid before the House as follows:

AUGUST 8, 1960.

Hon. SAM RAYBURN,  
*Speaker, House of Representatives,  
Washington, D.C.*

DEAR SIR: I hereby resign my office as Representative in the Congress of the United States from North Dakota.

Respectfully,

QUENTIN N. BURDICK.

*Parliamentarian's Note:* On this occasion, the Speaker announced to the House that, pursuant to a previous order of the House authorizing the Speaker to accept resignations during the August recess of the House, he had, on Aug.

1. 106 CONG. REC. 16535, 86th Cong. 2d Sess.

8, 1960, accepted the resignation of Mr. Burdick as a Representative and had informed the Governor of North Dakota of the receipt of said resignation. However, in this case the Speaker misspoke, with respect to acceptance of the resignation, as the Speaker's authority to accept resignations during a recess is applicable to House officers and employees and other positions as to which the Speaker makes appointments, and not to Members, as to whose resignations no acceptance is necessary.

On Jan. 7, 1959,<sup>(2)</sup> the resignations of certain Members, submitted after *sine die* adjournment of the 85th Congress, were laid before the House by the Speaker following the organization of the 86th Congress.

HOUSE OF REPRESENTATIVES  
Washington, D.C., November 12, 1958.

Hon. SAM RAYBURN,  
Speaker of the House,  
House of Representatives,  
Washington, D.C.

SIR: I beg leave to inform you that I have this day transmitted to the Governor of Massachusetts my resignation as Representative in the Congress of the United States from the 13th District of Massachusetts, effective November 13, 1958.

Sincerely yours,  
RICHARD B. WIGGLESWORTH.

2. 105 CONG. REC. 15, 86th Cong. 1st Sess.

DECEMBER 29, 1958.

Hon. SAM RAYBURN,  
Speaker of the House,  
The Capitol,  
Washington, D.C.

DEAR MR. SPEAKER: I hereby resign as a Member of the House of Representatives of the United States, effective at 12 o'clock midnight, December 31, 1958.

Very truly yours,  
HENRY J. LATHAM.

**§ 3.5 The Speaker lays before the House, or, in case the House has adjourned *sine die*, submits for the *Congressional Record* following such adjournment, a letter from a Member advising of his resignation (usually accompanied by a copy of the actual letter of resignation that the Member submitted to the State official concerned).<sup>(1)</sup>**

On Dec. 15, 2003,<sup>(2)</sup> the following proceedings occurred:

1. *Parliamentarian's Note*: Although the letter was dated Dec. 8 (the last day of the first session), the original was not received that day. Thus, the Speaker was not able to lay the letter down and make an announcement of the reduced whole number of the House under Rule XX clause 5(c) (now 5(d)), *House Rules and Manual* § 1024b (2007). He did make that announcement before the call of the roll at the start of the second session.
2. 149 CONG. REC. 32411, 108th Cong. 1st Sess.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*December 8, 2003.*

THE SPEAKER,  
*House of Representatives,  
The Capitol, Washington, DC.*

DEAR MR. SPEAKER: It has been a privilege to work with you. I am grateful for the support, guidance and opportunities you have provided during my years in the House—especially by allowing me to play a leadership role in so many important healthcare initiatives. As I begin a new path in Kentucky, I will appreciate even more the trials of leadership and the courage of conviction you have exemplified. Thank you for your friendship, and know that I have come to admire the gracious and professional manner in which you lead the House.

During the past 5 years, I have had the great honor to serve as the Representative for the people of the Sixth Congressional District of Kentucky. My service in the U.S. Congress has been a rewarding professional experience. I thank every one of my constituents who put their trust and faith in my leadership.

Having recently been selected by the people of Kentucky to serve as the next Governor of that great Commonwealth, I will resign my seat representing the Sixth Congressional District of Kentucky effective, upon taking the gubernatorial oath of office at midnight on Tuesday, December 9, 2003.

I look forward to working with the distinguished Members of the House in my new position, and have appreciated their friendship, support, and collegiality during my years in Congress.

Sincerely,

ERNIE FLETCHER,  
*Member of Congress.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*December 8, 2003.*

Hon. PAUL PATTON,  
*Governor, Commonwealth of Kentucky,  
Frankfort, KY.*

DEAR GOVERNOR PATTON: For the past five years, it has been my honor and privilege to serve the people of Central Kentucky in the U.S. House of Representatives. This past November, I was offered another opportunity to serve the Commonwealth of Kentucky as the next Governor.

I hereby wish to tender my resignation as Kentucky's Sixth Congressional District Representative effective upon taking the gubernatorial oath of office on Tuesday, December 9, 2003.

Sincerely,

ERNIE FLETCHER,  
*Member of Congress.*

On Jan. 20, 2004,<sup>(3)</sup> at the convening of the House on the day set for commencement of the second session, the Speaker called the House to order and, following the opening prayer and without motion from the floor, ordered a call of the House to establish a quorum.

Where a resignation letter had been received by the Speaker and printed in the *Congressional Record* following *sine die* adjournment of the first session, the

3. 150 CONG. REC. 64–66, 108th Cong. 2d Sess.



Speaker announced a reduction in the whole number of the House pursuant to Rule XX clause 5(c)<sup>(4)</sup> before the call of the House to establish a quorum.

*Parliamentarian's Note:* Because Rep. Fletcher's resignation was effective before the instant day and because his letter was printed in the interim *Congressional Record* between sessions, his name was removed from the Clerk's roll before its call. Contrast this with the case on the roll of Rep. Janklow, whose letter was laid down this day (See § 3.1, *supra*), but whose resignation was not effective until midnight: his name was included on the roll, and the Speaker announced the adjustment to the whole number of the House on the next day.<sup>(5)</sup>

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(c) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Kentucky (Mr. FLETCHER), as indicated in the RECORD of December 15, 2003, the whole number of the House is adjusted to 434.

### § 3.6 At the beginning of a new session, the Speaker calls the

4. *House Rules and Manual* § 1024b (2007). Rule XX clause 5(c) was redesignated Rule XX clause 5(d) in the 109th Congress.
5. See 150 CONG. REC. 137, 108th Cong. 2d Sess., Jan. 21, 2004.

**House to order and, after the opening prayer, lays before the House any letters notifying the Speaker of resignations from the House since the last meeting of the House.**

On Jan. 15, 1968,<sup>(1)</sup> the Speaker laid before the House communications from two Congressmen<sup>(2)</sup> tendering their resignations.

#### RESIGNATION AS MEMBER OF THE HOUSE OF REPRESENTATIVES

Th SPEAKER laid before the House the following communications, which were read:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., December 15, 1967.*

Hon. JOHN W. McCORMACK,  
*Speaker of the U.S. House of Representatives, Washington, D.C.*

DEAR MR. SPEAKER: Herewith please find copy of my resignation submitted to the Secretary of State, State of New York, as required by law, effective January 1, 1968.

It has been my privilege to have been able to serve with you these many years under your great leadership. I will always remember your wise counsel and guidance, as well as, the many courtesies extended to me. I will treasure forever your friendship and that of our colleagues with whom I have served.

1. 114 CONG. REC. 7, 90th Cong. 2d Sess.
2. See § 5.10, *infra*.

**Ch. 37 §3**      DESCHLER-BROWN-JOHNSON PRECEDENTS

With warmest personal regards and very best wishes, I am,

Most Sincerely,  
ABRAHAM J. MULTER.

Enclosure.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES  
*December 19, 1967.*

Hon JOHN W. McCORMACK,  
*Speaker of the House of Representatives,  
Washington, D.C.*

DEAR MR. SPEAKER: This is to clarify the effective date of my resignation from the House of Representatives. It is intended that my resignation be effective as of midnight, December 31, 1967, since my new post as Justice of the New York State Supreme Court begins on January 1, 1968.

With warm personal regards and best wishes, I am,

Sincerely,  
ABRAHAM J. MULTER.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES  
*Washington, D.C., December 15, 1967.*

Hon JOHN P. LOMENZO,  
*Secretary of State,  
State of New York,  
Albany, N.Y.*

DEAR MR. SECRETARY: Pursuant to the requirements of law, I hereby give you notice that I am resigning as a Member of the United States House of Representatives for the 13th District of New York effective the first day of January 1968 on which date, I will assume the office of Justice of the Supreme Court of the State of New York to

which position I was elected on November 7, 1967.

Sincerely yours,  
ABRAHAM J. MULTER.

RESIGNATION AS MEMBER OF  
THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication, which was read:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., January 1, 1968.*

Hon. JOHN W. McCORMACK,  
*Speaker of the House of Representatives,  
U.S. Congress, Washington, D.C.*

DEAR MR. SPEAKER: Attached is a copy of a letter this day forwarded to Honorable Paul B. Johnson, Governor of the State of Mississippi, tendering my resignation as a Member of the United States House of Representatives effective on my taking the oath of office as Governor of Mississippi on January 16, 1968.

Mr. Speaker, I came to the Congress believing it to be the greatest deliberative body on earth. After twenty-one years, I will leave the Congress even more secure in that belief.

I cherish the many friendships I have made here; and I take this means through you to express profound appreciation to my colleagues for their friendships and courtesies throughout the years.

My service in this body has brought satisfaction in accomplishment, disappointment in defeat, heartache in frustration, and joy in triumph. In all,

Mr. Speaker, these have been the most interesting and rewarding years of my life. I will always be thankful for the privilege of having been a part of this great institution.

As I leave the Congress to assume a public position of greater responsibility, I seek the prayers and good will of you and my colleagues as we strive in common purpose to build a greater and finer Republic.

With sincere best wishes, I am,

Respectfully,

JOHN BELL WILLIAMS.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., January 1, 1968.*

Hon. PAUL B. JOHNSON,  
*Governor,*  
*State of Mississippi,*  
*Jackson, Miss.*

DEAR GOVERNOR JOHNSON: I hereby tender to you my resignation as a Member of the House of Representatives in the Congress of the United States from the Third District of Mississippi, to become effective on January 16, 1968, on my taking the oath of office as Governor of the State Of Mississippi.

Respectfully yours,

JOHN BELL WILLIAMS.

**§ 3.7 Election of a new Speaker being the first order of business when a new Congress convenes (or when the Office of Speaker is otherwise vacant), the resignation of a Member received during an adjournment *sine die* is not**

**laid down before the election of a Speaker (although the names of resigned Members are stricken from the roll and are not called to establish a quorum or to elect the Speaker).**

On Jan. 10, 1962,<sup>(1)</sup> at the convening of the second session of the 87th Congress, the Clerk, Ralph R. Roberts, called for nominations for the Office of Speaker. Nominations were made, a vote taken, and a Speaker elected. The newly elected Speaker<sup>(2)</sup> then laid before the House resignations of Members from the House received during the adjournment *sine die* between the first and second sessions of the 87th Congress:

DECEMBER 11, 1961.

OFFICE OF THE SPEAKER OF THE  
HOUSE,  
*House of Representatives,*  
*Washington, D.C.*

DEAR SIR: On November 8, 1961, I submitted to Gov. Price Daniels, of Texas, my resignation as Representative from the 13th Congressional District in the Congress of the United States, effective December 15, 1961.

1. 108 CONG. REC. 7, 87th Cong. 2d Sess. The Office of Speaker was vacant due to the death of Speaker Sam Rayburn (TX) on Nov. 16, 1961, after the adjournment *sine die* of the first session of the 87th Congress.
2. John W. McCormack (MA).

Sincerely yours,  
FRANK IKARD,  
*Member of Congress.*

DECEMBER 4, 1961.

Hon. JOHN W. McCORMACK,  
*Speaker pro tempore,*  
*House of Representatives,*  
*Washington, D.C.*

MY DEAR MR. SPEAKER: Please be advised that I have today transmitted to the Governor of the State of New York, Nelson A. Rockefeller, my resignation as Representative in the Congress of the United States from the Sixth Congressional District of New York, which said resignation is to take effect as of midnight, December 31, 1961.

With every good wish and kindest and warmest regards, I am,

Sincerely,  
LESTER HOLTZMAN.

**§ 3.8 When the Resident Commissioner from Puerto Rico resigns from the House, the resulting vacancy is filled, pursuant to Federal law, by appointment by the Governor of the Commonwealth of Puerto Rico, subject to confirmation by the Senate of the Commonwealth of Puerto Rico.**

On Mar. 4, 1992,<sup>(1)</sup> the Speaker laid before the House a letter from the Resident Commissioner to the United States from Puerto Rico,

1. 138 CONG. REC. 4386, 102d Cong. 2d Sess.

giving notice of his resignation, and a letter from the Governor announcing the appointment by the Governor of a new Resident Commissioner.<sup>(2)</sup>

Members representing the New York City areas of Harlem and the Bronx were invited by the Speaker to escort the newly appointed Resident Commissioner to the well to be sworn in.

The letter from the Governor of Puerto Rico and the swearing in of the new Resident Commissioner were as follows:

COMMONWEALTH OF PUERTO RICO,  
OFFICE OF THE GOVERNOR,  
*San Juan, PR, February 21, 1992.*

Hon. THOMAS S. FOLEY,  
*Speaker, U.S. House of Representatives,*  
*the Capitol, Washington,*  
*DC.*

DEAR MR. SPEAKER: I have officially appointed Mr. Antonio J. Colorado to fill the vacancy that will ensue on March 4, 1992, from the resignation of Jaime B. Fuster as Resident Commissioner of the Commonwealth of Puerto Rico in the United States House of Representatives. The Senate of the Commonwealth of Puerto Rico has confirmed Mr. Colorado's appointment, as required by Section 36 of the 1950 Puerto Rican Federal Relations Act, 48 USC § 745.

With my best personal regards, I am

2. Appointment (rather than special election) to fill a vacancy in the position of Resident Commissioner is provided for by law (§36 of Act of Mar. 2, 1917; 48 USC § 892).

Sincerely yours,  
*Rafael Hernández Colón.*

SWEARING IN OF THE HONORABLE ANTONIO J. COLORADO OF PUERTO RICO AS A MEMBER OF THE HOUSE

The SPEAKER. Will the gentleman from New York [Mr. RANGEL] and the gentleman from New York [Mr. SERRANO] come forward to escort the Resident Commissioner of Puerto Rico elect, the Honorable ANTONIO J. COLORADO, to the well to receive the oath of office?

Mr. COLORADO appeared at the bar of the House and took the oath of office administered by the Speaker as follows:

Do you solemnly swear to support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are a Member of the House of Representatives.

**§ 3.9 State law may require that the State executive authority to whom a Member's resignation is to be submitted is the State secretary of State rather than the Governor.**

By letter to the Secretary of State of New York dated Nov. 7,

1997,<sup>(1)</sup> Rep. Floyd H. Flake resigned as a Member effective Nov. 16, 1997. (On Oct. 9, 1997,<sup>(2)</sup> Mr. Flake had withdrawn an earlier putative resignation by letter to the Governor of New York dated Aug. 1, 1997, which proposed to be effective on Oct. 15, 1997, and which had been laid before the House on Sept. 3, 1997.<sup>(3)</sup> State law required that a resignation be submitted to the State secretary of State, not the Governor.)

The letters appear in the *Congressional Record* as follows:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, August 4, 1997.*

Hon. NEWT GINGRICH,  
*Speaker of the House, The Capitol,  
 H-232,  
 Washington, DC.*

DEAR MR. SPEAKER: This missive comes as an official announcement of my resignation from the U.S. House of Representatives, effective October 15, 1997.

My duties and responsibilities as pastor of the Allen A.M.E. Church in Jamaica, New York, has grown to such a level that I am needed there on a more consistent basis. I have enjoyed the opportunities that you have given me to converse with you regarding my ideas for community, education, and economic development. I hope that my leaving does not preclude our ability

1. See 143 CONG. REC. 26709, 105th Cong. 1st Sess. See § 5.1, *infra*.

2. *Id.* at p. 22020.

3. *Id.* at p. 17526.

Ch. 37 §3 DESCHLER-BROWN-JOHNSON PRECEDENTS

to, in some way, continue these discussions in the future.

With warmest regards, I am

Sincerely,

FLOYD H. FLAKE,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, DC, August 1, 1997.

Hon. GEORGE E. PATAKI,  
State of New York,  
Office of the Governor, Albany, NY

DEAR GOVERNOR PATAKI. This mis-  
sive comes as an official announcement  
of my resignation from the U.S. House  
of Representatives, effective October  
15, 1997.

My duties and responsibilities as  
pastor of Allen A.M.E. Church have  
grown to a level which necessitates my  
presence on a more consistent basis.

I have called your office, and hope to  
be able to speak with you in the near  
future.

With warmest regards, I am

Sincerely,

FLOYD H. FLAKE,  
Member of Congress. . . .

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES  
Washington, DC, October 8, 1997.

Hon. ALEXANDER TREADWELL,  
Secretary of State,  
Albany, NY.

DEAR SECRETARY TREADWELL: After  
considering the needs of my constitu-  
ents and the short time remaining in  
this session, I intend to remain in Con-  
gress at least until our legislative busi-  
ness is completed.

I have reviewed section 31 of the  
Public Officers law, and I understand

that my retirement announcement to  
the Governor on August 4, 1997 was  
an erroneous interpretation of the sta-  
tutory requirements for resignations.  
Therefore, it is also my belief that, ac-  
cording to section 31, any record of my  
resignation is not effective since I have  
never directly notified your office of my  
plans. I will, however, inform you of  
my plans at the appropriate time,  
which in this case will be no more than  
thirty days prior to my resignation.

If there are any questions regarding  
my plans, please feel free to contact  
me, or Sean Peterson, my Chief of  
Staff.

With warmest regards, I am

Sincerely,

FLOYD H. FLAKE,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, DC, November 7, 1997.

HON. ALEXANDER TREADWELL,  
Secretary of State,  
Albany, NY.

DEAR SECRETARY TREADWELL: Pur-  
suant to section 31 of the Public Offi-  
cers law, I hereby inform you that I  
am resigning from the United States  
House of Representatives. My resigna-  
tion will become effective at midnight  
on November 16, 1997.

As you and the citizens of New York  
are well aware, I am returning to my  
pastorate at the Allen A.M.E. church  
in Jamaica, Queens. Although I have  
been called back to Allen to devote my  
energy and full-time attention to its  
congregation, I am proud of my service  
in Congress. It has been my distinct  
privilege to represent the people of the  
6th Congressional District of New  
York, and an honor to serve the people  
of the United States of America.

With warmest regards, I am

Sincerely,

FLOYD H. FLAKE,  
*Member of Congress.*

On Jan. 6, 1960,<sup>(4)</sup> the resignation of a Member, indicating that the Secretary of State of the State of New York had been notified, was laid before the House:

DECEMBER 31, 1959.

Hon. SAM RAYBURN,  
*Speaker of the House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the secretary of state, State of New York, my resignation as Representative in the Congress of the United States from the 23d District of New York.

Sincerely yours,

ISIDORE DOLLINGER.

Mr. Louis B. Heller, of New York, submitted his resignation to the Governor of New York on July 21, 1954; at the same time he tendered his resignation to the House, and these resignations were laid before the House on July 23, 1954, as follows:<sup>(5)</sup>

BROOKLYN, N. Y., *July 21, 1954.*

Hon. JOSEPH W. MARTIN, JR.,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

4. 106 CONG. REC. 5, 86th Cong. 2d Sess.

5. 100 CONG. REC. 11756, 83d Cong. 2d Sess.

DEAR MR. SPEAKER: I herewith submit my resignation as a Representative of the 83d Congress from the Eighth Congressional District of New York to take effect on the 21st day of July 1954.

I have the honor to enclose a copy of a letter addressed to the Hon. Thomas E. Dewey, Governor of New York, notifying him of said resignation.

I have the honor to be, respectfully,

LOUIS B. HELLER,  
*Member of Congress,*  
*Eighth District, New York.*

Subsequently, Mr. Heller submitted to the Speaker another letter which, on July 29, 1954,<sup>(6)</sup> was laid before the House. In it, Mr. Heller explained that he had been advised that his resignation was required to be transmitted to the Secretary of State of the State of New York instead of the Governor.

JULY 28, 1954.

Hon. JOSEPH W. MARTIN, JR.,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I enclose herewith copy of a letter which I have this day addressed to the Honorable Thomas J. Curran, Secretary of the State of New York, notifying him of my resignation as a Member of Congress from the Eighth Congressional District, New York, which took effect on July 21, 1954.

In my communication to you of July 21, 1954, I enclosed a copy of a letter

6. *Id.* at p. 12628.

addressed to Governor Dewey. Apparently, notice of my resignation is required to be transmitted to the Secretary of the State of New York (election law, State of New York, sec. 297), hence the enclosed.

With kindest regards, I am

Sincerely,

LOUIS B. HELLER.<sup>(7)</sup>

**§ 3.10 There have been instances in which a Member's resignation from the House has been accepted by the Governor of the Member's State even though State law contemplated submission of such a resignation to the State Secretary of State.**

On Jan. 3, 1956,<sup>(1)</sup> the Speaker laid before the House a copy of a communication from a Member from the State of New York that the Member had submitted to the Governor of that State and in which the Member tendered to the Governor (and not to the State Secretary of State, as specified in State law) his resignation as a Member of the House.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D. C., December 21, 1955.*

7. See also § 5.10, *infra*, noting that the resignation of Mr. James F. Battin (MT), was tendered to both the Governor and the Secretary of State.

1. 102 CONG. REC. 4, 84th Cong. 2d Sess.

His Excellency AVERELL HARRIMAN,  
*Governor of the State of New York,  
The Executive Chamber, Capitol,  
Albany, N. Y.*

SIR: I hereby tender to you my resignation as a Member of the House of Representatives in the Congress of the United States from the 22d District of New York, effective midnight, Monday, January 2, 1956.

Respectfully yours,

SIDNEY A. FINE,  
*Member of Congress.*

Similarly, on Jan 5, 1955,<sup>(2)</sup> sundry resignations were laid before the House. Among them was a letter from a Member from the State of New York stating that he had transmitted to the Governor of New York his resignation as a Member of the House.

NEW YORK, N. Y., *December 31, 1954.*

Hon. JOSEPH W. MARTIN, JR.,  
*Speaker of the House of Representatives,  
Washington, D.C.*

SIR: I beg leave to inform you that I have this day transmitted to His Excellency Thomas E. Dewey, Governor of the State of New York, my resignation as a Representative in the Congress of the United States from the 21st Congressional District of New York.

Respectfully,

J. K. JAVITS.

*Parliamentarian's Note:* Mr. Javits also submitted his resignation to the Secretary of State of

2. 101 CONG. REC. 11, 84th Cong. 1st Sess.



the State of New York, as required by State law.<sup>(3)</sup>

#### § 4. Reason for Resignation; Inclusion in Letter of Resignation

When a Member resigns as a Representative, the basis of, or reasons for, the Member's resignation may or may not be included in the Member's letter of resignation. In recent years, the general practice has been for a Member resigning from the House to include in the Member's letter of resignation the reasons for the Member's termination of service in the House.

Among the reasons for which Members have resigned have been to serve in the Armed Forces,<sup>(1)</sup> to accept an appointment as a cabinet secretary or in another Executive branch position,<sup>(2)</sup> to assume office as a Member of the Senate,<sup>(3)</sup> to accept an appointment as a member of the United States delegation to the United Nations,<sup>(4)</sup> or as an ambassador to another nation,<sup>(5)</sup> to assume office

3. See § 3.9, *supra*.

1. See § 4.1, *infra*.

2. See § 4.2, *infra*.

3. See §§ 4.3, 4.4, *infra*.

4. See § 4.5, *infra*.

5. See § 4.6, *infra*.

as a State Governor or city Mayor,<sup>(6)</sup> to accept an appointment as a Federal<sup>(7)</sup> or State<sup>(8)</sup> judge, to create a vacancy and run for the vacant seat, in the case of a change in party affiliation<sup>(9)</sup> or a contested election,<sup>(10)</sup> to serve a jail sentence on conviction of a crime,<sup>(11)</sup> and, in the case of a Senator, to create a vacancy to be filled by appointment by a State Governor.<sup>(12)</sup>

#### *Service in the Armed Forces*

##### § 4.1 A Member resigned, stating in his letter to the Speaker his intention to serve in the Armed Forces.

On Nov. 14, 1944,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, laid before the House a letter from a Member stating that he had submitted to the Governor of his State his resignation as a Member of the House and that the reason for the resignation was to serve in the Armed Forces.

OCTOBER 19, 1944.

6. See § 4.7, *infra*.

7. See § 4.8, *infra*.

8. See § 4.9, *infra*.

9. See § 4.10, *infra*.

10. See § 4.11, *infra*.

11. See § 4.12, *infra*.

12. See §§ 4.13, 4.14, *infra*.

1. 90 CONG. REC. 8163, 78th Cong. 2d Sess.

Hon. SAM RAYBURN,  
*Speaker of the House,*  
*Congress of the United States,*  
*Washington, D. C.*

MY DEAR MR. SPEAKER: Effective this date, I have submitted to the Honorable Spessard L. Holland, Governor of Florida, my resignation as a Member of the Seventy-eighth Congress from the Third District of Florida.

I take this step in order to serve in the armed forces of my country.

With personal regards, and with genuine appreciation for the uniform cooperation and splendid leadership which you have given me, I am,

Sincerely,  
BOB SIKES.

***Service in the Executive Branch***

**§ 4.2 Members have resigned their seats in the House to serve in Executive branch positions.**

On Sept. 2, 2005,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> laid before the House a letter from a Member advising of his resignation. The letter was accompanied by a copy of the actual letter of resignation that the Member submitted to the State official concerned. The proceedings were as follows:

**RESIGNATION FROM THE HOUSE OF REPRESENTATIVES**

The SPEAKER pro tempore laid before the House the following resigna-

1. 151 CONG. REC. 19424, 109th Cong. 1st Sess.
2. Tom DeLay (TX).

tion from the House of Representatives:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, July 29, 2005.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House,*  
*The Capitol, Washington, DC.*

DEAR MR. SPEAKER: Today, the U.S. Senate voted to confirm me for the position of Chairman of the Securities and Exchange Commission. As a result, I must submit to you herewith my resignation as a Member of the U.S. House of Representatives, effective as of 6 p.m. pdt on Tuesday, August 2, 2005. I have also written to Governor Schwarzenegger to advise him of my resignation.

Mr. Speaker, even more significant than the privilege of serving for 17 years in the House of Representatives has been the opportunity to serve with you in the elected Majority Leadership for the last 10 years. Thank you, again, for your friendship, your courage under fire, your wisdom, and your sterling example over so many years.

I very much look forward to continuing to work with you and serving the Nation in my new position.

Sincerely,  
CHRISTOPHER COX,  
*U.S. Representative.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, July 29, 2005.*

*Hon. ARNOLD SCHWARZENEGGER,*  
*Governor, State of California, State*  
*Capitol Building, Sacramento, CA.*

DEAR GOVERNOR SCHWARZENEGGER: Today, I have been confirmed by the U.S. Senate for the position of Chairman of the Securities and Exchange Commission.

Accordingly, I am writing to inform you that, effective as of 6 p.m. pdt on Tuesday, August 2, 2005, I will resign my seat as the Representative of the 48th District of California in the U.S. House of Representatives. I have also written to House Speaker Hastert to inform him of the timing of my resignation.

For the past 17 years, I have had the great privilege and honor of representing the people of Orange County, California in the House of Representatives. My service in the Congress has been a truly rewarding experience, and I am grateful to Orange County's citizens for putting their trust and faith in me. As a member of the elected Majority Leadership and Chairman of three House committees, I have been especially privileged to have had the opportunity to work closely with you and our other elected California leaders on so many shared priorities.

Thank you, again, for your friendship and support. I look forward to continuing to work with you, and to serve California and the Nation in my new position.

Sincerely,

CHRISTOPHER COX,  
*U.S. Representative.*

On May 2, 2005,<sup>(3)</sup> the Speaker pro tempore<sup>(4)</sup> laid before the House a letter of resignation from a Member, accompanied by a copy of the letter of resignation that the Member submitted to the State official concerned:

RESIGNATION FROM THE  
HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resigna-

3. 151 CONG. REC. 8388, 109th Cong. 1st Sess.
4. Tim Murphy (PA).

tion from the House of Representatives:<sup>(5)</sup>

CONGRESS OF THE UNITED STATES,  
*Washington, DC, April 29, 2005.*

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*The Capitol, Washington, DC.*

DEAR MR. SPEAKER: I have been nominated by President Bush and confirmed by the United States Senate for the position of United States Trade Representative. Therefore, I have submitted my resignation as a Member of the U.S. House of Representatives, effective 12 noon, April 29, 2005. I am forwarding to you a copy of my letter of resignation to Ohio Governor Bob Taft.

Mr. Speaker, it has been a high honor to represent the Second Congressional District of Ohio for the past twelve years, and to serve with the distinguished men and women of the House of Representatives. I look forward to working with the Members of the House and serving the Nation in my new position.

Sincerely,

ROB PORTMAN,  
*Representative.*

CONGRESS OF THE UNITED STATES,  
*Washington, DC, April 29, 2005.*

Hon. ROBERT TAFT,  
*Governor, State of Ohio,*  
*Columbus, Ohio.*

DEAR GOVERNOR TAFT: I have been nominated by President Bush and confirmed by the United States Senate for the position of United States Trade

5. *Parliamentarian's Note:* Representative Portman resigned to become the United States Trade Representative.

**Ch. 37 §4**      DESCHLER-BROWN-JOHNSON PRECEDENTS

Representative. Therefore, I hereby resign as a Member of the U.S. House of Representatives, effective 12 noon, April 29, 2005.

It has been a honor to represent the Second Congressional District of Ohio for the past twelve years, and an honor to work with you and the Ohio delegation. I look forward to working with you and serving Ohio and the Nation in my new position.

Sincerely,

ROB PORTMAN,  
*Representative.*

On Sept. 5, 2001,<sup>(6)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House effective Aug. 6, 2001, to become the Administrator of the Drug Enforcement Agency.

HOUSE OF REPRESENTATIVES  
*Washington, DC, August 3, 2001.*

Speaker J. DENNIS HASTERT,  
*The U.S. House of Representatives,  
The Capitol, Washington, DC.*

DEAR MR. SPEAKER: As a result of my nomination by President George W. Bush and my subsequent confirmation by the U.S. Senate to serve as Administrator of the Drug Enforcement Administration, I hereby resign from the U.S. House of Representatives. This resignation is to be effective at 2400 hours on Monday, August 6, 2001.

Enclosed you will find a copy of my letter to Governor Mike Huckabee of Arkansas stating the same.

6. 147 CONG. REC. 16381, 107th Cong. 1st Sess.

Sincerely,

ASA HUTCHINSON.

HOUSE OF REPRESENTATIVES  
*Washington, DC, August 3, 2001.*

Governor MIKE HUCKABEE,  
*State Capitol Building,  
Little Rock, AR.*

DEAR GOVERNOR HUCKABEE: Please accept this letter as notice that my resignation from the U.S. House of Representatives shall be effective at the 2400 hours on Monday, August 6, 2001.

Sincerely,

ASA HUTCHINSON.

On Jan. 25, 1993,<sup>(7)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House to become the Secretary of Agriculture.

*January 22, 1993.*

Hon. THOMAS FOLEY,  
*Speaker, House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: It has been a pleasure and honor for me to serve in the U.S. House of Representatives. As you know, I have resigned today to serve in the President's Cabinet as Secretary of Agriculture. I hope to continue to work with you in my new position and I thank you for your leadership through the years.

Please find enclosed my resignation letter to Mississippi Governor Kirk Fordice. As I have written to Governor Fordice, I have accepted my new position with enthusiasm but also with a

7. 139 CONG. REC. 1092, 103d Cong. 1st Sess.

sense of tremendous gratitude and humility for the trust and confidence that the voters of my district have placed in me over the years. In the many votes I have cast and the many actions I have taken on their behalf, I have always tried to reflect credit on the 2nd Congressional District and on the great State of Mississippi.

It has been the ultimate honor for me to be a part of our country's history by serving in the U.S. House of Representatives. I look forward to continuing to serve my country in my new position and working with you and my former colleagues in Congress.

Sincerely,

MIKE ESPY,  
*Secretary of Agriculture.*

HOUSE OF REPRESENTATIVES  
*Washington, DC, January 21, 1993.*

Hon. KIRK FORDICE,  
*Governor of Mississippi, State Capitol, Jackson, MS.*

DEAR GOVERNOR FORDICE: For the past six years, I have had the privilege of representing the people of the 2nd Congressional District in the Congress of the United States. In the many votes I have cast and the many actions I have taken on their behalf, I have always tried to reflect credit on the 2nd Congressional District and on our great State of Mississippi.

As you are aware, I recently have been nominated by the President of the United States and confirmed by the United States Senate to serve in the President's Cabinet as Secretary of Agriculture. As such, I am requesting and do hereby submit my resignation as United States Congressman effective

upon my taking the oath of office on Friday, January 22, 1993, at approximately 10 a.m. EST.

Although I have accepted the new position with enthusiasm, I leave my House seat with a sense of tremendous gratitude and humility for the trust and confidence that the voters of my district have placed in me over the years.

I assure you and the citizens of Mississippi that I will continue to be an advocate and strong ally for all legitimate needs of the people of Mississippi.

Sincerely,

MIKE ESPY,  
*Member of Congress,*  
*Secretary of Agriculture-Designate.*

Also on that date,<sup>(8)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House to become the Director of the Office of Management and Budget.

HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 21, 1993.*

Hon. THOMAS S. FOLEY,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Attached is the letter I have sent to the Governor of California notifying him of my resignation from the U.S. House of Representatives effective 6 p.m. today.

Sincerely,

LEON E. PANETTA,  
*Member of Congress.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 21, 1993.*

8. *Id.*

**Ch. 37 §4**      DESCHLER-BROWN-JOHNSON PRECEDENTS

Gov. PETE WILSON,  
*State Capitol, Sacramento, CA.*

DEAR GOVERNOR: Having been nominated by the President, and confirmed by the Senate, as the Director of the Office of Management and Budget, I resign as U.S. Representative of the 17th Congressional District of California effective 6:00 p.m. today.

Sincerely,  
LEON E. PANETTA,  
*Member of Congress.*

On Jan. 21, 1993,<sup>(9)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House to become the Secretary of Defense.

HOUSE OF REPRESENTATIVES  
*Washington, DC, January 20, 1993.*

Hon. THOMAS S. FOLEY,  
*Speaker, House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: For the past 22 years I have had the great honor and privilege of serving the people of Wisconsin as a Member of the U.S. House of Representatives.

On December 22, 1992, President-elect Clinton asked me to become his nominee as Secretary of Defense. Since the Senate has now confirmed my nomination I will be assuming office later today.

Accordingly, I hereby notify you that I have resigned as a Member of the House of Representatives from the State of Wisconsin to assume the office

9. 139 CONG. REC. 423, 103d Cong. 1st Sess.

of Secretary of Defense. Enclosed is a copy of my letter of resignation to Governor Tommy G. Thompson.

I shall always be grateful for the opportunity to serve with you and my colleagues in the House. I look forward to working with you in my new position as Secretary of Defense.

Sincerely,  
LES ASPIN.

On Jan. 24, 1977,<sup>(10)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House to become the Secretary of Agriculture.

WASHINGTON, D.C.,  
*January 19, 1977.*

Hon. THOMAS P. O'NEILL, JR.,  
*Speaker of the House,  
House of Representatives.*

DEAR MR. SPEAKER: This is to inform you that I have today submitted my letter of resignation as Congressman from the 7th District, State of Minnesota, effective Saturday midnight, January 22, 1977, to the Honorable Rudy Perpich, Governor of the State of Minnesota. A copy of this letter is enclosed.

Thank you.

Sincerely,  
BOB BERGLAND

WASHINGTON, D.C.,  
*January 19, 1977.*

Hon. RUDY PERPICH,  
*The Governor, State Capitol, St.  
Paul, Minn.*

10. 123 CONG. REC. 1907, 95th Cong. 1st Sess.

DEAR GOVERNOR PERPICH: I hereby resign as Congressman from the 7th District, State of Minnesota, effective Saturday midnight, January 22, 1977.

I am sure you know what a privilege and a pleasure it has been for me to serve the State of Minnesota in my several terms in Congress. It is only because of the opportunity to serve directly in the Cabinet of President Carter, that my resignation occurs.

Thank you.

Yours truly,

BOB BERGLAND.

On that same day,<sup>(11)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House to become the Secretary of Transportation.

WASHINGTON, D.C.,  
January 17, 1977.

Hon. THOMAS P. O'NEILL, Jr.,  
*Speaker, House of Representatives,  
Washington, D.C.*

DEAR MR. SPEAKER: I hereby inform you that I have transmitted to the Governor of the State of Washington my resignation as a Representative in the Congress of the United States from the Seventh District of Washington, and am by this letter confirming to you my resignation as a Member of Congress from the State of Washington.

The years I have spent in the House of Representatives will always remain in my memory as some of the happiest of my life. As I leave, I want to extend to you and my colleagues in the House every good wish for the future.

11. *Id.*

I look forward to working with you as the 95th Congress begins.

Very truly yours,

BROCK ADAMS,  
*Member of Congress.*

WASHINGTON, D.C.,  
January 17, 1977.

Hon. DIXY LEE RAY,  
*Governor, State of Washington,  
Olympia, Wash.*

DEAR GOVERNOR RAY: I hereby resign my office as Representative in the Congress of the United States from the Seventh District of Washington, said resignation to take effect on January 22, 1977.

Very truly yours,

BROCK ADAMS,  
*Member of Congress.*

### *Service in the Senate*

**§ 4.3 Having been elected to the Senate, a Member of the House advised the Speaker that he had tendered his resignation from the House to the Governor of his State.**

On Jan. 7, 1997,<sup>(1)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House effective Nov. 27, 1996, to assume the Senate seat to which he had been elected.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 26, 1996.*

1. 143 CONG. REC. 188, 105th Cong. 1st Sess.

Hon. NEWT GINGRICH,  
*Speaker of the House of Representatives,*  
*The Capitol, Washington, DC.*

DEAR NEWT: Attached please find a copy of the letter I have sent to Kansas Governor Bill Graves informing him that I am resigning from the House of Representatives effective at 12:00 p.m. central time on Wednesday, November 27th, 1996.

It has been an honor and a privilege to serve with you in the House of Representatives. We enacted reforms during the 104th Congress that has moved this country in the right direction. I look forward to continuing to work with you to balance the federal budget, reduce the size, scope, and intrusiveness of the federal government, and restore the American Dream.

Sincerely,

SAM BROWNBACK,  
*Member of Congress.*

CONGRESS OF THE UNITED STATES,  
 HOUSE OF REPRESENTATIVES,  
 WASHINGTON, DC, NOVEMBER 25, 1996.

Gov. BILL GRAVES,  
*State Capitol, Topeka, KS.*

DEAR GOVERNOR GRAVES: For the past two years, it has been my privilege to serve the people of Kansas' Second District as their elected Representative in the U.S. Congress. It has been an eventful tenure.

These are remarkable times, and public servants have a tremendous opportunity and responsibility for making America a better place.

There is much work to be done, and the people rightly expect that we will

begin it in earnest. Toward that end, I am scheduled to be sworn in as a U.S. Senator for Kansas at 2:00 p.m. central time, Wednesday, November 27, 1996. Accordingly, I am resigning my seat in the U.S. House of Representatives effective at 12:00 p.m. central time, Wednesday, November 27, 1996.

The work of renewing America is unfinished. I see cause for great hope as I believe we are now clearly focused on those very problems which most confound us. There has never been a challenge which the American nation recognized clearly and approached resolutely which we did not overcome. We have cause for great Thanksgiving.

Sincerely,

SAM BROWNBACK.

On Feb. 6, 1996,<sup>(2)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House effective Feb. 5, 1996, to assume the Senate seat to which he had been elected.

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 4, 1996.*

Hon. JOHN KITZHABER,  
*Governor of Oregon,*  
*Salem, OR.*

DEAR GOVERNOR KITZHABER: On January 30, 1966, the citizens of Oregon elected me to the U.S. Senate to fill the unexpired term of former Senator Bob Packwood. I am deeply honored to have the opportunity to serve our State in the U.S. Senate, and plan

2. 142 CONG. REC. 2336, 2337, 104th Cong. 2d Sess.



to begin performing those duties on February 5, 1996.

It is my understanding that Oregon's Secretary of State has certified the election and has already transmitted the original documentation of my election to the Secretary of the U.S. Senate.

Based on this understanding, I will resign my House seat representing Oregon's Third Congressional District effective at 8:00 a.m. (E.S.T.), February 5, 1996.

It is with great anticipation that I look forward to working with you in the days to come on a range of issues affecting our state.

Sincerely,

RON WYDEN.

On Nov. 29, 1994,<sup>(3)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House effective Nov. 15, 1994, to assume the Senate seat to which he had been elected.

HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 15, 1994.*

Hon. TOM FOLEY,  
*Speaker of the House, House of Representatives, Washington, D.C.*

DEAR MR. SPEAKER: Attached is the letter I have sent to the Honorable David L. Walters, Governor of the State of Oklahoma, notifying him of my resignation from the House of Representatives effective today, November 15, 1994 at twelve midnight.

3. 140 CONG. REC. 29585, 103d Cong. 2d Sess.

Sincerely,

JAMES M. INHOFE,  
*Member of Congress.*

Enclosure: letter.

HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 15, 1994.*

Hon. DAVID WALTERS,  
*Governor, State of Oklahoma,  
Oklahoma City, OK.*

DEAR GOVERNOR WALTERS: Pursuant to the November 8, 1994 special election, at which time I was elected to serve the vacancy in the United States Senate created by the resignation of Senator David L. Boren, I hereby submit to you my letter of resignation effective twelve midnight, today, November 15, 1994.

Sincerely,

JAMES M. INHOFE,  
*Member of Congress.*

On Jan. 3, 1989,<sup>(4)</sup> the Clerk<sup>(5)</sup> laid before the House a communication from a Member-elect resigning his seat in the House effective immediately after the commencement of the 101st Congress in order to assume the Senate seat to which he had been appointed.

HOUSE OF REPRESENTATIVES,  
*Washington, DC, December 29, 1988.*

Hon. JIM WRIGHT,  
*Speaker of the House,  
Washington, DC.*

4. 135 CONG. REC. 67, 101st Cong. 1st Sess.

5. Donald K. Anderson (CA).

DEAR MR. SPEAKER: Enclosed for your information and review is my official letter of resignation which will become effective January 3, 1989.

I would like to take this opportunity to thank you for your cooperation while I have represented the citizens of the Fourth Congressional District of Indiana for the past eight years. Although I will miss working with you in the House, I look forward to continue working together as a Member of the Senate.

Sincerely,

DAN COATS,  
*Member of Congress.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC, December 27, 1988.*

Hon. ROBERT D. ORR,  
*Governor, Office of the Governor,  
State House, Indianapolis, IN.*

DEAR GOVERNOR ORR: For the past eight years, I have had the very distinct pleasure of representing the citizens of the Fourth Congressional District of Indiana in the United States House of Representatives. I was honored by my election to a fifth term in the House, and I could think of few things which would keep me from serving in my elected position.

However, your decision to offer me the chance to serve the entire State of Indiana as its Senator-designate requires me to submit to you my resignation from the House of Representatives. This extraordinary opportunity is one that will allow me to continue serving the people of the Fourth Congressional District as well as the rest of the state.

Therefore, I hereby ask you to accept my resignation as the Representative

for the Fourth District of Indiana, effective January 3, 1989, so I may accept the appointment as Indiana's newest Senator.

Sincerely,

DAN COATS,  
*Member of Congress.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC, December 30, 1988.*

Hon. DONNALD K. ANDERSON,  
*Clerk, House of Representatives,  
Capitol Building, Washington, DC.*

DEAR SIR: Please find enclosed a copy of the resignation letter dated December 22, 1988, that I have submitted to Indiana Governor Robert Orr.

The enclosed letter to Governor Orr should be understood to mean that I am resigning from the House of Representatives as a Member of the 101st Congress immediately after 12:00 noon on January 3, 1989, so I may be sworn in as a Senator representing the State of Indiana on the aforementioned date.

Sincerely,

DAN COATS,  
*Member of Congress.*

*Parliamentarian's Note:* Mr. Coats was elected in November 1988 as a Representative in the 101st Congress, commencing Jan. 3, 1989. He took the oath of office but never served, his resignation being effective immediately thereafter. He was sworn later that day as a Senator to fill the vacancy resulting from the resignation from the Senate of J. Danforth Quayle, effective Jan. 3, 1989, in anticipation of being sworn as Vice President on Jan. 20, 1989.

On Jan. 4, 1965,<sup>(6)</sup> the Speaker laid before the House the following communications:

NASHVILLE, TENN.,  
November 4, 1964.

Hon. JOHN McCORMACK,  
*The Speaker, U.S. House of Representatives,*  
Washington, D.C.:

This is to advise that I have submitted my resignation as a Member of the U.S. House of Representatives from the Sixth Congressional District of Tennessee to the Honorable Frank Clement, Governor of Tennessee. This resignation was necessary in order to assume my duties of a Member of the U.S. Senate from Tennessee to which office I have been duly elected. Said resignation is effective at the close of business November 3, 1964.

ROSS BASS.

NASHVILLE, TENN.,  
November 4, 1964.

Hon. JOHN W. McCORMACK,  
*The Speaker, House of Representatives,*  
Washington, D.C.:

This is to advise that I have received the resignation of the Honorable ROSS BASS as a Member of the House of Representatives of the Sixth Congressional District of Tennessee, effective at the close of business November 3, 1964.

FRANK G. CLEMENT,  
*Governor of Tennessee.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C.,  
November 4, 1964.

6. 111 CONG. REC. 25, 89th Cong. 1st Sess.

Hon. JOHN W. McCORMACK,  
*Speaker of the House,*  
*House of Representatives,*  
Washington, D.C.:

MY DEAR MR. SPEAKER: I have today submitted my resignation as U.S. Representative to the Governor, Jack M. Campbell, of New Mexico, as follows:

"I wish to submit to you my resignation as U.S. Representative in the Congress from the State of New Mexico, effective midnight, November 3, 1964.

"This is done in view of my election to the U.S. Senate and for the purpose of securing seniority privileges in the Senate which is of paramount importance to our State."

Sincerely,

JOSEPH M. MONTROYA,  
*U.S. Senator*

**§ 4.4 A Member resigned from the House to accept an interim appointment as a Member of the Senate.**

On Jan. 31, 2006,<sup>(1)</sup> the Speaker<sup>(2)</sup> laid before the House a letter from a Member advising of his resignation, accompanied by a copy of the actual letter of resignation that the Member submitted to the State official concerned. The proceedings were as follows:

1. 152 CONG. REC. 400, 109th Cong. 2d Sess.
2. J. Dennis Hastert (IL).

RESIGNATION FROM THE  
HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 16, 2006.*  
Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

MR. SPEAKER: For the past thirteen years I have had the great honor and privilege of serving the people of New Jersey as a Member of the United States House of Representatives.

As Governor Jon S. Corzine of New Jersey has told me his intention to appoint me to fulfill the remainder of his term in the United States Senate upon his inauguration as Governor, I submit my resignation as a Member from the House of Representatives, effective close of business on Monday, January 16, 2006.

I accept my new position with enthusiasm but also a sense of gratitude for the trust and confidence the voters of the Thirteenth Congressional District have placed in me over the years. I have always tried to reflect credit on the District, the great state of New Jersey, and this body. It has been a distinct pleasure to work and serve with many good friends and colleagues in the House of Representatives.

I look forward to continuing my service to the people of the State of New Jersey through my service as a Member of the United States Senate.

Sincerely,

ROBERT MENENDEZ,  
*Member of Congress.*

ANNOUNCEMENT BY THE  
SPEAKER

The SPEAKER. Under clause 5(d) of rule XX,<sup>(3)</sup> the Chair announces to the House that, in light of the resignation of the gentleman from New Jersey (Mr. MENENDEZ), the whole number of the House is adjusted to 433.

On May 16, 1966,<sup>(4)</sup> the Speaker laid before the House the communication below from Mr. Robert P. Griffin, of Michigan. Mr. Griffin had resigned from the House to accept an appointment to the Senate to fill the vacancy caused by the death of Senator Patrick V. McNamara.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., May 11, 1966.*

Hon. JOHN W. MCCORMACK,  
*Speaker of the House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I have the duty to inform you that I have transmitted to the Honorable George Romney, Governor of Michigan, my resignation as a Representative in the Congress of the United States from the Ninth District of Michigan, effective at the close of business, May 10, 1966.

I leave the House of Representatives to assume the office of U.S. Senator from Michigan.

With kind personal regards, I am

3. *House Rules and Manual* §1024b (2007).

4. 112 CONG. REC. 10526, 89th Cong. 2d Sess.

Sincerely yours,  
ROBERT P. GRIFFIN.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., May 11, 1966.*

HON. GEORGE ROMNEY,  
*Governor of Michigan,  
Lansing, Mich.*

DEAR GOVERNOR ROMNEY: I hereby resign my office as Representative in the Congress of the United States from the Ninth District of Michigan, effective at the close of business, May 10, 1966.

With kind personal regards, I am

Sincerely yours,  
ROBERT P. GRIFFIN.

### ***Appointment in the United States Diplomatic Service***

#### **§ 4.5 A Member resigned from the House to accept an appointment as a member of the United States delegation to the United Nations.**

On Sept. 9, 2002,<sup>(1)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House to become the United States Representative to the United Nations Agencies for Food and Agriculture.

HOUSE OF REPRESENTATIVES,  
*Washington, DC, September 5, 2002.*

Hon. J. DENNIS HASTERT,

1. 148 CONG. REC. 16339, 107th Cong. 2d Sess.

*Speaker of the House,  
Washington, DC.*

DEAR MR. SPEAKER: I have been nominated by President Bush and confirmed by the Senate to serve as United States Representative to the United Nations Agencies for Food and Agriculture, with the rank of Ambassador. Therefore, I have submitted my resignation as Member of the House of Representatives, effective close of business, September 9, 2002. I am forwarding to you a copy of my letter of resignation to Ohio Governor Bob Taft.

I am grateful for the opportunity to serve with the distinguished men and women of the House of Representatives for the past twenty-four years. I look forward to working with the Members of the House as I continue service to the Nation in my new position.

Sincerely,

TONY P. HALL,  
*Member of Congress.*

On Feb. 13, 1997,<sup>(2)</sup> Speaker pro tempore Jack Kingston, of Georgia, laid before the House a communication from a Member resigning his seat in the House to become the United States Ambassador to the United Nations.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 13, 1997.*

Hon. NEWT GINGRICH,  
*Capitol, Washington, DC.*

DEAR SPEAKER GINGRICH: I hereby resign my congressional seat effective

2. 143 CONG. REC. 2162, 2163, 105th Cong. 1st Sess.

immediately so that I can assume my post in the President's Cabinet as Ambassador to the United Nations.

It has been an honor to serve in the United States Congress as New Mexico's third district representative for the past 14 years. I have been especially proud to represent the people of New Mexico whose kindnesses towards me and my family have been equaled only by the unmatched beauty of the state itself.

Sincerely,

BILL RICHARDSON,  
*Member of Congress.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 13, 1997.*

Hon. STEPHANIE GONZALES,  
*Secretary of State, State Capitol,  
Santa Fe, NM.*

DEAR STEPHANIE: I hereby resign my congressional seat effective immediately so that I can assume my post in the President's Cabinet as Ambassador to the United Nations.

It has been an honor to serve in the United States Congress as New Mexico's third district representative for the past 14 years. I have been especially proud to represent the people of New Mexico whose kindnesses towards me and my family have been equaled only by the unmatched beauty of the state itself.

Sincerely,

BILL RICHARDSON,  
*Member of Congress.*

On Sept. 28, 1965,<sup>(3)</sup> the Speaker laid before the House a letter of

3. 111 CONG. REC. 25342, 89th Cong. 1st Sess.

resignation from a Member resigning from the House to accept an appointment as a member of the United States Delegation to the United Nations.

The following communication was read:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., September 28, 1965.*

DEAR MR. SPEAKER: It is with a considerable degree of sadness that I take this official means of resigning as a Member of the House of Representatives—a Representative from the 26th District of California—effective as of noon, Thursday, September 30, 1965.

I hope it is appropriate for me to add that I can sincerely say I have had the privilege of serving my country not only under the leadership of the great Speaker, Sam Rayburn, but under your speakership, which I regard as probably the most effective and productive sessions in our country's history. You have, in so many ways, given me your support and friendship that I, of course, cannot find a way to adequately express my appreciation and everlasting affectionate respect.

I look forward to my new assignment in a critical area of the world's history with the hope that I can put to use the lessons I have learned during my service in the House. So many Members on both sides of the aisle have made it possible, I hope, for me to have made some contribution, and I take this last opportunity of expressing my warmest thanks to each and every one of my colleagues. I shall hope to visit with you frequently.

With sincere regards and best wishes, as always, I am

Yours sincerely,

JAMES ROOSEVELT.

**§ 4.6 A Member resigned from the House to accept an appointment as the United States ambassador to another nation.**

On Nov. 12, 1997,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> resigned his seat in the House to become the United States Ambassador to Italy. The communication was as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 11, 1997.*

HON. NEWT GINGRICH,  
*Speaker of the House, Washington, DC.*

DEAR MR. SPEAKER: This letter is to officially notify you of my resignation as United States Representative to the First District of Pennsylvania. President Clinton has given me the opportunity to continue my lifetime of public service by nominating me to be Ambassador to Italy, the nation of my heritage.

I love this body and leave it with bittersweet emotions—I move onto exciting new challenges but I leave so many good friends and colleagues. I feel so strongly about so many of the people I have served with over the past seventeen years. There is that saying attributable to Harry Truman that if you want a friend in Washington, buy a

dog. For me, nothing can be further from the truth. I have made friends here, on both sides of the aisle, who I will keep and cherish for the rest of my life.

I thank the people of the First District for the opportunity to serve them, this country and this institution. It has been a great honor.

Thank you.

Sincerely,

THOMAS M. FOGLIETTA. . . .

HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 11, 1997.*

Hon. TOM RIDGE,  
*Governor, Commonwealth of Pennsylvania,  
Harrisburg, PA.*

DEAR MR. GOVERNOR: This letter is to officially notify you of my resignation as United States Representative to the First District of Pennsylvania. President Clinton has given me the opportunity to continue my lifetime of public service by nominating me to be Ambassador to Italy, the nation of my heritage.

I thank the people of the First District for the opportunity to serve them, this country and this institution. It has been a great honor.

Thank you.

Sincerely,

THOMAS M. FOGLIETTA.

***Service as Governor or Mayor***

**§ 4.7 A Member has resigned in order to serve as Governor of his State or Mayor of his city.**

1. 143 CONG. REC. 26038, 26572, 105th Cong. 1st Sess.

2. Thomas E. Petri (WI).

On Dec. 8, 2006,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> laid before the House a letter from a Member advising of his resignation, accompanied by a copy of the actual letter of resignation that the Member submitted to the State official concerned. The proceedings were as follows:

RESIGNATION FROM THE  
HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, December 4, 2006.*

Hon. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: On November 7, 2006, I received the great privilege of being elected Governor of the State of Nevada. Although Dean Heller was elected and will succeed me as the representative of the Second Congressional District of Nevada, under Nevada law I must formally resign my Congressional office prior to taking office as Governor. I have advised the current Governor of the State of Nevada of such resignation and hereby inform you of my formal resignation as the representative of the Second Congressional District of Nevada to be effective at the close of business on December 31, 2006.

1. 152 CONG. REC. 23201, 109th Cong. 2d Sess.
2. Jo Bonner (AL).

It has been an honor and pleasure representing the Great State of Nevada in Congress over the past 10 years, and I look forward to continuing that service as Governor.

Sincerely,

JIM GIBBONS,  
*Member of Congress.*

DECEMBER 4, 2006.

Hon. KENNY GUINN,  
*Governor, State of Nevada,*  
*Carson City, NV.*

DEAR GOVERNOR GUINN: On November 7, 2006, I received the great privilege of being elected Governor of the State of Nevada. As you may be aware, under Nevada law I must formally resign my Congressional office prior to taking office as Governor. I have advised the Speaker of the House of such resignation and hereby inform you of my formal resignation as the representative of the 2nd Congressional District of Nevada to be effective at the close of business on December 31, 2006.

It has been an honor and pleasure representing the Great State of Nevada in Congress over the past 10 years, and I look forward to continuing that service as Governor.

Sincerely,

JIM GIBBONS.

On Dec. 21, 1987,<sup>(3)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House to become the Governor of Louisiana.

Hon. JIM WRIGHT,

3. 133 CONG. REC. 37624, 100th Cong. 1st Sess.



*The Speaker, House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: The enclosed letter has been received in the Clerk's Office regarding the resignation from the House, next March, of the Honorable Buddy Roemer of the Fourth Congressional District of Louisiana.

This letter is transmitted for your information. I will send any further details regarding this expected vacancy whenever they are received by my office.

With great respect, I am,

Sincerely yours,  
DONNALD K. ANDERSON,  
*Clerk, House of Representatives.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC, December 14, 1987.*

Hon. EDWIN W. EDWARDS,  
*Governor, Baton Rouge, LA.*

DEAR GOVERNOR EDWARDS: I hereby resign as United States Representative for the Fourth Congressional District for the State of Louisiana effective March 14, 1988, the day of my inauguration as Governor of the State of Louisiana. Please be advised that it is my intention to continue to serve as a member of the United States Congress until my inauguration on March 14.

Pursuant to Louisiana Revised Statutes 18:1279, I ask that you call a special election to fill my seat as United States Representative and that the primary for such election be set for March 8, 1988. It is my understanding that the State will hold a statewide presidential preference primary election on March 8 and, therefore, that also holding the special election for my congres-

sional seat on that day will result in substantial savings to the state.

Please formally notify the Clerk of the United States House of Representatives of my resignation and its effective date.

Sincerely,  
BUDDY ROEMER,  
*Member of Congress.*

On Jan. 19, 1978,<sup>(4)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House to become the Mayor of New York.

HOUSE OF REPRESENTATIVES  
*Washington, D.C., December 27, 1977.*

Hon. THOMAS P. O'NEILL Jr.,  
*Speaker, House of Representatives,  
Washington, D.C.*

DEAR MR. SPEAKER: As you know, as a result of my election to the Mayoralty of the City of New York, I must resign my current position as a member of Congress in the 18th Congressional District of the State of New York. This letter of resignation is to be effective as of the close of December 31, 1977. I would appreciate your taking whatever steps are required to note the resignation as of that date.

All the best.

Sincerely,  
*Edward I. Koch.*

NEW YORK, N.Y.  
*December 13, 1977.*

Hon. MARIO M. CUOMO,

4. 124 CONG. REC. 107, 95th Cong. 2d Sess.

*Secretary of State, State of New York,  
New York, N.Y.*

DEAR MR. SECRETARY: As you know, as a result of my election to the Mayoralty of the City of New York, I must resign my current position as a member of Congress in the 18th Congressional District of the State of New York. This letter of resignation is to be effective as of the close of December 31, 1977. I would appreciate your taking whatever steps are required to note the resignation as of that date and to commence the process for filling that seat.

All the best.

Sincerely,

*Edward I. Koch.*

### ***Judicial Appointment***

#### **§ 4.8 A Member informed the Speaker by letter that he had transmitted his resignation to his State Governor in order to assume the duties of a Federal judge in his State.**

On May 23, 1985,<sup>(1)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House to accept an appointment as a Federal judge.

HOUSE OF REPRESENTATIVES  
*Washington, DC, May 23, 1985.*

Hon. THOMAS P. O'NEILL, Jr.,  
*Speaker, House of Representatives,  
H-204,*

1. 131 CONG. REC. 13421, 99th Cong. 1st Sess.

*The Capitol, Washington, DC.*

DEAR MR. SPEAKER: By this letter, I submit my resignation as a member of the U.S. House of Representatives effective Monday, May 27th, 1985. As you know, this resignation is necessitated by my appointment to serve as a United States District Judge for the Eastern District of Texas.

Membership in the U.S. House of Representatives is among the highest honors that can come to an individual in our democratic system, and it is made all the more rewarding because of the opportunity to serve with elected officials like yourself who love and defend our great country. I shall always cherish this friendship and association.

I want to thank you for all of the courtesies that you have extended to me and my office. I hope to have the opportunity to welcome you to East Texas in the future. It would be a privilege.

Sincerely,

SAM B. HALL, Jr.

HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 23, 1985.*

Hon. MARK WHITE,  
*Governor of Texas, Capitol Station,  
Austin, TX.*

DEAR GOVERNOR: As the enclosed indicates, I am resigning my seat in the U.S. House of Representatives effective May 27, 1985.

I am also submitting my resignation to you, and in so doing, I want to commend you and your entire staff for the tremendous cooperation and assistance you have given me during your tenure as our Governor. The liaison between our offices has been exemplary.

In closing I would like to respectfully urge you to set a date for a special election in the First Congressional District to fill the unexpired term as soon as possible. The citizens of East Texas are deserving of representation as soon as practicable, and I am hopeful that we can have a replacement in this seat very soon.

Again, thank you for your friendship and many courtesies.

Sincerely yours,  
SAM B. HALL, Jr.

On Sept. 27, 1979,<sup>(2)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House to accept an appointment as a Federal judge.

WASHINGTON, D.C.,  
September 26, 1979.

Hon. THOMAS P. O'NEILL, Jr.,  
*Speaker of the House.*

DEAR MR. SPEAKER: I hereby tender my resignation as Representative in Congress from the 10th Congressional District, Illinois, effective 5:00 p.m., September 26, 1979. I am enclosing a copy of the wire to that effect that I have sent to Governor James Thompson of Illinois. I respectfully request that it be spread upon the records of the House.

The years that I have spent as a Member of this great body have been the most fulfilling and exciting years of my life. While I look forward to my new tasks as a Judge in the U.S. Court of Appeals for the District of Columbia,

2. 125 CONG. REC. 26503, 26504, 96th Cong. 1st Sess.

I will always treasure those special associations with the very special people who make up the United States House of Representatives. Thank you, Mr. Speaker.

Sincerely,  
ABNER J. MIKVA.

WASHINGTON, D.C.,  
September 26, 1979.

Hon. JAMES THOMPSON,  
*Governor of Illinois,  
State House No. 207,  
Springfield, Ill.*

I hereby tender my resignation as Representative in Congress from the 10th Congressional District, Illinois, effective 6:00 p.m. (Eastern Daylight Time), September 26, 1979. Serving in this office has been the highest privilege that can be given to any citizen. I will always treasure it.

ABNER J. MIKVA.

On Jan. 31, 1966,<sup>(3)</sup> the Speaker laid before the House the resignation of a Member who resigned from the House to accept an appointment as a Federal judge:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., January 27, 1966.*

Hon. JOHN W. McCORMACK,  
*Speaker of the House of Representatives,  
Washington, D.C.*

MY DEAR MR. SPEAKER: I have the solemn duty to inform you that I have this day transmitted to the Honorable

3. 112 CONG. REC. 1562, 1563, 89th Cong. 2d. Sess.

Orval E. Faubus, Governor of Arkansas, my resignation as a Representative in the Congress of the United States from the Fourth District of Arkansas, effective at the close of business February 2, 1966.

Although I look forward to assuming a new status in life as Federal judge of the Eastern and Western Districts of Arkansas, it is with deep feeling that I leave the House of Representatives. I am grateful for the privilege of the association during my years in this great institution. It has been a rich and rewarding experience for Mrs. Harris and for me, which we shall always cherish.

May the providence of God sustain you and every Member throughout the years ahead.

Humbly and gratefully, I remain always

Sincerely yours,  
OREN HARRIS,  
*Member of Congress.*

Enclosure.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., January 27, 1966.*

Hon. ORVAL E. FAUBUS,  
*Governor, State of Arkansas,  
Little Rock, Ark.*

MY DEAR GOVERNOR: It is with mixed feelings and a sense of pride that I hereby tender to you my resignation as a Member of the House of Representatives in the Congress of the United States from the Fourth District of Arkansas, effective at the close of business February 2, 1966. This is pursuant to our understanding when I vis-

ited with you in the hospital in Little Rock, December 21, 1965.

As you are aware, I will become U.S. district judge for the Eastern and Western Districts of Arkansas at 11 a.m. Thursday, February 3, in my hometown, El Dorado, Ark.

I am humbly grateful for the special honor and privilege of having served our State and district in the Congress for these 25 years and 1 month. It has been a joy to me and my family to have had the association during these years, which we shall ever cherish.

I want to thank you for the courtesies you have always extended to me, as well as the cooperation in our efforts to serve the people of our State of Arkansas.

With genuine respect and esteem, I am

Sincerely yours,  
OREN HARRIS,  
*Member of Congress.*

#### § 4.9 A Member of the House resigned to accept an appointment to the supreme court of his State.

On Jan. 7, 1997,<sup>(1)</sup> the following letter of resignation was laid before the House from a Member resigning his seat in the House effective Jan. 1, 1997, to take a seat on the Supreme Court of Arkansas.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 14, 1996.*

1. 143 CONG. REC. 189, 105th Cong. 1st Sess.

Hon. NEWT GINGRICH,  
*Speaker, U.S. House of Representatives,  
 The Capitol, Washington,  
 DC.*

DEAR MR. SPEAKER: Enclosed herewith please find a copy of my letter of resignation as a Member of Congress, effective at noon on January 1, 1997 which I have tendered to the appropriate Arkansas State Authority.

Best personal regards,  
 RAY THORNTON.

—  
 CONGRESS OF THE UNITED STATES,  
 HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 19, 1996.*

Hon. SHARON PRIEST,  
*Secretary of State, The Capitol, Little  
 Rock, AR.*

DEAR MADAM SECRETARY: Pursuant to the results of the general election of November 5, 1996, I will be taking office as an Associate Justice of the Arkansas Supreme Court on January 1, 1997. I therefore hereby submit my resignation as Arkansas second district Representative in the United States Congress to you effective at noon on January 1, 1997. Until that time I will continue to carry out my duties as your Congressman.

Best personal regards,  
 RAY THORNTON.

On Sept. 8, 1969,<sup>(2)</sup> a Member resigned from the House to accept an appointment as Associate Justice of the Supreme Court of New Jersey.

SEPTEMBER 4, 1969.

2. 115 CONG. REC. 24634, 91st Cong. 1st Sess.

Hon. JOHN W. MCCORMACK,  
*Speaker, House of Representatives,  
 Room H206, Capitol.*

DEAR MR. SPEAKER: This will inform you that I have this day transmitted to the Governor of the State of New Jersey my resignation as a Representative in the Congress of the United States from the 8th District of New Jersey.

I am deeply grateful for your many courtesies.

Sincerely,  
 CHARLES S. JOELSON,  
*Member of Congress.*

### ***Change of Party Affiliation***

**§ 4.10 A Member who had changed his party affiliation resigned his seat to stand for election in a special election as a member of his new political party.**

On Jan. 6, 1983,<sup>(1)</sup> Speaker pro tempore James C. Wright, Jr., of Texas, laid before the House a communication from a Member resigning his seat in the House, as follows:

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., January 5, 1983.*

Hon. THOMAS P. O'NEILL, Jr.,  
*Speaker, House of Representatives,  
 Washington, D.C.*

DEAR MR. SPEAKER: I herewith tender my resignation as a member of the

1. 129 CONG. REC. 114, 98th Cong. 1st Sess.

98th Congress, to take effect at the close of business today, the 5th of January, 1983.

I have this day, by separate letter, officially notified the Governor of Texas of my resignation.

Yours most respectfully,

WILLIAM PHILIP GRAMM,  
*Member of Congress,  
Sixth District, Texas.*

*Parliamentarian's Note:* Mr. Gramm had been elected to the 98th Congress as a Democrat and was sworn in as a Democrat. Having changed his party affiliation to Republican, he resigned the seat to which his constituents had elected him as a member of one party in order to stand for reelection as a member of the other party.

### ***Contested Seat***

#### **§ 4.11 A Member resigned a contested seat.**

On May 4, 1977,<sup>(1)</sup> the Speaker laid before the House a communication from a Member resigning his contested seat in the House unconditionally.

WASHINGTON, D.C., *May 4, 1977.*

Hon. THOMAS P. O'NEILL, Jr.,  
*Speaker of the House, Washington,  
D.C.*

DEAR MR. SPEAKER: Enclosed please find my letter of resignation addressed

1. 123 CONG. REC. 13391, 95th Cong. 1st Sess.

this day to the Honorable Edwin W. Edwards, the Governor of the State of Louisiana.

My short stay in the House has been the most rewarding experience of my life. I am tremendously impressed by the integrity and industry of its members. I have made friends whom I will never forget.

Keep my seat warm and tell my colleagues not to forget me because I am running again and will win again.

With kindest personal regards, I am,

Sincerely,

RICHARD A. TONRY.

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., May 4, 1977.*

Hon. EDWIN W. EDWARDS,  
*Governor, State Capitol,  
Baton Rouge, La.*

DEAR GOVERNOR EDWARDS: This is perhaps the hardest letter I have ever had to write.

I am sure you are familiar with the continuing controversy that has surrounded my election to Congress. My own personal investigation and that of the House Committee has convinced me that there were fraudulent and illegal votes cast in my favor and in favor of my opponent. I sincerely believe and have always felt that if all the fraudulent and illegal votes were subtracted from the total I would still be declared the winner.

However, what I believe is not important. What must be protected is our beloved Louisiana and this Nation. That fraudulent votes were cast at all is deplorable. This democracy must be protected and the people of the First Congressional District must rest with

the assurance that their Congressman has been elected by a majority of the people.

I have enjoyed nothing as much as serving my people in Congress. I know I have been a good Congressman.

But the divisiveness must be cured and the will of the people in the First Congressional District must be definitively recognized.

For these reasons, I hereby tender my resignation as the United States Representative for the First Congressional district.

I respectfully request that you call a new election as soon as possible so that the people of my district will not be without representation for any significant length of time.

Sincerely,

RICHARD A. TONRY.

### ***Criminal Conviction***

#### **§ 4.12 A Member resigned from the House after having been convicted of fraud under 18 USC §§ 80 and 88 and having received a jail sentence.**

On Jan. 3, 1950,<sup>(1)</sup> the Speaker laid before the House the resignation of a Member who was convicted of fraud after the first session of the 81st Congress and who resigned the day before the second session met.<sup>(2)</sup>

WASHINGTON, D.C., *December 9, 1949.*

1. 96 CONG. REC. 8, 81st Cong. 2d Sess.
2. Effect of criminal conviction generally, see Chs. 7, 12, *supra*.

Hon. SAM RAYBURN,  
*Speaker, House of Representatives,*  
*United States.*

SIR: I beg leave to inform you that I have this day transmitted to the Governor of New Jersey my resignation as a Representative in the Congress of the United States from the Seventh District of New Jersey, such resignation to take effect on the 2d day of January 1950.

J. PARNELL THOMAS.

### ***Senate Resignation to Permit Governor to Fill Vacancy***

#### **§ 4.13 A Member of the Senate resigned shortly before the expiration of his term to permit the Governor of his State to fill the vacancy created thereby.**

In the Senate, on Dec. 31, 1970,<sup>(1)</sup> the acting President pro tempore, James B. Allen, of Alabama, laid before the Senate the following letter and telegram, relating to the resignation of the Senator from Delaware:

U.S. SENATE,  
*Washington, D.C., December 31, 1970.*  
The PRESIDENT OF THE U.S. SENATE,  
*Washington, D.C.*  
Attention Mr. Francis R. Valeo, Secretary of the Senate.

MY DEAR MR. VICE PRESIDENT: I am hereby resigning as United States Senator from Delaware effective midnight December 31, 1970.

1. 116 CONG. REC. 44358, 91st Cong. 2d Sess.

Ch. 37 §4 DESCHLER-BROWN-JOHNSON PRECEDENTS

Governor Russell W. Peterson, of Delaware, has been officially notified of this resignation by telegram, a copy of which is enclosed.

Yours sincerely,  
JOHN J. WILLIAMS.

Enclosure.

Gov. RUSSELL W. PETERSON,  
*State House,*  
*Dover, Del.:*

DECEMBER 31, 1970.

This is to inform you that I am resigning as United States Senator effective midnight December 31, 1970, in order to permit the appointment of William V. Roth, Jr., to fill my unexpired term ending noon January 3, 1971.

JOHN J. WILLIAMS,  
*United States Senator.*

In the House, on the same day,<sup>(2)</sup> the Speaker laid before the House a letter of resignation from Rep. Roth, who had been appointed to fill the vacancy in the Senate caused by the resignation of Senator Williams, whose term of office was about to expire.

DECEMBER 31, 1970.

Hon. JOHN W. McCORMACK,  
*Speaker, U.S. House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I hereby submit my resignation as the Representative-at-Large from the State of Delaware in the United States House of Representatives, effective midnight, December 31, 1970.

2. *Id.* at p. 44304.

Sincerely,  
WILLIAM V. ROTH, Jr.<sup>(3)</sup>

*Parliamentarian's Note:* Mr. Roth had been elected to Senator Williams' seat for the next Congress. By resigning three days before the expiration of his term, Senator Williams enabled the Governor to appoint Mr. Roth to fulfill the unexpired portion of his term. This gave Senator-elect Roth a three-day advantage in seniority over the other newly elected Senators.

On Jan. 3, 1953,<sup>(4)</sup> the Vice President<sup>(5)</sup> addressed the Senate as follows:

The Chair lays before the Senate two letters of resignation from the United States Senate—an almost unheard-of proceeding. The Secretary will read the letters.

The legislative clerk (Edward E. Mansur, Jr.) read, as follows:

UNITED STATES SENATE,  
COMMITTEE ON LABOR AND PUBLIC  
WELFARE,  
*November 25, 1952.*

The Honorable the VICE PRESIDENT  
OF THE UNITED STATES,  
*United States Senate,*  
*Washington, D. C.*

- 3. See also §5.9, *infra*, for another instance where a resignation from the Senate was timed to correspond with a resignation from the House, where the House Member had been appointed to fill the Senate vacancy.
- 4. 99 CONG. REC. 3, 83d Cong. 1st Sess.
- 5. Alben W. Barkley (KY).



DEAR MR. VICE PRESIDENT: I am enclosing a copy of my letter of resignation from the United States Senate which, as you will note, is effective at the close of business January 1, 1953.

With very best regards,

Sincerely,

RICHARD NIXON.

UNITED STATES SENATE,  
COMMITTEE ON LABOR AND PUBLIC  
WELFARE,  
*November 8, 1952.*

The Honorable EARL WARREN,  
*Governor of California,  
Sacramento, Calif.*

DEAR GOVERNOR WARREN: I herewith tender my resignation as United States Senator from California, effective at the close of business January 1, 1953. This will enable our newly appointed Senator from California to obtain the same advantages of seniority which I received when you appointed me to the Senate upon Senator Downey's resignation in 1950.

With all good wishes,

Sincerely,

RICHARD NIXON.

UNITED STATES SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*December 23, 1952.*

Hon. ALBEN W. BARKLEY,  
*Vice President of the United States,  
Washington, D. C.*

DEAR MR. PRESIDENT: I enclose copy of communication to the Governor of Maine notifying him of my resignation as United States Senator as of December 31, 1952.

Respectfully,

OWEN BREWSTER,  
*United States Senator.*

*December 23, 1952.*

Hon. FREDERICK G. PAYNE,  
*Governor of Maine,  
State House, Augusta, Maine.*

MY DEAR GOVERNOR: Will you please accept my resignation as United States Senator from Maine effective at the close of business on December 31, 1952, for reasons stated in my letter of December 19, 1952, to the Secretary of State of the State of Maine.

Copy of this communication is also going to the Vice President of the United States.

Respectfully,

OWEN BREWSTER,  
*United States Senator.*

The VICE PRESIDENT. No action is required on these letters of resignation, but they will be placed on file.

**§ 4.14 A Senator who had been elected to a full six-year term, by a "write-in" vote following the death of his predecessor at a time too late in 1954 for a new nominating primary, resigned to permit nomination of candidates for the office in the next regular primary election. He also announced his own candidacy for the unexpired term (four years).**

On the legislative day of Mar. 26, 1956,<sup>(1)</sup> the President pro tempore of the Senate<sup>(2)</sup> laid before the Senate the letters of resignation of Senator J. Strom Thurmond, of South Carolina.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Senator from South Carolina [Mr. THURMOND] enclosing a copy of a letter addressed to the governor of that State, tendering his resignation as a Senator, effective on April 4, 1956, which, with the accompanying letter, will be printed in the RECORD and placed on file.

The letters are as follows:

UNITED STATES SENATE,  
*Washington, D.C., March 23, 1956.*

Hon. RICHARD M. NIXON,  
*Vice President of the United States,  
United States Senate,  
Washington, D. C.*

DEAR MR. PRESIDENT: This is to inform you officially of my resignation as a Senator from South Carolina, effective April 4, 1956.

Enclosed herewith is a copy of a letter I submitted to the Honorable George Bell Timmerman, Jr., Governor of South Carolina, on March 3, 1956, in which I stated my reason for resigning. The Governor accepted my resignation, effective April 4, the same day I submitted it to him. This is for the purpose of making the official records clear as to my action.

1. 102 CONG. REC. 5617, 84th Cong. 2d Sess., Mar. 27, 1956 (calendar day).  
2. Walter F. George (GA).

Sincerely yours,  
STROM THURMOND,  
*United States Senator from South  
Carolina.*

UNITED STATES SENATE,  
*Washington, D.C., March 3, 1956.*

HON. GEORGE BELL TIMMERMAN, Jr.,  
*Governor of South Carolina,  
The State House, Columbia, S. C.*

DEAR GOVERNOR TIMMERMAN: In keeping with the pledge which I made to the people of South Carolina during the 1954 campaign, and in order that the State Democratic Convention can place the office in this summer's primary, I hereby resign as United States Senator effective on and as of April 4, 1956, and I respectfully request that you accept this resignation effective on that date.

Sincerely yours,  
STROM THURMOND.

Senator Thurmond, who had been elected to a full six-year term by a "write-in" vote following the death of his predecessor<sup>(3)</sup> two months before the general election, announced his resignation in order that he might be a candidate in his party's next regular primary election, competing with other candidates for the opportunity to be the party's candidate in the November general election for the remainder of the unexpired term.<sup>(4)</sup> The explanation as

3. Burnet R. Maybank died Sept. 1, 1954.  
4. 102 CONG. REC. 3991, 84th Cong. 2d Sess., Mar. 6, 1956.

to why Senator Thurmond would resign his seat in the Senate only to run for the same office was made on Mar. 6, 1956,<sup>(5)</sup> when he addressed the Senate relative to his resignation therefrom and received unanimous consent to have his remarks extended in the *Congressional Record*.

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the body of the RECORD the text of an announcement I made in Columbia, S.C., the capital of my State, on March 3, 1956.

The announcement explains a promise I made to the people of South Carolina in the fall of 1954, when I entered the campaign for election to the Senate. It also explains why I have submitted my resignation to the Governor of South Carolina and will give up my Senate seat on April 4, in spite of the fact that more than 4 years remain of the 6-year term to which I was elected.

In the Democratic primary in South Carolina on June 12, I will be a candidate for the nomination of my party to enter the November general election to seek the approval of the voters of my State to succeed myself in the Senate, for the remainder of my term.

Although the press has published my reasons for taking this action, I believe it appropriate that I should present this explanation to my distinguished colleagues.

There being no objection, Mr. Thurmond's announcement was ordered to be printed in the RECORD, as follows:

5. *Id.*

NEWS STATEMENT BY SENATOR STROM THURMOND, OF SOUTH CAROLINA, IN COLUMBIA, S.C., MARCH 3, 1956, ANNOUNCING HIS RESIGNATION FROM THE UNITED STATES SENATE

The untimely death of Senator Burnet R. Maybank came on September 1, 1954, just over 2 months before the General Election on November 2 of that year. Senator Maybank had been renominated in the Democratic primary without opposition.

If a special Democratic primary had been held to nominate a successor to Senator Maybank, the voters in that primary would have been bound by South Carolina law and by oath under State Democratic Party rules to support the nominee. A special primary was not held. Therefore, the Democrats of South Carolina were free to vote for the person of their choice for the full 6-year term in the 1954 general election.

Democrats in every county called on me to lead a write-in campaign as their candidate for the Senate. The view of many political observers was that such a campaign would be hopeless because of the difficulties of write-in balloting.

I believe the people themselves had a right to vote for a candidate of their choice to fill an office, especially since the term of office was for 6 years. I agreed to become a Democratic write-in candidate for the Senate seat left vacant for the term beginning in January 1955.

In the 1954 campaign I stated:

"This is a fight for principle. \* \* \* To make the principle at stake crystal clear, I pledge to the people of South Carolina that if I am elected in the general election on November 2, I will tender my resignation in 1956 in sufficient time to let the Democrats of South Carolina nominate a United States Senator in the regular Democratic primary election

that year, which is the earliest regular primary to be held.”

On March 21 the State Democratic Convention will be held. One of its functions is to provide for a primary to nominate Democrats for the various offices which will be filled by the voters in November in the general election. Candidates who enter the primary must qualify between noon on March 22 and noon on April 5.

The time has come for me to fulfill my promise to the people of South Carolina.

I have tried to choose a course that will be as crystal clear as the principle I upheld in the 1954 campaign.

Today I have delivered my letter of resignation to Governor Timmerman.

The text of the letter states:

“In keeping with the pledge which I made to the people of South Carolina during the 1954 campaign, and in order that the State Democratic convention can place the office in this summer’s primary, I hereby resign as United States Senator effective on and as of April 4, 1956, and I respectfully request that you accept this resignation effective on that date.”

The State convention can provide for a primary to nominate a candidate for the remaining 4 years of the 6-year term to which I was elected. The Democrats of South Carolina can have the opportunity of nominating the person of their choice on June 12. Any person who desires to enter the primary as a candidate has sufficient notice.

I shall be a candidate for nomination in the primary to succeed myself in the Senate.

My resignation was made effective April 4, the day before the closing of the books for qualification and before the campaign opens. Because of the unprecedented circumstances of the 1954 senatorial election, I would not want to have any advantage which

might result from my holding office during this primary campaign.

My resignation will guarantee a free and open primary election for South Carolina Democrats. I believe the course I have taken in resigning, and in making this announcement a month before the effective date, fulfills to the utmost the pledge I made to the people in 1954.

The trust reposed in me by the people has been deeply appreciated, and I have tried at all times to reward this trust by exerting my best efforts on behalf of the State and the Nation.

### *Addressing the House*

#### **§ 4.15 A resigning Member may, by unanimous consent, address the House to explain the reasons for his resignation.**

On Sept. 23, 1943,<sup>(1)</sup> the Speaker laid before the House the following communication:

SEPTEMBER 20, 1943.

Hon. SAM RAYBURN,  
*Speaker, House of Representatives,*  
*Washington, D. C.*

DEAR MR. SPEAKER: This is to inform you that I have submitted my resignation as a Member of Congress from the Twenty-third Congressional District of Pennsylvania to Gov. Edward W. Martin, effective 6 p. m., September 24, 1943.

I wish to express my sincere appreciation for the many courtesies you have extended me.

1. 89 CONG. REC. 7779, 78th Cong. 1st Sess.

Very sincerely,  
JAMES E. VAN ZANDT.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it, is so ordered.

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I have submitted my resignation as a Member of Congress effective 6 p.m., tomorrow, September 24. My resignation is the result of my intense desire to serve my country in the armed forces as a member of the United States Navy.

I am grateful to you, Mr. Speaker, and to my colleagues for the many courtesies shown me during the past five years. I shall think often of you and the multitude of important issues you will be called upon to decide. Believe me when I tell you it has been a distinct honor to serve in this distinguished body, the Congress of the United States; yet I feel it is an equal honor to be blessed with good health and able to serve in the armed forces.

Naturally it shall be my ambition, when the war clouds have been dispersed, to return to Congress, richer in experience and with a broader outlook.

Until we meet again, good luck and godspeed to all of you.

## § 5. Conditional Resignations; Timing

One may resign as a Member of the House at any time, even before taking the oath.<sup>(1)</sup> A resigna-

1. 2 Hinds' Precedents §§ 1230 *et seq.*

tion may be made contingent on another factor<sup>(2)</sup> and may designate a future date on which it is to become effective.<sup>(3)</sup>

In some instances of the resignation of a Member in order for the Member to accept a position in the Executive branch, the Member's resignation was not laid before the House until after the Member's being sworn as an official of the Executive branch, although the resignation was submitted before the swearing.<sup>(4)</sup>

### *Effective on Future Date*

§ 5.1 It has been possible for a Representative to resign a seat in the House prospectively, specifying an effective date in the future.<sup>(1)</sup>

A prospective resignation might enable the State concerned prospectively to take cognizance of the vacancy as a constitutional predicate for the issuance by the executive authority of the State of a writ of election to fill the vacancy.<sup>(2)</sup>

2. See §§ 5.4 *et seq.*

3. See §§ 5.1, 5.7, *infra.*

4. See § 5.11, *infra.*

1. It has been possible even to resign effective on the election of a successor. See, for example, § 5.6, *infra.*

2. For an instance in which the executive authority of a State declined to

A resignation stating a future effective date (but worded irrevocably) has enabled a special election based on a prospective (but definite) vacancy.<sup>(3)</sup>

On July 22, 2004,<sup>(4)</sup> the following occurred:<sup>(5)</sup>

RESIGNATION FROM THE  
HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore<sup>(6)</sup> laid before the House the following resigna-

take cognizance of a contingent resignation, see the case of Rep. T. Vincent Quinn (NY) on Dec. 30, 1951 (§ 5.12, *infra*).

3. A finding of vacancy presumably must logically eclipse any avenue of withdrawal and, presumably, as goes the power of withdrawal so also goes the power of modification. The House has allowed withdrawal in the case of defective resignation, that is, where the Member had not actually transmitted the letter of resignation (6 Cannon's Precedents § 229) or had transmitted it to an improper State official (the case of Floyd Flake [N.Y.], *infra*, this section and § 3.9, *supra*, reflecting withdrawal of an initial, misdirected resignation).
4. 150 CONG. REC. 17328, 108th Cong. 2d Sess.
5. *Parliamentarian's Note*: Because Rep. Bereuter's resignation would take effect during the August recess, the Chair did not announce an adjustment to the whole number of the House under Rule XX clause 5(c) until after the recess (Sept. 7, 2004). See *House Rules and Manual* § 1024b (2007). Clause 5(c) was changed to clause 5(d) in the 109th Congress.
6. Michael Simpson (ID).

tion from the House of Representatives:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
July 20, 2004.

Hon. J. DENNIS HASTERT,  
*Speaker, House Of Representatives,*  
*Room H-232, The Capitol, Wash-*  
*ington, DC.*

DEAR MR. SPEAKER: It has been my great privilege and honor to have represented the citizens of Nebraska's 1st Congressional District in the U.S. House of Representatives for 13 terms. During that time I have served with an extraordinary number of talented and dedicated representatives from both sides of the aisle, and with similarly dedicated and effective congressional staff, who of course make possible the work of Congress.

As a Member, I have been particularly aided by an especially talented, loyal, unusually long-serving, and hard-working congressional office staff and subcommittee staff of high integrity who epitomize the best qualities of my Nebraska constituents and of those Americans who make our country the finest in the world.

However, there comes a time in many a representative's life when that Member of Congress is ready to focus on other priorities and objectives, and I am at that point in my life. Therefore, Mr. Speaker, the purpose of this letter is to communicate to you and the House, that effective at the end of the day on August 31, 2004, I am resigning my seat as the Representative of the 1st District of Nebraska in the U.S. House of Representatives. I also have written to the Governor of Nebraska to advise him of my decision.

Best wishes,

DOUG BEREUTER,  
*Member of Congress.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*July 20, 2004.*

Hon. MIKE JOHANNNS,  
*Governor, State of Nebraska, State  
Capitol, P.O. Box 94848, Lin-  
coln, Nebraska.*

DEAR GOVERNOR JOHANNNS: It has been my great privilege and honor to have represented the citizens of Nebraska's 1st Congressional District in the U.S. House of Representatives for 13 terms. During that time I have served with an extraordinary number of talented and dedicated representatives from both sides of the aisle, and with similarly dedicated and effective congressional staff, who of course make possible the work of Congress.

As a Member, I have been particularly aided by an especially talented, loyal, unusually long-serving, and hard-working congressional office staff and subcommittee staff of high integrity who epitomize the best qualities of my Nebraska constituents and of those Americans who make our country the finest in the world.

However, there comes a time in many a representative's life when that Member of Congress is ready to focus on other priorities and objectives, and I am at that point in my life. Therefore, the purpose of this letter is to communicate to you that effective at the end of the day on August 31, 2004, I am resigning my seat as the Representative of the 1st District of Nebraska in the U.S. House of Representatives. I also have written to the Speaker of the U.S. House of Representatives to advise him of my decision.

Best wishes,

DOUG BEREUTER,  
*Member of Congress.*

On Jan. 27, 2003,<sup>(7)</sup> Speaker pro tempore John Abney Culberson, of Texas, laid before the House a communication dated Jan. 7, 2003, from Rep. Larry Combest, of Texas, resigning his seat in the House effective at the close of business May 31, 2003.<sup>(8)</sup>

HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 7, 2003.*

Hon. DENNIS HASTERT,  
*Speaker, House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: I have had the great privilege and honor to have been selected as the representative of the people of the 19th District of Texas through ten elections. My service in the U.S. Congress has been the most rewarding professional experience of my life, and I thank every one of my constituents who were kind enough to put their trust and faith in my leadership.

However, there comes a time in everyone's life when the focus needs to be

7. 149 CONG. REC. 1750, 1751, 108th Cong. 1st Sess.

8. Texas provided for Rep. Combest's successor to be elected before the effective date of his resignation. The ostensibly irrevocable character of Rep. Combest's resignation (reading both letters together) presumably justified the Governor's finding of a vacancy for the period from June 1, 2003, through the end of Rep. Combest's term on Jan. 3, 2005—the predicate for his issuance of a writ of election under clause 4, § 2, art. I of the Constitution.

more on family than other things, and I am at that point in my life.

At close of business on May 31, 2003, I will resign my seat as the Representative of the 19th district of Texas in the U.S. House of Representatives. I have written to the Governor of Texas to advise him of my decision so that he can set a date to schedule an election so the people of the 19th District can choose my successor.

Sincerely,

LARRY COMBEST

HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 7, 2003.*

Hon. RICK PERRY,  
*Governor of Texas, State Capitol,  
Austin, TX.*

DEAR RICK: I have had the great privilege and honor to have been selected as the representative of the people of the 19th District of Texas through ten elections. My service in the U.S. Congress has been the most rewarding professional experience of my life, and I thank every one of my constituents who were kind enough to put their trust and faith in my leadership.

However, there comes a time in everyone's life when the focus needs to be more on family than other things, and I am at that point in my life.

Please accept this letter as my resignation from the office of Representative of the 19th District of Texas in the U.S. House of Representatives to be effective close of business May 31, 2003. As I continue to serve the great people of the 19th district until such date, this written resignation should allow you sufficient opportunity to set a date

to schedule an election so the people of the 19th District can choose my successor.

Sincerely,

LARRY COMBEST.

PROCLAMATION BY THE GOVERNOR OF  
THE STATE OF TEXAS

Whereas, a vacancy for election purposes now exists in the membership of the United States House of Representatives from the 19th Congressional District of Texas, which consists of Andrews, Bailey, Cochran, Crane, Ector, Gaines, Hockley, Howard, part of Lamb, Loving, Lubbock, Lynn, Martin, Midland, Parmer, Terry, Ward, Winkler, and Yoakum Counties; and

Whereas, the United States Constitution, art. I, § 2, requires the executive authority of the state to issue writs of election to fill such vacancies, and 2 USC § 8, requires that the date of such election be as prescribed by state law, and Texas Election Code § 204.021, requires that such a vacancy be filled by special election; and

Whereas, Tex. Elec. Code § 203.004, requires that, absent a finding of an emergency, the special election be held on the next eligible uniform election date occurring on or after the 36th day after the date the election is ordered, which would be May 3, 2003; and

Whereas, Tex. Elec. Code § 3.003, requires the election to be offered by proclamation of the Governor;

Now, therefore, I Rick Perry, Governor of Texas, under the authority vested in me by the Constitution and Statutes of the State of Texas, do hereby order by this proclamation a special election to be held in District 19 on



Saturday, May 3, 2003, for the purpose of electing a U.S. Representative for Dist. 19 to serve out the unexpired term of the Hon. Larry Combest.

Candidates who wish to have their names placed on the special election ballot must file their applications with the Secretary of State no later than 5:00 p.m. on Wednesday, April 2, 2003.

Early voting by personal appearance shall begin on Wednesday, April 16, 2003, in accordance with Tex. Elect. Code § 85.001(a).

On Nov. 27, 2001,<sup>(9)</sup> Speaker pro tempore Judy Biggert, of Illinois, laid before the House a communication dated Nov. 15, 2001, from Rep. Steve Largent, of Oklahoma, resigning his seat in the House effective Feb. 15, 2002:<sup>(10)</sup>

HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 15, 2001.*

Hon. J. DENNIS HASTERT,  
*The Office of the Speaker,  
Capitol, Washington, DC.*

DEAR DENNY: I am writing to inform you that February 15, 2002 has been

9. 147 CONG. REC. 23006, 107th Cong. 1st Sess.
10. Oklahoma enrolled Senate Bill Number 7X, enacted and signed by the Governor of Oklahoma in Oct. 2001, during the first extraordinary session of the 48th Legislature, contemplated that Rep. Largent's tender of an irrevocable resignation effective Feb. 15, 2002, would enable a gubernatorial writ of election. Thus, a successor was elected on Jan. 8, 2002, to fill the seat that Rep. Largent did not actually vacate until Feb. 15, 2002.

set in Oklahoma as the date for my resignation from Congress. I am pleased to report that the Oklahoma legislature recently passed a law that will ensure that Oklahoma's 1st Congressional District will not go unrepresented as I make the transition to a full-time campaign for governor. The law required that I make my intent to resign irrevocable, which I have communicated to Oklahoma's Secretary of State.

Serving in the House of Representatives has been one of the greatest honors and challenges of my life. I want to thank you for your leadership, your steadfastness in the pursuit of our ideals, and for your friendship during the past few years. While I will miss working alongside my colleagues in Congress, I am eager to fight for the principles our party stands for as the next governor of Oklahoma.

Please do not hesitate to contact me or my chief of staff, Mike Willis, if you have any questions regarding this transition.

Sincerely,

STEVE LARGENT,  
*Member of Congress.*

Enclosure.

HOUSE OF REPRESENTATIVES,  
*Washington, DC, October 26, 2001.*

Hon. MIKE HUNTER,  
*Oklahoma Secretary of State,  
Oklahoma City, OK.*

DEAR SECRETARY HUNTER: Pursuant to enrolled Senate Bill Number 7X, enacted and signed by the Governor this week during the first extraordinary session of the 48th Legislature, please accept this letter as official notice of

my resignation as Congressman of the First District of Oklahoma. This resignation is irrevocable and shall become effective on February 15, 2002.

My decision to leave was made after much prayer and consideration for the constituents I now serve. It has been an honor and a privilege to have served as the Representative for the people of the First District.

Sincerely,

STEVE LARGENT,  
*Member of Congress.*

On June 5, 2001,<sup>(11)</sup> Speaker pro tempore Biggert laid before the House a communication dated May 25, 2001, from a Member resigning his seat in the House effective Sept. 6, 2001:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 25, 2001.*

Hon. DENNIS HASTERT,  
*Speaker of the House,*  
*The Capitol, Washington, DC.*

DEAR MR. SPEAKER: I am writing to formally notify you that I will be retiring from my position as the United States Representative for Florida's First Congressional district, effective September 6, 2001. A similar letter has been sent to the Honorable Jeb Bush, Governor of the State of Florida.

Sincerely,

JOE SCARBOROUGH,  
*Member of Congress.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 25, 2001.*

11. 147 CONG. REC. 9882, 107th Cong. 1st Sess.

Hon. JEB BUSH,  
*The Capitol,*  
*Tallahassee, FL.*

DEAR GOVERNOR BUSH: I am writing to inform you that I am irrevocably resigning my position as United States Representative for the First District of Florida, effective September 6, 2001. A similar letter has been sent to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives.

I appreciate your friendship and the support you have shown Northwest Florida.

Sincerely,

JOE SCARBOROUGH,  
*Member of Congress.*

On Jan. 31, 2001,<sup>(12)</sup> Speaker pro tempore Michael K. Simpson, of Idaho, laid before the House a communication dated Jan. 29, 2001, from a Member resigning his seat in the House effective Feb. 2, 2001:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 29, 2001.*

Speaker J. DENNIS HASTERT,  
*The U.S. House of Representatives,*  
*The Capitol, Washington, D.C.*

DEAR MR. SPEAKER: Attached herewith is a copy of my letter to Governor Tom Ridge of the Commonwealth of Pennsylvania stating that my retirement and resignation from the United States Congress shall be effective at 2400 hours, Friday, February 2, 2001.

Sincerely,

BUD SHUSTER,  
*Member of Congress.*

12. *Id.* at p. 1056.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 29, 2001.*

Gov. TOM RIDGE,  
*Commonwealth of Pennsylvania,  
Office of the Governor, Harrisburg,  
PA.*

DEAR GOVERNOR RIDGE, I hereby submit my letter of retirement and resignation from the United States Congress, effective at 2400 hours, Friday, February 2, 2001.

Sincerely,

BUD SHUSTER,  
*Member of Congress.*

On Feb. 25, 1999,<sup>(13)</sup> Speaker pro tempore Ray LaHood, of Illinois, laid before the House a communication dated Jan. 27, 1999, from a Member resigning his seat in the House effective Feb. 28, 1999:

HOUSE OF REPRESENTATIVES  
*Washington, DC, January 27, 1999.*

Hon. DENNIS HASTERT,  
*Speaker, House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: Enclosed please find a copy of a letter to the Louisiana Secretary of State announcing my intention to resign from the U.S. House of Representatives on February 28, 1999. Upon receipt of this letter, I expect the Governor to notice and call an election to fill my vacancy. My hope is that it will occur as quickly as possible so as to result in as little inconvenience as possible to the Republican Conference.

13. 145 CONG. REC. 3117, 106th Cong. 1st Sess.

Sincerely,

ROBERT L. LIVINGSTON,  
*Member of Congress.*

On Feb. 3, 1998,<sup>(14)</sup> the Speaker laid before the House a communication dated Jan. 15, 1998, from a Member resigning his seat in the House effective Feb. 6, 1998:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 15, 1998.*

Hon. NEWT GINGRICH,  
*Speaker of the House,  
The Capitol, Washington, DC.*

DEAR MR. SPEAKER: It is with very mixed feelings that I write to you to tender my resignation from the House of Representatives, effective at the close of business on Friday, February 6, 1998. After so many years of watching my family's sacrifice, in the interests of public service, I find that the requirements of being more available to them now press very hard upon me. Therefore, I will leave the House and turn my attention to these pressing matters.

Serving in the House has been a profound honor, both because it has allowed me to share in the traditions and history of the House and because of the incredible district that I was honored to represent in the House chamber. I will miss my many colleagues and the opportunity to contribute so directly to the governance of our nation. I leave with a sense of significant accomplishment, as well as with the optimism with which I entered the chamber for the first time in

14. 144 CONG. REC. 515, 105th Cong. 2d Sess.

1971. I will value our friendship and the challenging debate that we have engaged in over these many years.

Mr. Speaker, I wish you well and extend through you my very best wishes to all of our colleagues.

Sincerely yours,  
RONALD V. DELLUMS,  
*Member of Congress.*

HOUSE OF REPRESENTATIVES,  
*January 27, 1998.*

Gov. PETE WILSON,  
*State Capitol,  
Sacramento, CA.*

DEAR GOVERNOR WILSON: I write to you pursuant to California law to advise you that I will resign my office, Representative in Congress, 9th California District, effective at the close of business on February 6, 1998. I have similarly advised the Speaker of the House of Representatives.

I appreciate and have been honored by the opportunity to have served the people of the State of California in the United States Congress.

Sincerely yours,  
RONALD V. DELLUMS,  
*Member of Congress.*

On Dec. 15, 1997,<sup>(15)</sup> following a recess, the Speaker, Newt Gingrich, of Georgia, inserted in the *Congressional Record* a communication from Rep. Floyd Flake, of New York, to the Secretary of State of New York dated Nov. 7, 1997, resigning his seat in the

15. 143 CONG. REC. 26709, 105th Cong. 1st Sess.

House effective one week after the date of the communication, on Nov. 16, 1997:<sup>(16)</sup>

HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 7, 1997.*

Hon. ALEXANDER TREADWELL,  
*Secretary of State,  
Albany, NY.*

DEAR SECRETARY TREADWELL: Pursuant to section 31 of the Public Officers law, I hereby inform you that I am resigning from the United States House of Representatives. My resignation will become effective at midnight on November 16, 1997.

As you and the citizens of New York are well aware, I am returning to my pastorate at the Allen A.M.E. church in Jamaica, Queens. Although I have been called back to Allen to devote my energy and full-time attention to its congregation, I am proud of my service in Congress. It has been my distinct privilege to represent the people of the 6th Congressional District of New York, and an honor to serve the people of the United States of America.

With warmest regards, I am

Sincerely,  
FLOYD H. FLAKE,  
*Member of Congress.*

16. Rep. Flake previously had withdrawn on Oct. 9, 1997, an earlier putative resignation by letter to the Governor of New York dated Aug. 4, 1997, which proposed to be effective on the date of Oct. 15, 1997, and which had been laid before the House on Sept. 3, 1997. The law of the State of New York required that a resignation be submitted to its Secretary of State. See also §3.9, *supra*.

On Jan. 21, 1993,<sup>(17)</sup> Speaker Thomas S. Foley, of Washington, laid before the House a communication from a Member resigning his seat in the House effective at the end of the current month, on Jan. 31, 1993:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 12, 1993.*  
Hon. GEORGE V. VOINOVICH,  
*Governor, State of Ohio, Columbus, OH.*

DEAR GEORGE: I am writing to inform you that I will be resigning my seat in the U.S. House of Representatives effective at the close of business January 31, 1993.

Sincerely,  
BILL GRADISON.

On Mar. 17, 1981,<sup>(18)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House effective four weeks later, on Apr. 13, 1981:

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., March 13, 1981.*  
Hon. THOMAS P. O'NEILL, Jr.,  
*Speaker of the House of Representatives,*  
*2231 Rayburn House Office Building,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Enclosed is a copy of the letter I have sent this day to The Honorable William Winter, Gov-

17. 139 CONG. REC. 423, 103d Cong. 1st Sess.

18. 127 CONG. REC. 4423, 97th Cong. 1st Sess.

ernor of the State of Mississippi, advising him of my resignation from the United States House of Representatives effective at the close of business on Monday, April 13, 1981.

Sincerely,  
JON HINSON,  
*Member of Congress.*

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., March 13, 1981.*  
Hon. WILLIAM WINTER,  
*Governor of Mississippi,*  
*Jackson, Miss.*

DEAR GOVERNOR WINTER: This is to advise you that I resign from the United States House of Representatives effective at the close of business on Monday, April 13, 1981.

Sincerely,  
JON HINSON,  
*Member of Congress.*

On Dec. 30, 1980,<sup>(19)</sup> the Speaker, Thomas P. O'Neill, Jr., of Massachusetts, inserted in the *Congressional Record* a communication from a Member dated Dec. 18, 1980, in which the Member resigned his seat in the House effective Dec. 29, 1980:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C. December 18, 1980.*  
The Honorable BRENDAN T. BYRNE,  
*Office of the Governor,*  
*Executive State House,*  
*Trenton, N.J.*

19. 126 CONG. REC. 34415, 96th Cong. 2d Sess.

GOVERNOR BYRNE: In accordance with the law, I hereby resign as the Representative of the Fourth District of New Jersey effective midnight, December 29, 1980.

Sincerely yours,  
FRANK THOMPSON, Jr.

Copies: Hon. Edmund L. Henshaw, Jr., Clerk of the U.S. House of Representatives; Hon. Benjamin J. Guthrie, Sergeant at Arms; Hon. Thomas P. O'Neill, Jr., Speaker of the House.

On Nov. 7, 1979,<sup>(20)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House effective at the end of the second month following (Jan. 31, 1980):

WASHINGTON, D.C.,  
November 7, 1979.

Hon. THOMAS P. O'NEILL, Jr.,  
*The Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Because my state of health no longer permits me to discharge fully my responsibilities as a Member of the U.S. House of Representatives, representing the Eleventh Congressional District of Pennsylvania, I hereby resign my Office effective January 31, 1980.

Sincerely yours,  
DANIEL J. FLOOD,  
*Member of Congress.*

WASHINGTON, D.C.,  
November 7, 1979.

20. 125 CONG. REC. 31327, 31328, 96th Cong. 1st Sess.

Hon. RICHARD THORNBURGH,  
*Governor of Pennsylvania,*  
*Harrisburg, Pa.*

DEAR GOVERNOR: Because my state of health no longer permits me to discharge fully my responsibilities as a Member of the U.S. House of Representatives, representing the Eleventh Congressional District of Pennsylvania, I hereby resign my Office effective January 31, 1980.

Sincerely yours,  
DANIEL J. FLOOD,  
*Member of Congress.*

The Speaker, on Oct. 2, 1963,<sup>(21)</sup> laid before the House the following communication:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., September 26,*  
*1963.*

Hon. JOHN W. McCORMACK,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the Honorable John B. Connally, Governor of Texas, my resignation as a Representative in the Congress of the United States from the 10th District of Texas, the resignation to become effective the 20th day of December, 1963. A copy of my letter to the Governor is attached.

Warm personal regards.

Sincerely yours,  
HOMER THORNBERRY.

SEPTEMBER 26, 1963.

21. 109 CONG. REC. 18583, 88th Cong. 1st Sess.

Hon. JOHN B. CONNALLY,  
*Governor of Texas,*  
*Austin, Tex.*

DEAR GOVERNOR CONNALLY: I hereby tender to you my resignation as a Member of the House of Representatives in the Congress of the United States from the 10th District of Texas, the resignation to become effective the 20th day of December 1963.

Warm personal regards.

Sincerely yours,  
 HOMER THORNBERRY.

*Parliamentarian's Note:* On July 9, 1963, President Kennedy nominated Mr. Thornberry to be a Federal district judge. The Senate confirmed the nomination on July 15 (although Mr. Thornberry was not sworn in as U.S. district judge until Dec. 21, 1963). Mr. Thornberry delayed the effective date of his resignation from the House until Dec. 20 because of the press of business in the Committee on Rules during the remainder of the first session of the 88th Congress, and also because a special election (for another purpose) had previously been scheduled for Dec. 9 in Texas, and that was considered an opportune time to conduct a special election to fill the vacancy in the House caused by Mr. Thornberry's resignation.

***Resignation of Member Elected to Next Congress***

**§ 5.2 The resignation of an incumbent Member was ten-**

**dered after his election to the next Congress but before the adjournment of the current Congress.**

On Dec. 7, 1944,<sup>(1)</sup> the Speaker laid before the House the resignation of Rep. John E. Fogarty, of Rhode Island.

Mr. Fogarty resigned his seat in the 78th Congress less than one month before his term expired in order to join the Armed Forces, although he had been elected to the 79th Congress.

DECEMBER 7, 1944.

Hon. SAM RAYBURN,  
*The Speaker, House of Representatives,*  
*Washington, D. C.*

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the Governor of Rhode Island my resignation as a Representative in the Seventy-eighth Congress of the United States from the Second District of Rhode Island.

With assurance of my high esteem, I am,

Respectfully yours,  
 JOHN E. FOGARTY.

**§ 5.3 An incumbent Member (the Speaker) resigned as a Representative-elect to the next Congress.**

1. 90 CONG. REC. 8990, 78th Cong. 2d Sess.

On Jan. 6, 1999,<sup>(1)</sup> the Clerk of the House, Jeffrey J. Trandahl, laid before the House a letter from Rep. Newt Gingrich, of Georgia, transmitting a copy of his letter of resignation as a Member-elect for the 106th Congress (in the language of the pertinent Georgia statute, a “withdrawal”) that he had submitted to the Governor of his State in conjunction with his decision not to seek the renomination of his party caucus for the Office of Speaker in the 106th Congress.<sup>(2)</sup>

WASHINGTON, DC, *December 17, 1998.*

Hon. ROBIN H. CARLE,  
*Clerk of the House, the Capitol,  
Washington, D.C.*

DEAR ROBIN: As you are no doubt aware, I have decided that I will not

1. 145 CONG. REC. 42, 106th Cong. 1st Sess.
2. On Dec. 17, 1998, in the closing days of the 105th Congress, Speaker Gingrich, having been reelected as a Representative from the Sixth District of Georgia for the 106th Congress, announced that, while he would continue to serve in the Office of Speaker and as the Representative from Georgia’s Sixth District through the end of the 105th Congress, he would create a vacancy for the 106th Congress by “withdrawing” (the term used in Georgia law) as Representative-elect from that district. It was not unprecedented for a Member to resign without ever having taken his seat. See 2 Hinds’ Precedents § 1231.

seek re-election in the 106th Congress as Speaker of the United States House of Representatives. In conjunction with that decision, I have notified the Governor of Georgia that I have withdrawn pursuant to Section 21-2-503 of the Official Code of Georgia Annotated and will not take the seat of congressman for the Sixth District of Georgia for the 106th Congress.

I will, however, complete my term as congressman from the Sixth District of Georgia for the entirety of the 105th Congress. I will also continue to serve as Speaker until the completion of the 105th Congress.

Please contact me if you have any questions.

Sincerely,

NEWT GINGRICH,  
*Speaker.*

NOVEMBER 22, 1998.

Governor Zell Miller,  
*Atlanta, Georgia.*

DEAR GOVERNOR MILLER: As you are no doubt aware, I have decided that I will not seek re-election in the 106th Congress as Speaker of the House of Representatives. In conjunction with this decision, I hereby notify you that I have withdrawn pursuant to Section 21-2-504 of the Official Code of Georgia Annotated and will not take the seat of congressman for the Sixth District of Georgia for the 106th Congress.

I will, however, complete my term as congressman for the Sixth District of Georgia for the entirety of the 105th Congress. I will also continue to serve as Speaker until the completion of the 105th Congress.

Please contact me if you have any questions.



Very truly yours,  
NEWT GINGRICH.

### ***Resignation Based on a Contingency***

#### **§ 5.4 A Member, in resigning from the House, may make his resignation effective at such time as his appointment to an Executive office is confirmed.**

On Dec. 6, 1973,<sup>(1)</sup> a copy of the letter of resignation of Rep. Gerald R. Ford, of Michigan, was laid before the House by the Speaker, following the completion of the joint meeting for the swearing in of Mr. Ford as Vice President.

WASHINGTON, D.C., *December 3, 1973.*

Hon. CARL ALBERT,  
*The Speaker, Washington, D.C.*

DEAR MR. SPEAKER: I enclose a copy of my letter of resignation as a Representative of the Fifth District of the State of Michigan in the House of Representatives, effective upon my becoming Vice President of the United States. As required by Michigan law, this has been submitted to the Governor and the Secretary of State of the State of Michigan.

Because it is impossible, I shall not attempt to express my thanks for your many courtesies or my regret at leaving the House of Representatives after nearly 25 years.

1. 119 CONG. REC. 39927, 93d Cong. 1st Sess.

Warm personal regards,  
GERALD R. FORD,  
*Member of Congress.*

WASHINGTON, D.C.,  
*November 30, 1973.*

Hon. WILLIAM G. MILLIKEN,  
*Governor, State of Michigan,*  
*Lansing, Mich.*

DEAR GOVERNOR MILLIKEN: I am advised by the Speaker of the U.S. House of Representatives that the final vote on my confirmation as Vice President of the United States under the provisions of the 25th Amendment to the United States Constitution has been scheduled for Thursday, December 6, 1973.

Since the precise date and hour cannot be specified in advance, I am hereby submitting my resignation as a Representative from the Fifth District of Michigan to be effective upon my becoming Vice President of the United States.

It has been a great honor and privilege to serve the people of Michigan for nearly 25 years in the House of Representatives and I will continue to serve them, together with all the people of the United States, when I am confirmed in the Vice Presidency.

Warm personal regards,  
GERALD R. FORD,  
*Member of Congress.*

### ***Resignation Immediately After Being Sworn-in***

#### **§ 5.5 When a Senator had been reelected to the Senate and also had been elected Vice President of the United**

**States, he submitted his resignation from the Senate to take effect immediately after his being re-sworn as a Senator.**

On Jan. 3, 1961,<sup>(1)</sup> Lyndon B. Johnson, of Texas, Senator-elect and Vice President-elect, took the oath as Senator to begin his third term in the Senate.

Immediately after administering the oath to Senator Johnson, outgoing Vice President Richard M. Nixon laid before the Senate a communication from Senator Johnson advising that he had submitted his resignation as a Senator to the Governor of Texas effective immediately after his swearing in as a Senator.<sup>(2)</sup>

The VICE PRESIDENT. The Chair will now read communications from Senator JOHNSON of Texas which were sent to the Senate and Governor of Texas:

U.S. SENATE,  
OFFICE OF THE DEMOCRATIC LEADER,  
*Washington, D.C., December 31, 1960.*

The Honorable the VICE PRESIDENT  
OF THE UNITED STATES,  
*U.S. Senate,  
Washington, D.C.*

DEAR MR. VICE PRESIDENT: I enclose a copy of a letter addressed by me to

1. 107 CONG. REC. 7, 87th Cong. 1st Sess.
2. Mr. Johnson was sworn in as Vice President of the United States on Jan. 20, 1961. See *Id.* at p. 1010.

the Governor of Texas tendering my resignation as U.S. Senator from that State for the term beginning at noon January 3, 1961, effective immediately after I have taken and subscribed to the required oath in open Senate.

Sincerely yours,  
LYNDON B. JOHNSON.

DECEMBER 31, 1960.

The Honorable PRICE DANIEL,  
*Governor of Texas,  
Austin, Tex.*

DEAR GOVERNOR DANIEL: I hereby tender my resignation as U.S. Senator from the State of Texas for the term beginning at noon January 3, 1961, effective immediately after the oath required by the Constitution and prescribed by law has been taken and subscribed by me in open Senate as provided by rule II of its standing rules.

Sincerely yours,  
LYNDON B. JOHNSON.

The VICE PRESIDENT. The Chair lays before the Senate a communication and telegram from the Governor of Texas.

The communications are as follows:

THE STATE OF TEXAS,  
EXECUTIVE DEPARTMENT,  
*Austin, Tex., December 31, 1960.*

Honorable RICHARD M. NIXON,  
*Vice President of the United States  
and President of the U.S. Senate,  
Washington, D.C.*

DEAR SIR: Having received notice of resignation from Senator LYNDON B. JOHNSON effective after his taking the oath of office on January 3, 1961, I hereby appoint WILLIAM A. BLAKLEY, of Dallas, Tex., to the office of U.S.

Senator to succeed Senator JOHNSON upon his resignation January 3, 1961.

Sincerely yours,

PRICE DANIEL  
Governor.

AUSTIN, TEX., *January 3, 1961.*

FELTON M. JOHNSTON,  
*Secretary of the U.S. Senate,  
Washington, D.C.:*

Confirming my letter of December 31, I hereby appoint WILLIAM A. BLAKLEY, of Dallas, Tex., to the office of U.S. Senator to succeed Senator JOHNSON upon his resignation effective after his taking the oath of office today. Certificate of appointment being mailed.

PRICE DANIEL,  
Governor.

**§ 5.6 A Member resigned his seat in the House effective as soon as his successor could be elected.**

On Dec. 1, 1944,<sup>(1)</sup> the Speaker laid before the House the following communication:

WASHINGTON, D. C.,  
*November 28, 1944.*

Hon. SAM RAYBURN,  
*Speaker of the House of Representatives,  
Washington, D. C.*

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the Governor of Virginia my resignation as a Representative in the

1. 90 CONG. REC. 8689, 78th Cong. 2d Sess.

Congress of the United States from the Third District of Virginia, to become effective as soon as my successor can be elected.

Yours sincerely,

DAVE E. SATTERFIELD, Jr.

**§ 5.7 A Member initially submitted his resignation contingent on the Governor of his State calling a special election to fill the vacancy created thereby, proposing that such resignation become effective on the day of that special election but, when the Governor took no action in response, again submitted his resignation without condition.**

On Jan. 18, 1965,<sup>(1)</sup> a Member submitted his resignation to his Governor "to become effective upon such date as the Governor may set for a special election to fill the vacancy." The Speaker laid the letter before the House.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., January 13, 1965.*

Hon. JOHN W. MCCORMACK,  
*Speaker, House of Representatives,  
Washington, D.C.*

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the Honorable Donald S.

1. 111 CONG. REC. 805, 806, 89th Cong. 1st Sess.

Russell, Governor of South Carolina, my resignation as a Representative in the Congress of the United States from the Second District of South Carolina, the resignation to become effective upon such date as the Governor may set for a special election to fill the vacancy. A copy of my letter to the Governor is attached.

Sincerely yours,

ALBERT WATSON.

JANUARY 13, 1965.

Hon. DONALD S. RUSSELL  
Governor of South Carolina,  
Columbia, S.C.

DEAR GOVERNOR RUSSELL: I hereby tender to you my resignation as a Member of the House of Representatives in the Congress of the United States from the Second Congressional District of South Carolina, the resignation to become effective upon such date as you may set for a special election to fill the vacancy.

I have also informed the Speaker of the House of Representatives of this action.

Sincerely yours,

ALBERT WATSON.

*Parliamentarian's Note:* During the 1964 Presidential campaign, Mr. Watson, elected to the 89th Congress as a Democrat, actively supported the Republican candidate, Senator Barry M. Goldwater, of Arizona.

Mr. Watson declared his change of party affiliation and announced his decision to resign so that his constituents could, by their votes

in a special election, indicate their approval or disapproval of his action. However, the Governor did not call the special election anticipated by Mr. Watson.

When the Governor declined to act on the resignation (*i.e.*, to call a special election), Mr. Watson again resigned, this time unconditionally. On Jan. 28, 1965,<sup>(2)</sup> the Speaker laid Mr. Watson's second letter of resignation before the House.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., January 27, 1965.

The Honorable JOHN W. MCCORMACK,  
Speaker, House of Representatives,  
Washington, D.C.

DEAR MR. SPEAKER: By letter dated January 13, 1965, I submitted to the Honorable Donald S. Russell, Governor of South Carolina, my resignation as a Representative in the Congress of the United States from the Second District of South Carolina, the resignation to become effective upon such date as the Governor might set for a special election to fill the vacancy. You were advised of this action by letter of the same date.

It now clearly appears that the Governor intends no affirmative action on this matter. Therefore, I beg leave to inform you that I have this day transmitted to him my resignation effective upon the adjournment of the House on Monday, February 1, 1965.

A copy of my letter to the Governor is attached.

2. *Id.* at p. 1452.

Sincerely yours,

ALBERT WATSON,  
*Member of Congress.*

JANUARY 27, 1965.

Hon. DONALD S. RUSSELL,  
*Governor of South Carolina,  
Columbia, S.C.*

DEAR GOVERNOR RUSSELL: I hereby tender to you my resignation as a Member of the House of Representatives in the Congress of the United States from the Second Congressional District of South Carolina, the resignation to become effective upon the adjournment of the House on Monday, February 1, 1965.

I have also informed the Speaker of the House of Representatives of this action.

Sincerely yours,

ALBERT WATSON,  
*Member of Congress.*<sup>(3)</sup>

**§ 5.8 A Senator submitted his resignation effective on a certain date or “at such earlier date as my successor has been elected and qualified.”**

On Jan. 3, 1957,<sup>(1)</sup> Vice President Richard M. Nixon, of California, laid before the Senate a

3. Following Mr. Watson's resignation, a special election was held in South Carolina, and Mr. Watson, earlier a Democrat, was reelected to the House as a Republican. See 111 CONG. REC. 13774, 89th Cong. 1st Sess., June 16, 1965.

1. 103 CONG. REC. 3, 85th Cong. 1st Sess.

copy of a letter dated Sept. 26, 1956, in which a Senator had submitted a resignation to the Governor of Texas, effective “January 15, 1957, or at such earlier date as my successor has been elected and qualified.”

The VICE PRESIDENT. The Chair lays before the Senate a letter from the junior Senator from Texas [Mr. DANIEL] enclosing a copy of a letter to the Governor of Texas, tendering his resignation as a Senator, effective as of January 15, 1957. Without objection, the letter will be printed in the RECORD and placed on file.

The letter is ordered to be printed in the RECORD and placed on file, as follows:

UNITED STATES SENATE,  
*Washington, D.C., September 26, 1956.*

Hon. ALLAN SHIVERS,  
*Governor of Texas,  
Austin, Tex.*

DEAR GOVERNOR: Acting under the provisions of section 4 of article 4.09 of the Texas Election Code, I hereby resign the office of United States Senator effective January 15, 1957, or at such earlier date as my successor has been elected and qualified.

From this date forward I shall not draw any salary, but I shall continue my services in completing pending matters in my Senate committees and shall be available in the event of a special session, thereby assuring that Texas has the full representation of two United States Senators while my successor is being elected.

Although the date of the election, within the time limits specified in section 1 of article 4.09, is a matter within your discretion, please permit me to express the hope that it will be held in time for my successor to take office not later than January 3, the first day of the next Congress.

Sincerely yours,

PRICE DANIEL.

*Parliamentarian's Note:* The Governor of Texas, taking the view that no vacancy would be created by the qualified resignation until Jan. 15, 1957, did not call a special election. (Mr. Daniel became Governor of Texas on Jan. 15, 1957.)

***Resignations from House Anticipating Appointments to Fill Vacancies in Senate***

**§ 5.9 There have been several instances in which the resignation of a Member of the House was timed to coincide with the resignation of a Member of the Senate, thereby permitting the executive authority of the State concerned to appoint the former Representative to fill the vacant Senate seat.**

On Jan. 2, 1971,<sup>(1)</sup> the Speaker laid before the House a letter of resignation from a Member who

1. 117 CONG. REC. 44617, 92d Cong. 1st Sess.

had been appointed to the Senate to fill a vacancy caused by the resignation of Senator George L. Murphy, of California, whose term of office was about to expire.

1:25 p.m., JANUARY 2, 1971.

Hon. JOHN MCCORMACK,  
*Speaker of the House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Effective immediately I hereby resign from the House of Representatives.

Sincerely,

JOHN V. TUNNEY.

In the Senate, on that same day,<sup>(2)</sup> Senator Michael J. Mansfield, of Montana, rose to present the certificate of appointment of former Representative Tunney as a Senator from California.

Presiding Officer Adlai E. Stevenson III, of Illinois, asked that the clerk first read the letter of resignation of former Senator Murphy.

Mr. MANSFIELD. Mr. President, I present the certificate of appointment of the Honorable JOHN V. TUNNEY as a Senator from the State of California.

The PRESIDING OFFICER. First, the clerk will read a letter from the former Senator from California.

The legislative clerk read as follows:

JANUARY 2, 1971.

THE VICE PRESIDENT,  
*Executive Office Building,*

2. *Id.* at p. 44568.

*Washington, D.C.*

DEAR MR. VICE PRESIDENT: I herewith submit to you my resignation as a member of the United States Senate effective as of 1:31 p.m. today.

Sincerely,

GEORGE MURPHY.

The Presiding Officer then had the certificate of appointment read, after which Mr. Tunney was escorted to the desk and the oath prescribed by law was administered to him by the Presiding Officer.<sup>(3)</sup>

*Parliamentarian's Note:* Mr. Tunney's resignation from the House was effective upon submission to the Governor of California. His letter to the Speaker, resigning from the House "effective immediately" was laid before the House at 1:25 p.m., and he was sworn into the Senate shortly thereafter.

3. See § 4.3, *supra*, where a Senator's resignation was submitted three days before the expiration of his term so that the Governor of his State could appoint his successor to fill the three-day vacancy thereby created, thus providing the successor with an advantage in seniority over other newly elected Senators. In that case, the departing Senator's successor was an incumbent Member of the House who, in order to accept the appointment to fill the three-day vacancy, resigned as a Representative on the same day that the Senator resigned.

### ***Effect of Constitutional or Statutory Provisions***

#### **§ 5.10 A Member's resignation should be timed to avoid any conflict with constitutional or statutory provisions.**

On Feb. 27, 1969,<sup>(1)</sup> the Speaker laid before the House a letter from a Member notifying the Speaker that he had submitted his resignation as a Member of the House to the Governor and Secretary of State of his State, to be effective on the day of transmittal.

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., February 27, 1969.*

Hon. JOHN W. MCCORMACK,  
*Speaker of the House of Representatives.*

SIR: I beg leave to inform you that I have this day transmitted to the Governor of Montana and the Secretary of State of Montana, my resignation as a Representative in the Congress of the United States from the Second District of Montana, to be effective at 3:30 p.m., eastern standard time, on the above-mentioned date.

JAMES F. BATTIN,  
*Member of Congress.*

*Parliamentarian's Note:* Mr. Battin's nomination as a U.S. District Judge (Second District of Montana) was reported to the Senate on Feb. 25, 1969,<sup>(2)</sup> and

1. 115 CONG. REC. 4734, 91st Cong. 1st Sess.  
2. *Id.* at p. 4468.

was confirmed by the Senate on that day. His letter of resignation from the House specified an effective time of 3:30 p.m., Feb. 27; and he was sworn in as judge at that precise hour, thus assuming office before Mar. 1, which would have been the effective date of the pay raise for Federal judges enacted as a result of Public Law No. 90-206. By resigning from the House and taking the oath as a district judge before the salary increase for that position became effective, Mr. Battin avoided an apparent conflict with the following constitutional provision: "No . . . Representative shall, during the Time for which he was elected, be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time."<sup>(3)</sup>

In another instance, on Jan. 15, 1968, upon the reconvening of the 90th Congress,<sup>(4)</sup> three communications pertaining to the resignation of Mr. Abraham J. Multer, of New York, were laid before the House.

In his first letter of resignation submitted to the Speaker, dated Dec. 15, 1967, Mr. Multer had in-

3. U.S. Const. art. I §6.

4. 114 CONG. REC. 7, 90th Cong. 2d Sess.

dicated he would resign effective Jan. 1, 1968, to assume the office of Justice of the Supreme Court of New York. He had been appointed to this post effective Jan. 1, 1968.

The SPEAKER laid before the House the following communications, which were read:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., December 15, 1967.*

Hon. JOHN W. McCORMACK,  
*Speaker of the U.S. House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Herewith please find copy of my resignation submitted to the Secretary of State, State of New York, as required by law, effective January 1, 1968.

It has been my privilege to have been able to serve with you these many years under your great leadership. I will always remember your wise counsel and guidance, as well as, the many courtesies extended to me. I will treasure forever your friendship and that of our colleagues with whom I have served.

With warmest personal regards and very best wishes, I am,

Most sincerely,

ABRAHAM J. MULTER.

Enclosure.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., December 15, 1967.*

Hon. JOHN P. LOMENZO,  
*Secretary of State,*  
*State of New York,*  
*Albany, N.Y.*

DEAR MR. SECRETARY: Pursuant to the requirements of law, I hereby



give you notice that I am resigning as a Member of the United States House of Representatives for the 13th District of New York effective the first day of January 1968 on which date, I will assume the office of Justice of the Supreme Court of the State of New York to which position I was elected on November 7, 1967.

Sincerely yours,  
ABRAHAM J. MULTER.

Mr. Multer's second letter to the Speaker, dated Dec. 19, 1967, served as a clarification of his effective date of resignation. To avoid being placed in the position of holding conflicting offices, he made his resignation from the House effective midnight, Dec. 31, 1967.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*December 19, 1967.*

Hon. JOHN W. McCORMACK,  
*Speaker of the U.S. House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: This is to clarify the effective date of my resignation from the House of Representatives. It is intended that my resignation be effective as of midnight, December 31, 1967, since my new post as Justice of the New York State Supreme Court begins on January 1, 1968.

With warm personal regards and best wishes, I am

Sincerely,  
ABRAHAM J. MULTER.

### ***Effect of Confirmation of Appointment to Executive Office***

#### **§ 5.11 A Member's resignation has been laid down after the**

#### **Member's appointment to another office.**

On Jan. 17, 1969,<sup>(1)</sup> John Stennis, of Mississippi, Chairman of the Senate Committee on Armed Services, announced to the Senate that that committee had voted unanimously in favor of confirmation of the nominee-designate for Secretary of Defense. This was done before Inauguration Day (continuing the practice followed in 1953 and 1961), despite the fact that the nomination was not yet officially before the committee since it could not be made by President-elect Richard M. Nixon before Jan. 20. The nominee-designate was a Member of the House, Melvin R. Laird, of Wisconsin, who had taken the oath of office as a Member of the House on Jan. 3.

After the inauguration of the President on Jan. 20, 1969,<sup>(2)</sup> the Senate met to receive executive nominations, among which was that of Mr. Laird to be Secretary of Defense. Mr. Laird's nomination was confirmed, and Mr. Laird was sworn in as Secretary of Defense on Jan. 21, 1969, at 8 o'clock a.m.

The resignation of Mr. Laird from the House was dated Jan.

1. 115 CONG. REC. 1261, 91st Cong. 1st Sess.
2. *Id.* at p. 1289.

21, 1969, the date on which he was sworn in as Secretary of Defense, and was laid before the House on Jan. 23, 1969,<sup>(3)</sup> the date of the reconvening of the House following the inauguration. Mr. Laird's communication to the Speaker was as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., January 21, 1969.*

Hon. JOHN W. McCORMACK,  
*Speaker of the House of Representatives.*

SIR: I beg leave to inform you that I have this day transmitted to the governor of Wisconsin my resignation as a Representative in the Congress of the United States from the 7th district of Wisconsin.

MELVIN R. LAIRD.

Similarly, on May 26, 1969,<sup>(4)</sup> the resignation of Rep. Donald Rumsfeld was laid before the House after he had been sworn in as an official of the Executive Branch. Although the resignation was laid down after the swearing in, the effective time of his resignation was earlier than that at which he took the oath.

The Honorable the SPEAKER,  
*U.S. House of Representatives,*  
*Washington, D.C.*

DEAR SIR: It is my duty to inform you that I have transmitted to the

3. *Id.* at p. 1571.

4. *Id.* at p. 13719.

Governor of Illinois my resignation as a Representative in Congress from the 13th Congressional District of the State of Illinois, to be effective as of midnight, Sunday, May 25, 1969.

As you know, my resignation is caused by my having accepted the positions of an Assistant to the President and Director of the Office of Economic Opportunity.

I very much appreciate the privilege of having served with you and my colleagues in the House, and I thank you for your cooperation, fairness, assistance, and good will.

Respectfully,

DONALD RUMSFELD,  
*Representative in Congress.*

*Parliamentarian's Note:* Mr. Rumsfeld was administered the oath of office as Director of the Office of Economic Opportunity and Assistant to the President at 10 o'clock a.m., May 26, 1969. His letter of resignation was laid before the House when it convened at noon on the 26th but stated that the resignation was effective as of "midnight, Sunday, May 25, 1969."

Numerous persons have resigned as Representative to take a cabinet post (see, *e.g.* § 4.2, *supra*). However, the following strike a higher profile.

After having been elected both as Vice President and as a Representative in the succeeding Congress, then-Speaker John Nance Garner transmitted to the Governor of Texas his resignation as a Member-elect.<sup>(5)</sup>

5. 6 Cannon's Precedents §§ 230, 453.

After having been nominated and confirmed as Vice President pursuant to the 25th Amendment, Rep. Gerald R. Ford submitted to the Governor of Michigan a letter of resignation as a Representative, and a copy of his letter of resignation was laid before the House by the Speaker following the completion of a joint meeting for his swearing in as Vice President.<sup>(6)</sup>

After having been confirmed as Secretary of Defense, Rep. Richard B. Cheney submitted a letter of resignation to the Governor of Wyoming, which was laid before the House before he took the oath of office as Secretary of Defense.<sup>(7)</sup>

HOUSE OF REPRESENTATIVES,  
*Washington, DC.*

The SPEAKER,  
*The House of Representatives,*  
*The Capitol, Washington, DC.*

DEAR MR. SPEAKER: Since January 3, 1979, I have had the honor and privilege of representing the people of Wyoming in the United States House of Representatives.

On March 10, 1989, President Bush asked me to become his nominee for Secretary of Defense. The Senate has now confirmed my nomination, and I will assume this office later today.

I must therefore resign my office as the At-large Representative from the

6. 119 CONG. REC. 39927, 93d Cong. 1st Sess., Dec. 6, 1973. See § 5.4, *supra*.  
7. 135 CONG. REC. 4976, 101st Cong. 1st Sess., Mar. 20, 1989.

State of Wyoming effective immediately.

Sincerely,

DICK CHENEY.

Done at Washington, DC, this seventeenth day of March, in the year of our Lord, nineteen hundred and eighty-nine, at 1:01 p.m.

The SPEAKER.<sup>(8)</sup> A similar letter drafted and addressed to the Governor of the State of Wyoming will be inserted in the RECORD at this point.

HOUSE OF REPRESENTATIVES,  
*Washington, DC.*

Hon. MIKE SULLIVAN,  
*Governor of Wyoming, State Capitol*  
*Building, Cheyenne, WY.*

DEAR GOVERNOR SULLIVAN: Since January 3, 1979, I have had the honor and privilege of representing the people of Wyoming in the United States House of Representatives.

On March 10, 1989, President Bush asked me to become his nominee for Secretary of Defense. The Senate has now confirmed my nomination, and I will assume this office later today.

I must therefore resign my office as the At-large Representative from the State of Wyoming effective immediately.

Best regards,

DICK CHENEY.

After having been reelected as Representative from the Sixth District of Georgia for the 106th Congress, Speaker Newt Gingrich held the office of Speaker and his seat in the Sixth District of Georgia through the expiration of the

8. James C. Wright, Jr. (TX).

105th Congress but created a vacancy for the 106th Congress by “withdrawing” (the term used in Georgia law) as Representative-elect from that district.<sup>(9)</sup>

***State Law as Affecting Time of Resignation***

**§ 5.12 Whether a resignation may specify a future effective date is a question of State law.**

On Nov. 26, 1951, Rep. T. Vincent Quinn, of New York, submitted his resignation to take effect as of a future date, a procedure that was not permissible under the applicable State statute. On Jan. 8, 1952,<sup>(1)</sup> the Speaker laid Mr. Quinn’s resignation before the House in a form permitted under New York law.

DECEMBER 30, 1951.

9. 145 CONG. REC. 42, 106th Cong. 1st Sess., Dec. 17, 1958. See § 5.3, *supra*.

1. 98 CONG. REC. 14, 15, 82d Cong. 2d Sess.

Hon. SAM RAYBURN,  
*Speaker, House of Representatives,*  
*Washington, D. C.*

MY DEAR MR. SPEAKER: I wrote you on November 26, 1951, advising you that I had transmitted my resignation as a Member of Congress to the Governor of the State of New York to take effect on December 31, 1951.

I have since been informed by the secretary to the Governor that the laws of the State of New York do not permit a resignation by a Member of the House of Representatives to take effect at a future date. The resignation must be effective immediately. For this reason I have requested that my former resignation be considered a nullity and have transmitted another resignation today. A copy of this resignation is enclosed.

May I again thank you for all your kindness to me and wish you a happy and blessed New Year.

Sincerely yours,

VINCENT,  
T. VINCENT QUINN,  
*Member of Congress.*

## C. Resignations from Committees and Delegations

### § 6. Procedures and Forms

The request of a Member of the House to be relieved from service on a committee of the House is submitted to the House for approval, and the Member's resignation from membership on the committee may or may not be accepted.<sup>(1)</sup> Although there were instances in the earlier practice where a Member's request to be excused from committee service was refused,<sup>(2)</sup> in modern practice the resignation of a Member from a committee is routinely accepted.

#### *Procedure for Acceptance*

#### § 6.1 The resignation of a Member from a committee—whether as a member of the committee or as its chair—is laid before the House and accepted by unanimous consent.<sup>(1)</sup>

1. 4 Hinds' Precedents §§ 4494 *et seq.* For a discussion of resignation from conference committees, see Ch. 33, *supra*.
2. 4 Hinds' Precedents §§ 4500–4505.
1. *Parliamentarian's Note*: In addition to acceptance of the resignation of a Member from a committee, the House may remove a Member from a

On June 29, 2006,<sup>(2)</sup> the House by unanimous consent accepted the resignation of a Member from a standing committee and considered and adopted a resolution to elect a Member to sundry standing committees.<sup>(3)</sup>

committee assignment by adoption of a resolution, for example, electing certain Members to a standing committee in lieu of other Members. Because under Rule X clause 5(a)(1) (*House Rules and Manual* § 757 [2007]) a resolution proposing to "change the composition" of a standing committee is privileged if offered by direction of the party caucus or conference concerned, a resolution electing Members to standing committees has effectively removed Members erroneously named in a previous resolution by electing new Members "in lieu of" those erroneously elected. On Feb. 6, 1997, the House considered as privileged and adopted a resolution (see H. Res. 42 at 143 CONG. REC. 1687, 105th Cong. 1st Sess.) electing certain Members to standing committees "in lieu of" Members erroneously named in a previous resolution, effectively removing certain Members from mistaken committee assignments without requiring resignations. (See also § 6.6, *infra*.) However, it is more traditional for the House to act on actual resignations.

2. 152 CONG. REC. 13700, 109th Cong. 2d Sess.
3. *Parliamentarian's Note*: The resolution was not privileged only because

RESIGNATION AS MEMBER OF  
COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore<sup>(4)</sup> laid before the House the following resignation as a member of the Committee on Armed Services:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, June 29, 2006.*  
Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: This letter is to advise you that, effective today, I am resigning my seat on the House Committee on Armed Services.

Thank you for your attention to this matter.

Sincerely,  
HOWARD P. "BUCK" MCKEON,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.  
There was no objection.

□ 1930

ELECTION OF MEMBER TO CERTAIN  
STANDING COMMITTEES  
OF THE HOUSE

Mr. [Tom] PRICE of Georgia. Mr. Speaker, I offer a resolution (H. Res. 902) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 902

*Resolved*, that the following Member be and is hereby elected to the

it was not offered by direction of the caucus or conference concerned.

4. Michael Simpson (ID).

following standing committees of the House of Representatives:

Committee on Armed Services: Mr. [Brian P.] Bilbray [of California].

Committee on Government Reform: Mr. Bilbray.

Committee on Veterans' Affairs: Mr. Bilbray.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

On Feb. 28, 2006,<sup>(5)</sup> the Speaker pro tempore<sup>(6)</sup> laid before the House the following resignation as a member of the Committee on Education and the Workforce:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 16, 2006.*

Hon. J. DENNIS HASTERT,  
*Speaker, U.S. House of Representatives,*  
*U.S. Capitol, Washington, DC.*

DEAR MR. SPEAKER, Effective today, February 16th, I resign my seat on the Committee on Education pending my appointment to the Committee on Transportation and Infrastructure.

Sincerely,

JOHN BARROW.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On Feb. 8, 2006,<sup>(7)</sup> the Speaker pro tempore<sup>(8)</sup> laid before the

5. 152 CONG. REC. 2200, 109th Cong. 2d Sess.

6. Robert B. Aderholt (AL).

7. 152 CONG. REC. 1080, 109th Cong. 2d Sess.

8. Dennis R. Rehberg (MT).

House the following resignation as a member of the Committee on Financial Services:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 8, 2006.*  
Hon. DENNIS HASTERT,  
*Speaker of the House,*  
*Washington, DC.*

DEAR SPEAKER HASTERT: I hereby respectfully resign my seat on the Committee on Financial Services, effective immediately. Thank you for the opportunity to serve on this important committee.

Sincerely,

PETER T. KING,  
*Member of Congress*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

Also on Feb. 8, 2006,<sup>(9)</sup> the Speaker pro tempore<sup>(10)</sup> laid before the House the following resignation as a member of the Committee on the Budget:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 8, 2006.*

DEAR SPEAKER HASTERT: I respectfully resign my seat on the House Budget Committee effective immediately. Thank you very much for giving me the opportunity to serve on this important committee.

Sincerely,

ILEANA ROS-LEHTINEN,  
*Member of Congress.*

<sup>9</sup>. 152 CONG. REC. 1050, 109th Cong. 2d Sess.

<sup>10</sup>. Phil Gingrey (GA).

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On Feb. 7, 2006,<sup>(11)</sup> the Speaker pro tempore<sup>(12)</sup> laid before the House the following resignation as a member of the Committee on Energy and Commerce:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 7, 2006.*

Hon. J. DENNIS HASTERT,  
*Speaker, House of the Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: I hereby respectfully resign my seat on the House Energy and Commerce Committee effective February 7, 2006. I would like to express my deep gratitude to you and Chairman Barton for the opportunity to serve and look forward to continuing to work with you in the future.

Sincerely,

J. GRESHAM BARRETT,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On Sept. 26, 2005,<sup>(13)</sup> the House accepted the resignation of a Member from the Select Bipartisan Committee to Investigate

<sup>11</sup>. 152 CONG. REC. 989, 109th Cong. 2d Sess.

<sup>12</sup>. John Campbell (CA).

<sup>13</sup>. 151 CONG. REC. 21177, 21178, 109th Cong. 1st Sess.

the Preparation for and Response to Hurricane Katrina.

RESIGNATION AS MEMBER AND APPOINTMENT OF MEMBER TO SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

The SPEAKER pro tempore<sup>(14)</sup> laid before the House the following resignation as a member of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, September 23, 2005.*  
HON. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: I hereby resign as a member of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.

This resignation is made necessary by the fact that most of the Select Committee's hearings will conflict with business of the Committee on the Judiciary, thus making it impossible for me to actively participate in the Select Committee's activities.

Thank you for your confidence in me.

Sincerely,  
F. JAMES SENSENBRENNER, Jr.,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.  
There was no objection.

On Feb. 16, 2005,<sup>(15)</sup> the following resignations were laid before the House:

14. John Boozman (AR).
15. 151 CONG. REC. H664, H665 [Daily Ed.], 109th Cong. 1st Sess.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 15, 2005.*

HON. DENNIS HASTERT,  
*Speaker, U.S. House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER HASTERT: I respectfully request that you permit me to vacate my seat on the House Science Committee as soon as possible. I am hopeful that I would be able to retain my seniority position on this committee should I seek to return in a future Congress. I have greatly enjoyed my service on the House Science Committee.

Thank you for your kind consideration of this request.

Sincerely,  
ZOE LOFGREN,  
*Member of Congress.*

The SPEAKER pro tempore (Mr. LATOURETTE).<sup>(16)</sup> Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. [Robert] MENENDEZ [of New Jersey]. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 111) and ask for its immediate consideration.

16. Steven C. LaTourette (OH).



The Clerk read the resolution, as follows:

## H. RES. 111

*Resolved*, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON HOUSE ADMINISTRATION.—Ms. Zoe Lofgren of California.

(2) COMMITTEE ON SMALL BUSINESS.—Ms. Moore of Wisconsin.

Mr. MENENDEZ (during the reading.) Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

On Feb. 9, 2005,<sup>(17)</sup> the Speaker pro tempore<sup>(18)</sup> laid before the House the following resignations:

RESIGNATION AS MEMBER OF  
COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

The SPEAKER pro tempore (Mrs. EMERSON) laid before the House the following resignation from the Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 8, 2005.*

17. 151 CONG. REC. 1871, 109th Cong. 1st Sess. See also 151 CONG. REC. 22711, 109th Cong. 1st Sess., Oct. 7, 2005.

18. Jo Ann Emerson (MO).

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER HASTERT: Effective immediately I am resigning my position on the House Transportation and Infrastructure Committee.

It has been a pleasure to serve on the Committee, and I will continue to support the Committee to achieve its legislative goals. However, because of my recent appointment to the House Financial Services Committee and the House Homeland Security Committee as well as my continued service on the House Resources Committee, it is necessary for me to resign from the Transportation and Infrastructure Committee.

Mr. Speaker, thank you for appointing me to the House Financial Services and Homeland Security Committees. I look forward to these new Committee assignments and working to advance the Majority agenda. Your help was critical and I greatly appreciate your effort on my behalf.

Thank you for your support and for accepting my resignation from the House Transportation and Infrastructure Committee. If you have any questions, please contact me.

Sincerely,

STEVAN PEARCE,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF  
COMMITTEE ON GOVERN-  
MENT REFORM

The SPEAKER pro tempore laid before the House the following resignation from the Committee on Government Reform.

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 8, 2005.*

Hon. J. DENNIS HASTERT,  
*Office of the Speaker,*  
*U.S. Capitol, Washington DC.*

DEAR MR. SPEAKER: I respectfully resign from the Committee on Government Reform, effective immediately.

Sincerely,

KATHERINE HARRIS,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On Jan. 26, 2005,<sup>(19)</sup> the Speaker pro tempore<sup>(20)</sup> laid the following resignations before the House:

RESIGNATION AS A MEMBER OF  
HOUSE COMMITTEE ON  
INTERNATIONAL RELATIONS

The Speaker pro tempore laid before the House the following resignation as a member of the House Committee on International Relations.

HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 26, 2005.*

Hon. J. DENNIS HASTERT,  
*Office of the Speaker,*  
*U.S. Capitol,*  
*Washington D.C.*

19. 151 CONG. REC. 835, 109th Cong. 1st Sess.

20. Darrell E. Issa (CA).

DEAR MR. SPEAKER: Please consider this letter as my resignation, as of this date, as a member of the House Committee on International Relations. I have appreciated the opportunity to serve as a member of this committee and have enjoyed my eight years of service.

With every good wish, I am

Sincerely yours,

JOHN M. MCHUGH,  
*Member of Congress.*

The SPEAKER pro tempore (Mr. TIBERI).<sup>(21)</sup> Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF  
COMMITTEE ON VETERANS'  
AFFAIRS

The Speaker pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs.

Effective today, January 26, 2005, I am resigning from the Committee on Veterans' Affairs.

RICK G. RENZI,  
*U.S. Congressman,*  
*1st District of Arizona.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On Oct. 7, 2004,<sup>(22)</sup> the Speaker pro tempore<sup>(23)</sup> laid before the

21. Patrick J. Tiberi (OH).

22. 150 CONG. REC. 21923, 108th Cong. 2d Sess.

23. Jim Gerlach (PA).

House the following resignation from a Member of the Committee on Government Reform.

RESIGNATION AS MEMBER OF  
COMMITTEE ON GOVERN-  
MENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, October 6, 2004.*

Speaker DENNIS HASTERT,  
*U.S. House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: With this letter, please accept my resignation from the House Committee on Government Reform, effective immediately.

Should you have any questions, please feel free to contact me.

With kind regards, I am

Sincerely,

ERIC CANTOR,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On Apr. 27, 2004,<sup>(24)</sup> by unanimous consent, the House accepted the resignation of a Member from the Select Committee on Homeland Security, whereupon the Speaker filled the vacancy by appointment pursuant to § 4 of House Resolution 5, 108th Congress (the select committee charter).<sup>(25)</sup>

24. 150 CONG. REC. 7602, 108th Cong. 2d Sess.

25. See 149 CONG. REC. 11, 108th Cong. 1st Sess., Jan. 7, 2003.

RESIGNATION AS MEMBER AND  
APPOINTMENT OF MEMBER  
TO SELECT COMMITTEE ON  
HOMELAND SECURITY

The SPEAKER pro tempore laid before the House the following resignation as member of the Select Committee on Homeland Security:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, April 23, 2004.*

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: Please accept this letter as my resignation as a member of the Select Committee on Homeland Security, effective immediately. I realize that I served on the Select Committee due to my role as Chairman of the Energy and Commerce Committee. I no longer hold the position of Chairman, thus I resign from the other.

Thank you for your assistance in this matter.

Sincerely,

W.J. "BILLY" TAUZIN,  
*Member of Congress.*

The SPEAKER pro tempore (Mr. BURGESS).<sup>(26)</sup> The resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 5, 108th Congress, and the order of the House of December 8, 2003, the Chair

*Parliamentarian's Note:* As indicated in the letter, Rep. Tauzin's membership on the select committee was by virtue of his chairmanship of the Committee on Energy and Commerce.

26. Michael C. Burgess (TX).

announces the Speaker's appointment of the gentleman from Texas (Mr. BARTON) of the House to the Select Committee on Homeland Security to fill the existing vacancy thereon, and to rank immediately after the gentleman from New York (Mr. BOEHLERT).

There was no objection.

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CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, APRIL 27, 2004 AT PAGE H2395<sup>(27)</sup>

RESIGNATION AS MEMBER AND APPOINTMENT OF MEMBER TO SELECT COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore laid before the House the following resignation as member of the Select Committee on Homeland Security:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, April 23, 2004.*  
Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: Please accept this letter as my resignation as a member of the Select Committee on Homeland Security, effective immediately. I realize that I served on the Select Committee due to my role as Chairman of the Energy and Commerce Committee. I no longer hold the position of Chairman, thus I resign from the other.

Thank you for your assistance in this matter.

Sincerely,

W.J. "BILLY" TAUZIN,  
*Member of Congress.*

<sup>27</sup> See 150 CONG. REC. 7967, 108th Cong. 2d Sess., Apr. 27, 2004.

The SPEAKER pro tempore (Mr. BURGESS). Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 5, 108th Congress, and the order of the House of December 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Select Committee on Homeland Security to fill the existing vacancy thereon:

The gentleman from Texas (Mr. [Joe] BARTON) to rank immediately after the gentleman from New York (Mr. [Sherwood] BOEHLERT).

On Feb. 26, 2004,<sup>(28)</sup> the House by unanimous consent accepted the resignation of a Member as chairman of a standing committee (on which he continued to serve).

Under Rule X clause 5(a)(1),<sup>(29)</sup> a resolution to establish the rank of a member on a standing committee is privileged if offered at the direction of the caucus or conference concerned.

The House by unanimous consent adopted a resolution electing a member of a standing committee to serve as its chairman and to reestablish the rank of the erstwhile chairman whose resignation created the vacancy.

The House also by unanimous consent accepted the resignation

<sup>28</sup> 150 CONG. REC. 2577, 108th Cong. 2d Sess.

<sup>29</sup> *House Rules and Manual* §757 (2007).

from a standing committee of a Member who had just been elevated to chairman of another standing committee.

The proceedings were as follows:

RESIGNATION AS CHAIRMAN  
AND ELECTION AS CHAIRMAN  
OF THE COMMITTEE ON EN-  
ERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following resignation as chairman of the Committee on Energy and Commerce:

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND  
COMMERCE,

Washington, DC, February 11, 2004.

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: Please accept this letter as my resignation as Chairman of the House Committee on Energy and Commerce, effective at midnight on February 16, 2004.

Thank you for your assistance in this matter.

Sincerely,  
W.J. "BILLY" TAUZIN,  
*Chairman.*

The SPEAKER pro tempore.<sup>(30)</sup> Without objection, the resignation is accepted.

There was no objection.

Mr. [David] DREIER [of California]. Mr. Speaker, I offer a resolution (H. Res. 539) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

30. Ray LaHood (IL).

H. RES. 539

*Resolved,* That the following named Member be, and that he hereby is, elected to the following standing committee of the House of Representatives:

Committee on Energy and Commerce: Mr. Barton of Texas, Chairman.

*Resolved,* That the following named Member be, and that he hereby is, ranked as follows on the following standing committee of the House of Representatives:

Committee on Energy and Commerce: Mr. Tauzin, after Mr. Barton of Texas.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table. . . .

RESIGNATION AS MEMBER OF  
COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,  
Washington, DC, February 25, 2004.

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: I hereby resign as a Member of the Science Committee.

Sincerely,  
JOE BARTON,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

**Ch. 37 §6**      DESCHLER-BROWN-JOHNSON PRECEDENTS

There was no objection.

On Mar. 5, 2003,<sup>(31)</sup> a privileged resolution was submitted by direction of the Democratic Caucus electing a minority member to a standing committee, whereupon the House accepted by unanimous consent the resignation of the Member so-elected. The proceedings are as follows:

Ms. [Rosa L.] DELAURO [of Connecticut]. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 123) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 123

*Resolved*, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON ARMED SERVICES: Mr. Ruppertsberger (to rank immediately after Mr. Alexander).

The resolution was agreed to.

A motion to reconsider was laid on the table.

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RESIGNATION AS MEMBER OF  
COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore<sup>(32)</sup> laid before the House the following resignation

**31.** 149 CONG. REC. 5120, 5121, 108th Cong. 1st Sess.

**32.** Sue Wilkins Myrick (NC).

tion as a member of the Committee on Armed Services:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, March 5, 2003.*

THE SPEAKER,  
*House of Representatives,  
The Capitol, Washington, DC.*

DEAR MR. SPEAKER: Effective March 5, 2003, I hereby take a leave of absence from the Committee on Armed Services due to my appointments to the Permanent Select Committee on Intelligence and the Committee on Government Reform.

Sincerely,  
C.A. DUTCH RUPPERSBERGER,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On Aug. 5, 1999,<sup>(33)</sup> Speaker pro tempore Edward A. Pease, of Indiana, laid before the House the following communication from a Member resigning from a standing committee (even while continuing to serve as conferee ostensibly from that committee).

GARY L. ACKERMAN,  
CONGRESS OF THE UNITED STATES,  
*5th District, New York, August 5, 1999.*

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,  
Washington, D.C.*

DEAR MR. SPEAKER: This letter is to inform you of that I do hereby resign

**33.** 145 CONG. REC. 20215, 106th Cong. 1st Sess.

from the Committee on Banking and Financial Services, effective immediately.

Sincerely,

GARY L. ACKERMAN,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On Oct. 4, 1996,<sup>(34)</sup> Speaker pro tempore Robert S. Walker, of Pennsylvania, laid before the House the following communication from a Member resigning his seat on a select committee, which was read by the Clerk:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, October 3, 1996.*

Speaker NEWT GINGRICH,  
*U.S. House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Effective today, October 3, 1996, I respectfully resign from the House Intelligence Committee.

With kindest personal regards, I remain

Very truly yours,

RONALD D. COLEMAN,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Without objection, and pursuant to the provi-

34. 142 CONG. REC. 27348, 104th Cong. 2d Sess.

sions of clause 1 of rule XLVIII and clause 6(f) of rule X, the Chair announces the Speaker's appointment of the gentleman from New Mexico [Mr. RICHARDSON] to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon and to rank after the gentleman from Washington [Mr. DICKS].

There was no objection.

On Sept. 27, 1996,<sup>(35)</sup> Speaker pro tempore Mac Thornberry, of Texas, laid before the House the following communication from a Member resigning his seat on a select committee, which was read by the Clerk:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, September 27, 1996.*

Hon. NEWT GINGRICH,  
*Speaker, U.S. House of Representatives,*  
*The Capitol, Washington, D.C.*

DEAR MR. SPEAKER: I hereby resign my seat on the House Intelligence Committee effective today.

I appreciate the opportunity to serve on the committee beyond my allotted time. Your efforts to accommodate my many international assignments have been most helpful.

I look forward to serving on the committee in the future.

Sincerely,

BILL RICHARDSON,  
*Chief Deputy Whip.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

35. 142 CONG. REC. 25603, 104th Cong. 2d Sess.

There was no objection.

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, the Chair announces the Speaker's appointment of the gentlewoman from California [Ms. HARMAN] to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon and to rank after the gentlewoman from California [Ms. PELOSI].

There was no objection.

On Feb. 28, 1991,<sup>(36)</sup> the Speaker laid before the House the following communication from a Member resigning as chairman (though not as a member) of a select committee, which was read by the Clerk:

HOUSE OF REPRESENTATIVES  
*Washington, DC, February 27, 1991.*

Hon. THOMAS S. FOLEY,  
*Speaker of the House,  
House of Representatives,  
The Capitol.*

DEAR MR. SPEAKER: Over the past eight years, I have had the high honor and privilege of serving as the first chairman of the House Select Committee on Children, Youth, and Families. I am grateful to you, and your two predecessors as Speaker, for appointing me to this position which has been among my most gratifying responsibilities during my service in the Congress of the United States.

The goal of the Select Committee has been to identify the most critical issues

confronting America's children and families, to examine the impact and potential of public policies, and to make recommendations to standing committees of the Congress for legislation to promote the healthy development of young Americans and their families.

Because of the dedicated work of the members of the House Select Committee over the years, the innumerable contributions of the outstanding staff, and the participation of experts, researchers and advocates from throughout the United States, we have fulfilled that important mission at a time when much of the government was abandoning or ignoring its responsibilities to children. And the Congress has responded, by enacting important legislation on child care, child health, foster care, preventive services, mental health, education and nutrition—all developed in large part by the work of the House Select Committee on Children, Youth, and Families.

Despite these many achievements, a great deal still needs to be done for America's children. Far too many remain in poverty, at risk of birth defects, subject to horrendous living conditions and victimized by child abuse, enduring inadequate educational programs that leave them uneducated and unemployable, suffering malnutrition and preventable diseases. I also know how much time must be devoted to addressing these issues and to producing the highest quality work product which can serve as the basis for action by the Congress in addressing these remaining critical problems.

The action of the House of Representatives in conveying to me, as Vice Chairman of the Committee on

36. 137 CONG. REC. 4618, 102d Cong. 1st Sess.



Interior and Insular Affairs, the responsibilities of the chairman, places many new and pressing duties upon me. Urgent national issues including the Western drought and national energy policy demand my fullest attention and energies, as does the management of this Committee. I do not believe it would be fair either to the Committee on Interior and Insular Affairs or the Select Committee on Children, Youth, and Families to attempt to perform both responsibilities concurrently.

Accordingly, I must very regrettably submit my resignation to you as the chairman of the Select Committee on Children, Youth, and Families, to be effective upon your appointment of a new chairman. This is certainly the most difficult personal decision of my sixteen years in Congress, but it is the right decision for the Select Committee and its important constituency, our nation's children. I certainly intend to work closely with whomever you select as the new chair to facilitate a smooth transition and to assure that the crucial work of the Committee continues uninterrupted.

The Select Committee must continue to "hold up a mirror for America to see its children," as we originally promised, and to serve as the unique group within the Congress that can frame these complex issues, conduct the essential investigative and analytical work, and then convert our findings into sound public policy.

I look forward to continuing to provide that leadership as a member of the Select Committee under the new chairman in the years to come. I wish again to extend to you, and to Speakers Wright and O'Neill, my deep per-

sonal gratitude for having placed your confidence in me as chairman of the Select Committee on Children, Youth, and Families during these past eight years.

Sincerely,

GEORGE MILLER,  
*Chairman, Select Committee on  
Children, Youth, and Families.*

On Jan. 30, 1991,<sup>(37)</sup> Speaker pro tempore Steny Hoyer, of Maryland, laid before the House the following communication from a Member resigning his seat on a standing committee, which was read by the Clerk:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 29, 1991.*

Hon. THOMAS S. FOLEY,  
*Speaker, U.S. House of Representatives,  
The Capitol, Washington, D.C.*

DEAR MR. SPEAKER: Due to my increased responsibilities on the House Appropriations Committee, I herewith tender my resignation as a member of the Committee on the Budget and request its acceptance as soon as possible under the rules of the House.

Sincerely,

DEAN A. GALLO,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On June 21, 1976,<sup>(38)</sup> the Speaker laid before the House the following communication from a

37. 137 CONG. REC. 2556, 102d Cong. 1st Sess.

38. 122 CONG. REC. 19449, 94th Cong. 2d Sess.

Member resigning as chairman (though not as a member) of a standing committee, which was read by the Clerk:

WASHINGTON, D.C.  
June 21, 1976.

Hon. CARL ALBERT,  
*Speaker of the House,*  
*Washington, D.C.*

DEAR MR. SPEAKER: The charges which have been made against me and the current state of my health make it impossible for me to devote the time necessary to carry out my responsibilities as Chairman of the House Administration Committee.

I, therefore, have decided to step down as Chairman of that Committee.

I am confident that I will be vindicated as to any wrong-doing, and when that occurs, I shall ask for a re-examination of my position by the Caucus.

With kind personal regards, I am,

Very sincerely yours,  
WAYNE L. HAYS,  
*Chairman.*

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

On May 4, 1971,<sup>(39)</sup> the Speaker laid before the House a letter from the chairman of the Committee on Banking and Currency, resigning as a member of the Select Committee on Small Business, which was thereupon accepted by the House.

WASHINGTON, D.C.  
May 1, 1971.

39. 117 CONG. REC. 13327, 13328, 92d Cong. 1st Sess.

Hon. CARL ALBERT,  
*The Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: This letter is to inform you of the fact that I am tendering my resignation as a member of the Select Committee on Small Business.

It has been a most rewarding experience to have been a member of this Select Committee since it was originally created by resolution which I introduced in 1941.

Unfortunately, because of the press of other duties I feel it would be in the best interest of the Congress to take this action and allow another Member to assume the responsibilities in my place on this most important Committee.

I do not wish to in any way imply that my action in this instance signifies any diminution in my interest in the problems and prospects of small business and wish to assure the Congress and small business throughout the country that I shall continue to maintain my interest in this area and work toward the solution of problems which confront and beset this most vital part of our free enterprise system.

Sincerely,  
WRIGHT PATMAN,  
*Chairman.*

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

On Oct. 14, 1965,<sup>(40)</sup> a letter of resignation of a Member from a

40. 111 CONG. REC. 27013, 89th Cong. 1st Sess.

standing committee was laid before the House and accepted:<sup>(41)</sup>

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., September 20, 1965.*

The Honorable JOHN W. MCCORMACK,  
*Speaker, U.S. House of Representatives,  
The Capitol, Washington, D.C.*

DEAR MR. SPEAKER: With regret, I find it necessary to resign my membership to the House Post Office and Civil Service Committee.

It was a great deal of pleasure serving with this distinguished group, which is and has done such constructive work for the Congress and the Nation.

With kind personal regards, I am,

Sincerely yours,  
HARLEY O. STAGGERS.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

On July 27, 1947,<sup>(42)</sup> the Speaker laid before the House the following communication from a Member resigning from a joint committee, which was read by the Clerk:

HOUSE OF REPRESENTATIVES  
*Washington, D. C., July 24, 1947.*

41. For other examples of resignations from a committee, see 107 CONG. REC. 21201, 87th Cong. 1st Sess., Sept. 25, 1961; and 105 CONG. REC. 840, 86th Cong. 1st Sess., Jan. 19, 1959.
42. 93 CONG. REC. 10078, 80th Cong. 1st Sess.

Hon. JOSEPH W. MARTIN,  
*Speaker of the House of Representatives.*

DEAR MR. SPEAKER: I hereby tender my resignation from the Joint Committee on Printing.

Sincerely,

TOM PICKETT,  
*Member of Congress,  
Seventh District of Texas.*

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

**§ 6.2 The resignation of a Member from a committee presents a question of privilege; when a letter of resignation is laid before the House, the pending question is whether the House will accept the resignation; if there is to be debate, the Member who submits the letter is recognized for one hour.**

On Mar. 8, 1977,<sup>(1)</sup> the Speaker laid before the House the following communication from a Member resigning both as chairman and as a member of a select committee, which was read by the Clerk:

WASHINGTON, D.C.,  
*March 1, 1977.*

Hon. THOMAS P. (TIP) O'NEILL,  
*The Speaker of the House,*

1. 123 CONG. REC. 6580, 6581, 95th Cong. 1st Sess.

*Washington, D.C.*

DEAR MR. SPEAKER: I feel keenly the responsibilities placed on me as Chairman of the House Select Committee on Assassinations. At the outset, I pledged to you, the Majority Leader, and to the House, that I would see that Committee operated in a credible, responsible and productive manner.

In your widely reported public statements, you expressed concern about the Committee chief counsel's budget demands, his advocacy of extremely questionable investigative techniques and his general conduct. You made statements to the effect that Henry Gonzalez would make policy, not the Committee counsel. Clearly, you expected me to resolve these problems and bring the Committee into acceptable condition.

Against that background, I assumed Chairmanship of this Committee. I was expected to rectify the problems that had accumulated through months of neglect and the virtually free hand given to the Committee's ambitious chief counsel.

With the responsibility that I had and the expectations so clearly expressed by the House Leadership, and with your appointment, I could only assume that the Leadership would support my efforts to provide direction and a sense of responsibility to the Committee.

I made intense efforts to enlist the support of my colleagues on the Committee. Immediately after passage of House Resolution 222, I asked for an informal meeting. Nothing was possible on that day, February 2, or on the following two days, despite the fact that I tried to reach each Member per-

sonally. I arranged for a private meeting the following Monday, February 7, where I laid out some of the problems confronting the Committee. I told of the urgent need to make financial adjustments, and asked for assistance. I asked the chief counsel to let the Committee know what positions were least essential, since even then employees had been forced into a 35 per cent pay cut. At a meeting the next day, Tuesday, he refused and followed this by convening staff pep rallies generally aimed at maligning me personally and undermining my authority as Chairman.

I felt that since Mr. Sprague refused to produce any kind of information on which the Committee could make rational budget decisions, and since he pursued a deliberate course of action to undermine me with Members of the Committee and staff, alike, I had no recourse but to dismiss him, which I did.

I made every effort to inform my Colleagues on the Committee of my action and the reasons for it. I informed you, through letters, and made repeated attempts to reach you by telephone, but to no avail. I prepared to discuss the situation at a February 16 Committee meeting, only to see the meeting adjourned without any action.

No one in my position could have acted in any way other than as I did. I found in the Committee an administrative nightmare; I found a chief counsel who assumed full powers of the Committee, itself, (and by implication usurped the powers of the House, itself); a chief counsel who was insubordinate and insulting, not to mention disloyal. I found unjustifiable salaries, unjustified employees, and reckless, inexplicable financial obligations. I had a

responsibility to act, and no one has yet demonstrated that I acted wrongly or without full cause.

During the past several days I have been ill and unable to return to Washington. Notwithstanding my illness and absence, several of my Colleagues on the Committee appear to be interested in usurping even my ministerial powers. I do not know whether the Leadership is aware of these events, nor what Leadership efforts have been made, in any, to insist that the Committee function within the Rules of the House.

It seems clear now that the House Leadership is unwilling to offer me support. Yet, I cannot bring myself to sign pay vouchers for an unscrupulous individual, an unconscionable scoundrel, and no power on earth can compel me to do so. I will not compromise my own standards or integrity and I will not accept any arrangement that saves face at the expense of the Constitutional obligations, the integrity, the prestige and the honor of the House.

Under the circumstances that now exist, I have no alternative but to resign from the Select Committee on Assassinations herewith.

With warmest personal regards.

Sincerely yours,  
HENRY B. GONZALEZ,  
*Member of Congress, Chairman.*

Objection having been heard to a request by unanimous consent to accept the resignation, the House considered the letter as a question of privilege.

The House voted to accept the resignation.

On June 16, 1975,<sup>(2)</sup> the Speaker laid before the House the following communication from a Member resigning his seat on a select committee, which was read by the Clerk:

WASHINGTON, D.C.,  
*June 12, 1975.*

Hon. CARL ALBERT,  
*Speaker of the House,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I hereby submit my resignation as a member and as Chairman of the House Select Committee on Intelligence effective as of this date.

Respectfully,

LUCIEN N. NEDZI,  
*Member of Congress.*

The question was put should the resignation of Mr. Nedzi be accepted. After debate, the House voted to reject the resignation.

**§ 6.3 A communication from a Member surrendering a seat on a standing committee, even if styled by the Member as a "leave of absence" or otherwise couched as "temporary," is laid before the House as a resignation.**

2. 121 CONG. REC. 19054-61, 94th Cong. 1st Sess.

On Feb. 9, 2005,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> laid before the House the following resignation:<sup>(3)</sup>

RESIGNATION AS MEMBER OF  
COMMITTEE ON VETERANS'  
AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 9, 2005.*

Hon. DENNIS J. HASTERT,  
*House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER HASTERT: I hereby resign from the Committee on Veterans' Affairs to accept my appointment to the Committee on Homeland Security.

Also, I ask that you consider my request for a leave of absence from the VA Committee. I have been privileged to serve as Chairman of the Health Subcommittee and hope to return to the Committee sometime in the future.

Thank you for giving me an opportunity to serve our nation as a member of the new, permanent Homeland Security Committee. I appreciate all of your support.

All the best,

ROB SIMMONS,  
*Member of Congress.*

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the resignation is accepted.

1. 151 CONG. REC. 1891, 109th Cong. 1st Sess., Feb. 9, 2005.
2. Ray LaHood (IL).
3. *Parliamentarian's Note*: Rep. Simmons was elected to Homeland Security earlier this day. See 151 CONG. REC. 1871, 109th Cong. 1st Sess.

There was no objection.

On Feb. 23, 1999,<sup>(4)</sup> Speaker pro tempore Ed Pease, of Indiana, laid before the House the following communication from a Member resigning from a standing committee, which was read by the Clerk:

U.S. CONGRESS,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 22, 1999.*

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: In accordance with Democratic Caucus Rules, I am writing to request a leave of absence, effective immediately, from the House Committee on Small Business for the duration of 106th Congress so that I may serve on the Permanent Select Committee on Intelligence.

Thank you for your attention to my request.

Sincerely,

NORMAN SISISKY,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

*Parliamentarian's Note*: For a form styled as a resignation of a "permanent" seat on a standing committee, see Feb. 5, 1991<sup>(5)</sup>

4. 145 CONG. REC. 2692, 106th Cong. 1st Sess.
5. 137 CONG. REC. 2814, 102d Cong. 1st Sess.

(public acknowledgement of the “temporary” committee membership policy of Democratic Caucus; Rep. Peter H. Kostmayer [PA] and Rep. Gerry E. Studds [MA] were placed in temporary status on the Committee on Foreign Affairs in the wake of their election to the Committee on Energy and Commerce in order to avoid caucus limitations on committee assignments).

On Jan. 19, 1999,<sup>(6)</sup> the Speaker laid before the House the following communication from a Member resigning from a standing committee, which was read by the Clerk:

CONGRESS OF UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*January 7, 1999.*

Hon. DENNIS J. [sic] HASTERT,  
*Speaker of the House,  
U.S. House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: I hereby respectfully request a leave of absence from the Committee on Government Reform, effective immediately. My request is made with the understanding that I will retain all seniority on the Committee.

If you have any questions regarding this request, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

CHRISTOPHER COX,  
*U.S. Representative.*

6. 145 CONG. REC. 604, 106th Cong. 1st Sess.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

On Mar. 6, 1997,<sup>(7)</sup> Speaker pro tempore Ed Pease, of Indiana, laid before the House the following communication from a Member resigning his seat on a standing committee, which was read by the Clerk:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, March 6, 1997.*

Hon. NEWT GINGRICH,  
*Speaker, U.S. House of Representatives,  
U.S. Capitol, Washington,  
D.C.*

DEAR MR. SPEAKER: This letter is to inform you that in order for me to accept an appointment by Democratic Leader Richard Gephardt to a seat on the House Permanent Select Committee on Intelligence, it will be necessary for me to interrupt my service on the House Committee on Veterans' Affairs and as Ranking Member of its subcommittee on Oversight and Investigations.

Rule 19 F. of the Preamble and Rules of the Democratic Caucus provides that no Democratic Member of the Permanent Select Committee on Intelligence may serve on more than one standing committee during that Member's term of service on the select committee. However, the rule also provides that Members shall be entitled to take leaves of absence from service on any committee (or subcommittee thereof) during the period they serve on the

7. 143 CONG. REC. 3299, 105th Cong. 1st Sess.

select committee and seniority rights on such committee (and on each subcommittee) to which they were assigned at the time shall be fully protected as if they had continued to serve during the period of leave of absence.

While I will remain committed to protecting and enhancing the needs and benefits of our nation's veterans, this letter constitutes notice of my intent to take the necessary leave of absence from the Committee on Veterans' Affairs in order to accept an appointment to the Permanent Select Committee on Intelligence.

With kindest regards, I remain

Sincerely yours,

SANFORD D. BISHOP, Jr.,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On Jan. 21, 1997,<sup>(8)</sup> Speaker pro tempore Ray LaHood, of Illinois, laid before the House the following communication from a Member resigning his seat on a standing committee, which was read by the Clerk:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 21, 1997.*

Re request to take leave from Veterans Committee.

Hon. NEWT GINGRICH,  
*The Capitol,*  
*Washington, D.C.*

DEAR NEWT: In light of my new assignment to the House Committee on

8. 143 CONG. REC. 459, 105th Cong. 1st Sess.

Government Reform and Oversight, I hereby request that I be granted a leave of absence from my assigned slot on the Committee on Veterans' Affairs.

Thank you for your consideration,  
With warmest regards, I am,

Very truly yours,

BOB BARR,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On Jan. 25, 1996,<sup>(9)</sup> Speaker pro tempore Joel Hefley, of Colorado, laid before the House the following communication from a Member, purporting to resign his seat on a standing committee "effective upon ratification by the full House" of a new committee assignment (its contingency having been resolved):

CONGRESS OF THE UNITED STATES,  
*New York, January 24, 1996.*

THE SPEAKER,  
*House of Representatives, Wash-*  
*ington, D.C.*

DEAR MR. SPEAKER: I hereby resign my position as a member of the House International Relations Committee (HIRC) effective upon ratification by the full House of my membership on the House Ways and Means Committee.

While I look forward to returning to my assignment on Ways and Means, I wish to thank Chairman Gilman,

9. 142 CONG. REC. 1404, 104th Cong. 2d Sess.



Ranking Member Hamilton, and all the HIRC members for the many courtesies extended to me during my service on that panel.

Sincerely,  
MICHAEL R. McNULTY,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On May 19, 1994,<sup>(10)</sup> Speaker pro tempore Samuel G. Copper-smith, of Arizona, laid before the House the following communications from two Members resigning from a standing committee, which were read by the Clerk:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 10, 1994.*

Hon. THOMAS S. FOLEY,  
*The Speaker, House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: I hereby submit my temporary resignation as a Member of the Committee on Science, Space, and Technology in order to serve on the Committee on the Budget. It is my understanding that my seniority status on the Committee on Science, Space, and Technology will be protected during my tenure on the Budget Committee.

Sincerely,  
LYNN C. WOOLSEY.

HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 12, 1994.*

10. 140 CONG. REC. 11040, 103d Cong. 2d Sess.

Hon. THOMAS S. FOLEY,  
*Speaker of the House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: I hereby submit my temporary resignation as a Member of the Committee on Science, Space, and Technology in order to serve on the Committee on the Budget. It is my understanding that my seniority status on the Committee on Science, Space, and Technology will be protected during my tenure on the Budget Committee.

Sincerely,  
GLEN BROWDER.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

**§ 6.4 The resignation of a Member from a committee of conference is subject to the approval of the House (where the Speaker is not exercising his power of removal under Rule I clause 11).<sup>(1)</sup>**

On July 20, 1993,<sup>(2)</sup> Speaker pro tempore Michael R. McNulty, of New York, laid before the House the following communication from Rep. James V. Hansen, of Utah, resigning from a conference committee, which was read by the Clerk:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, July 20, 1993.*

1. *House Rules and Manual* § 637 (2007).
2. 139 CONG. REC. 16260, 103d Cong. 1st Sess.

**Ch. 37 §6**      DESCHLER-BROWN-JOHNSON PRECEDENTS

Hon. THOMAS S. FOLEY,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: I have been named as a conferee to the Budget Reconciliation bill, H.R. 2264, due to my position on the House Natural Resources Committee. Due to unexpected time constraints in my other positions, Armed Services and Intelligence, I respectfully request that I be allowed to withdraw as a conferee.

Thank you for your attention to this matter and if you have any question please feel free to call me.

Sincerely,

JAMES V. HANSEN,  
*Member of Congress.*

On Nov. 14, 1989,<sup>(3)</sup> Speaker pro tempore James H. Bilbray, of Nevada, laid before the House the following communication from Rep. Jack B. Brooks, of Texas, resigning from a conference committee, which was read by the Clerk:

COMMITTEE ON THE JUDICIARY,  
*Washington, DC, November 10, 1989.*

Hon. THOMAS S. FOLEY,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: As you know, on October 4, 1989, I was appointed as a House conferee on the bill, H.R. 2712, the Emergency Chinese Adjustment of Status Facilitation Act of 1989. As passed by the House on July 31 of this

3. 135 CONG. REC. 28834, 101st Cong. 1st Sess.

year, H.R. 2712 responds to the Chinese government's repression of the pro-democracy movement and actions against pro-democracy students by granting those students a waiver from the requirement that they return to China for two years before being eligible to change their immigrant status.

It now appears that the House may be concluding the business of the First Session within the next few days. I would not want my absence from the Congress for medical reasons to impede the enactment of this critically needed piece of legislation, leaving thousands of Chinese students in doubt as to their immigration status. Accordingly, in order to expedite resolution of this matter, I am submitting my resignation as a conferee on the bill.

With every good wish, I am

Sincerely,

JACK BROOKS,  
*Chairman.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On Dec. 10, 1973,<sup>(4)</sup> the House by unanimous consent excused Rep. Williamson S. Stuckey, Jr., of Georgia, from further service on a conference committee on the motion of Rep. Harley O. Staggers, of West Virginia, whereupon Speaker Carl Albert, of Oklahoma, filled the resulting vacancy by appointment.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the gentleman

4. 119 CONG. REC. 40500, 93d Cong. 1st Sess.

from Georgia (Mr. STUCKEY) be excused from further service as a conferee on the bill H.R. 11324, and that the Speaker be authorized to appoint a Member to fill the vacancy.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Texas (Mr. ECKHARDT) to fill the vacancy, and the Senate will be notified of the action of the House.

**§ 6.5 Pursuant to Rule X clause 4(e)(3)<sup>(1)</sup> of the 105th Congress, a resignation from the Select Committee on Ethics was effective upon its being laid before the House.**

On Jan. 9, 1997,<sup>(2)</sup> Speaker Newt Gingrich, of Georgia, laid before the House the following communication from Rep. Bunning, resigning from a select committee,<sup>(3)</sup> which was read by the Clerk:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 8, 1997.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,  
*The Capitol, Washington, D.C.*

1. *House Rules and Manual* (1997).
2. 143 CONG. REC. 278, 105th Cong. 1st Sess.
3. Rep. Jim Bunning (KY) served on the Committee on Standards of Official Conduct in the 104th Congress.

DEAR MR. SPEAKER: This is to notify you that I consider my service as a member of the Ethics Committee complete.

Best personal regards,

JIM BUNNING,  
*Member of Congress.*

The charter of the Select Committee on Ethics of the 105th Congress provided for automatic acceptance of resignations and vested replacement authority in the respective party leader, rather than in the Speaker, since the Speaker was being investigated.<sup>(4)</sup>

**§ 6.6 Instance in which multiple letters of resignation from committees were laid before the House, creating vacancies to be filled by a privileged resolution electing Members to committees.**

On Feb. 5, 2003,<sup>(1)</sup> a privileged resolution was adopted<sup>(2)</sup> electing

4. In the 105th Congress a new subparagraph (3) was added at the end of former clause 4(e) of Rule X to establish a Select Committee on Ethics only to resolve an inquiry originally undertaken by the standing Committee on Standards of Official Conduct in the 104th Congress (143 CONG. REC. 123, 105th Cong. 1st Sess., Jan. 7, 1997 [H. Res. 5]). See *House Rules and Manual* § 738 (2007).
1. 149 CONG. REC. 2420, 108th Cong. 1st Sess.
2. H. Res. 52. See *Id.* at p. 2420, 2421.

Members and Delegates to certain standing committees of the House and to establish a Member's rank thereon. The proceedings were as follows:

RESIGNATION AS MEMBER OF  
COMMITTEE ON RESOURCES

The SPEAKER pro tempore<sup>(3)</sup> laid before the House the following resignation as a member of the Committee on Resources:

U.S. CONGRESS,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 5, 2003.*

Hon. J. DENNIS HASTERT, Speaker of  
the House,  
*Washington, DC.*

DEAR MR. SPEAKER. Effective February 5, 2003, I hereby resign from the Committee on Resources.

Sincerely,  
GEORGE MILLER,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.  
There was no objection.

RESIGNATION AS MEMBER OF  
COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 5, 2003.*

Hon. J. DENNIS HASTERT,  
*House of Representatives,*  
*Washington D.C.*

DEAR SPEAKER HASTERT: In order to comply with the rules of the Democratic Caucus so that I may serve on the Committee on the Budget, I hereby take a leave of absence from the Committee on Science. Pursuant to the rules of the Democratic Caucus, I understand that my rights for seniority on the Science Committee will be preserved and that my seniority will continue to accrue.

Sincerely,  
BRIAN BAIRD,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.  
There was no objection.

RESIGNATION AS MEMBER OF  
COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 5, 2003.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives,*  
*The Capitol, Washington DC.*

DEAR MR. SPEAKER: Effective February 5, 2003, I hereby resign my position on the Agriculture Committee.

Sincerely,  
LEONARD BOSWELL,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.  
There was no objection.

3. Steven C. LaTourette (OH).

RESIGNATION AS MEMBER OF  
COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 5, 2003.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives,*  
*The Capitol, Washington DC.*

DEAR MR. SPEAKER: Effective February 5, 2003 I hereby resign my position on the House Agriculture Committee, due to my permanent appointment to the House Armed Services Committee.

Thank you for your consideration of this matter.

Sincerely,

RICK LARSEN,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF  
COMMITTEE ON RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Resources:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 5, 2003.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives,*  
*The Capitol, Washington, DC.*

DEAR MR. SPEAKER: Effective February 5, 2003, I hereby resign my position on the Resources Committee due

to my permanent appointment to the International Relations Committee.

Sincerely,

ADAM SMITH,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF  
COMMITTEE ON FINANCIAL  
SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Financial Services:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 5, 2003.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives,*  
*The Capitol, Washington, DC.*

DEAR MR. SPEAKER: Effective February 5, 2003, I hereby resign my position on the Financial Services Committee due to an error in H. Res. 35 and my permanent appointment to the Transportation and Infrastructure Committee.

Sincerely,

LINCOLN DAVIS,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF  
COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,  
*Second District, New York, February 5,  
2003.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives,  
The Capitol, Washington, DC.*

DEAR MR. SPEAKER: Effective February 5, 2003, I hereby resign my position on the Science Committee due to my permanent appointment to the Armed Services Committee.

Sincerely,  
STEVE ISRAEL,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.  
There was no objection.

RESIGNATION AS MEMBER OF  
COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 5, 2003.*  
Hon. J. DENNIS HASTERT,  
*Speaker of the House, The Capitol,  
Washington, DC.*

DEAR MR. SPEAKER: Effective February 5, 2003, I will be taking a leave of absence from the Government Reform Committee due to my appointment as the Ranking Member of the

Select Committee on Homeland Security.

Sincerely,  
JIM TURNER,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.  
There was no objection.

□ 1900

ELECTION OF MEMBERS AND  
DELEGATES TO CERTAIN  
STANDING COMMITTEES OF  
THE HOUSE

Mr. [James E.] CLYBURN [of South Carolina]. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 52) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 52

*Resolved,* That the following named Members and Delegates be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE: Mr. Alexander, Mr. Ballance, Mr. Cardoza, Mr. Scott of Georgia, Mr. Marshall, Mr. Case.

(2) COMMITTEE ON ARMED SERVICES: Mr. Israel, Mr. Larsen of Washington, Mr. Cooper, Mr. Marshall, Mr. Meek of Florida, Ms. Bordallo, Mr. Alexander.

(3) COMMITTEE ON THE BUDGET: Ms. Majette.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE: Mr. Case, Mr. Grijalva, Ms. Majette, Mr. Ryan of Ohio, Mr. Van Hollen.

(5) COMMITTEE ON FINANCIAL SERVICES: Mr. Emanuel (to rank immediately after Mr. Miller of North Carolina), Mr. Davis of Alabama.

(6) COMMITTEE ON GOVERNMENT REFORM: Mr. Van Hollen, Ms. Linda T. Sánchez, Mr. Ruppertsberger.

(7) COMMITTEE ON HOUSE ADMINISTRATION: Mr. Larson of Connecticut, Ms. Millender-McDonald, Mr. Brady of Pennsylvania.

(8) COMMITTEE ON INTERNATIONAL RELATIONS: Mr. Smith of Washington, Ms. McCollum, Mr. Bell.

(9) COMMITTEE ON RESOURCES: Mr. Grijalva, Mr. Cardoza, Ms. Bordallo.

(10) COMMITTEE ON SCIENCE: Mr. Bell, Mr. Bishop of New York, Mr. Miller of North Carolina, Mr. Davis of Tennessee.

(11) COMMITTEE ON SMALL BUSINESS: Mr. Ballance, Mr. Ryan of Ohio.

(12) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT: Mr. Mollohan.

(13) COMMITTEE ON VETERANS' AFFAIRS: Mr. Michaud.

Mr. CLYBURN (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. SIMPSON).<sup>(4)</sup> Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

*Parliamentarians' Note:* The resignations and subsequent elections were aimed at rectifying mistakes made in previous resolutions and moving Members whose previous appointments were mere placeholders. The second sentence of clause 5(a)(1) of Rule X<sup>(5)</sup> pro-

4. Michael K. Simpson (ID).

5. *House Rules and Manual* § 757 (2007).

vides that a resolution “to change the composition of a standing committee” shall be privileged if offered by direction of the caucus or conference and can support removal or removal-and-replacement. The sentence was added by § 227 of the Balanced Budget and Emergency Deficit Control Act (Pub. L. No. 99–177) to a provision in the rules already addressing the election of members to the standing committees. The drafters chose not to focus on “election” but rather used the broader phrase “change the composition.”

**§ 6.7 The House, by unanimous consent, accepted the resignation of a Member from a standing committee, which cited her recent appointment to a permanent select committee.**

On Sept. 8, 2004,<sup>(1)</sup> the following occurred:<sup>(2)</sup>

RESIGNATION AS MEMBER OF  
COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore<sup>(3)</sup> laid before the House the following resignation as a member of the Committee on Government Reform:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, August 10, 2004.*

1. 150 CONG. REC. 17754, 108th Cong. 2d Sess.
2. See § 6.8, *infra*, for Rep. Davis's appointment to the Permanent Select Committee on Intelligence.
3. Stevan Pearce (NM).

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: I am writing to inform you that I am resigning my seat on the House Government Reform Committee effective August 10, 2004 to accept a seat on the House Permanent Select Committee on Intelligence.

Thank you for your time and consideration.

Sincerely,

JO ANN DAVIS,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

**§ 6.8 The Chair laid before the House two letters of resignation from the Permanent Select Committee on Intelligence, each to be effective during August (when the House was unavailable to accept the resignations), and announced that the Speaker, in consonance with those letters of resignation, and pursuant to Rule I clause 11,<sup>(1)</sup> had removed the resigning Members from the permanent select committee and appointed other Members to fill the resulting vacancies.**

1. *House Rules and Manual* §637 (2007).

On Sept. 8, 2004,<sup>(2)</sup> the following occurred:<sup>(3)</sup>

RESIGNATION AS MEMBER AND APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore<sup>(4)</sup> laid before the House the following resignation as a member of the Permanent Select Committee on Intelligence:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*August 9, 2004.*

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*The Capitol, Washington, DC.*

2. 150 CONG. REC. 17754, 17755, 108th Cong. 2d Sess.
3. *Parliamentarian's Note*: In tendering his resignation as chairman, Rep. Goss implicitly resigned also as a member of the (permanent) select committee. When plans for his departure from the House to become the Director of the CIA became final during the August recess, the Speaker wanted to avoid any lapse in either the chairmanship or the membership of the permanent select committee. To achieve that end, the Speaker used his authority under Rule I clause 11 to remove members of select committees (albeit in consonance with their letters of resignation) to perfect the vacancies to which he could appoint replacements. Rep. Bereuter's resignation from the House had been laid down on July 22, 2004, but was not effective until Aug. 31, 2004. See 150 CONG. REC. 17328, 108th Cong. 2d Sess., July 22, 2004.
4. Mike Pence (IN).



DEAR MR. SPEAKER: Effective immediately, I resign my seat on the House Permanent Select Committee on Intelligence.

Best Wishes,  
DOUG BEREUTER,  
*Member of Congress.*

The SPEAKER pro tempore. The Chair announces that on August 10, 2004, in consonance with the letter of resignation from the gentleman from Nebraska and pursuant to clause 11 of rule I, the Speaker appointed the gentlewoman from Virginia (Mrs. JO ANN DAVIS) to serve on the Permanent Select Committee on Intelligence, vice the gentleman from Nebraska (Mr. BEREUTER).

RESIGNATION AS CHAIRMAN  
AND APPOINTMENT OF CHAIRMAN  
TO PERMANENT SELECT  
COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following resignation as chairman of the Permanent Select Committee on Intelligence:

U.S. HOUSE OF REPRESENTATIVES,  
PERMANENT SELECT COMMITTEE ON  
INTELLIGENCE,  
*Washington, DC, August 10, 2004.*  
Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: As a result of the honor bestowed upon me by the President today, nominating me for the position of Director of Central Intelligence, I believe it is appropriate to relinquish my position as Chairman of

the Permanent Select Committee on Intelligence during the pendency of the confirmation process of that nomination, effective immediately.

Therefore, I would ask that you appoint a Member to take the Chairmanship of the Committee on a temporary basis, effective immediately, until the Senate makes a final determination on the President's nomination.

I believe it continues to be appropriate for me to remain a Member of the Committee, however.

Thank you for your consideration of this request.

Very truly yours,  
PORTER J. GOSS,  
*Chairman.*

The SPEAKER pro tempore. The Chair announces that on August 25, 2004, in consonance with the letter of resignation from the gentleman from Florida and pursuant to clause 11 of rule I, the Speaker designated the gentleman from Michigan (Mr. HOEKSTRA) as chairman of the Permanent Select Committee on Intelligence, vice the gentleman from Florida (Mr. GOSS).

**§ 6.9 Form of postponement of proceedings (pursuant to an earlier order) on a concurrent resolution for the purpose of accepting resignations from standing committees and electing Members thereto.**

On Feb. 2, 2005,<sup>(1)</sup> the House, by unanimous consent, accepted

1. 151 CONG. REC. 1390, 109th Cong. 1st Sess.

resignations of Members from standing committees:

The SPEAKER pro tempore (Mr. SIMPSON).<sup>(2)</sup> Pursuant to the order of the House of today, further proceedings on this concurrent resolution will be postponed.

RESIGNATION AS MEMBER OF  
COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 1, 2005.*

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: I am requesting a leave of absence (effective immediately) from the House Committee on Government Reform due to my pending appointment to the House Permanent Select Committee on Intelligence.

Thank you.

Sincerely,

JOHN F. TIERNEY,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF  
COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation

2. Michael K. Simpson (ID).

tion as a member of the Committee on Agriculture:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 1, 2005.*

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER HASTERT: I would like to resign my seat from the Committee on Agriculture, effective immediately.

Sincerely,

*Bennie G. Thompson,*  
MEMBER OF CONGRESS.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

Later that same day,<sup>(3)</sup> a privileged resolution was submitted by direction of the Democratic Caucus electing minority Members to standing committees:<sup>(4)</sup>

ELECTION OF MEMBERS TO  
CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. [Robert] MENENDEZ [of New Jersey]. Mr. Speaker, I offer a privileged resolution (H. Res. 62) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 62

*Resolved,* That the following named Members and Delegates be

3. 151 CONG. REC. 1391, 109th Cong. 1st Sess.
4. *Parliamentarian's Note:* The Members needed to be elected to their assigned committees in order to participate in committee activities scheduled for that day.

and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Pomeroy, Mr. Boswell, Mr. Larsen of Washington, Mr. Davis of Tennessee, Mr. Chandler.

(2) COMMITTEE ON THE BUDGET.—Mr. Kind.

(3) COMMITTEE ON GOVERNMENT REFORM.—Ms. Norton.

(4) COMMITTEE ON RESOURCES.—Mr. George Miller of California, Mr. Markey, Mr. DeFazio, Mr. Inslee, Mr. Udall of Colorado, Mr. Cardoza, Ms. Herseth.

(5) COMMITTEE ON SCIENCE.—Ms. Hooley of Oregon (to rank immediately after Ms. Woolsey), Ms. Jackson-Lee of Texas, Ms. Zoe Lofgren of California, Mr. Sherman, Mr. Baird, Mr. Matheson, Mr. Costa, Mr. Al Green of Texas, Mr. Melancon.

(6) COMMITTEE ON SMALL BUSINESS.—Mr. Faleomavaega, Mrs. Christensen, Mr. Davis of Illinois, Mr. Case, Ms. Bordallo, Mr. Grijalva, Mr. Michaud, Ms. Linda T. Sánchez of California, Mr. Barrow, Ms. Bean.

(7) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Strickland, Ms. Hooley of Oregon, Mr. Reyes, Ms. Berkley, Mr. Udall of New Mexico.

Mr. MENENDEZ (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## § 7. Reason for Resignation

### *Election to Leadership*

#### § 7.1 Upon his election as Speaker, a Member resigned from various committees on which he had served while Majority Leader.

On Jan. 10, 1962,<sup>(1)</sup> after his election as Speaker, John W. McCormick, of Massachusetts, resigned from various committees of the House on which he had served while Majority Leader.

#### RESIGNATION FROM COMMITTEES

The SPEAKER. The Chair desires to announce that he is herewith submitting his resignation as a member of the Committee on Government Operations; the Committee on Science and Astronautics; and also as a member of the Franklin Delano Roosevelt memorial Commission.

Without objection the resignations will be accepted.

There was no objection.

#### § 7.2 Upon his selection as Majority Leader, a Member resigned from a standing committee.

On Feb. 7, 2006,<sup>(1)</sup> the House, by unanimous consent, accepted

1. 108 CONG. REC. 8, 87th Cong. 2d Sess.

1. 152 CONG. REC. 988, 989, 109th Cong. 2d Sess.

the resignation of a Member as chairman of a standing committee.

RESIGNATION AS CHAIRMAN OF COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore<sup>(2)</sup> laid before the House the following resignation as chairman of the Committee on Education and the Workforce:

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, Washington, DC, February 6, 2006. Hon. J. DENNIS HASTERT, Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: As a result of my election Thursday as Majority Leader, this letter is to inform you that I resign as Chairman of the Committee on Education and the Workforce and from further service on that Committee. During my five years of service as Chairman on the Committee on Education and the Workforce, the Committee has overseen and enacted 131 public laws designed to improve the lives of all Americans.

I also resign from the Committee on Agriculture on which I have served since being elected to Congress. I would ask that Conference Rule 2 be invoked with respect to my status on both Committees. I am humbled by my peers' decision to elect me as our Majority Leader and I look forward to working with you in that capacity.

Sincerely, JOHN A. BOEHNER, Chairman.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

2. John Campbell (CA).

There was no objection.

On Jan. 18, 1962,<sup>(3)</sup> Carl Albert, of Oklahoma, resigned from the Committee on Agriculture after his selection as Majority Leader.

CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES OFFICE OF THE DEMOCRATIC WHIP, Washington, D.C., January 18, 1962.

The Honorable the SPEAKER OF THE HOUSE.

Sir: I herewith submit my resignation as a member of the House Committee on Agriculture.

Very truly yours, CARL ALBERT.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

Election as Committee Chair

§ 7.3 A newly elected chairman of a committee resigned as a member of another committee.

On Sept. 21, 1961,<sup>(1)</sup> the House agreed to a resolution electing a new chairman of the Committee on Science and Astronautics (a vacancy having been created by the death of the former chairman, Overton Brooks, of Louisiana). Thereupon, the newly elected

3. 108 CONG. REC. 470, 87th Cong. 2d Sess.

1. 107 CONG. REC. 20549, 87th Cong. 1st Sess.

chairman, George P. Miller, of California, resigned as a member of the Committee on Merchant Marine and Fisheries, which resignation was laid before the House and accepted.

ELECTION OF GEORGE P. MILLER TO COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. [Wilbur D.] MILLS [of Arkansas]. Mr. Speaker, I offer a privileged resolution (H. Res. 474) and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That GEORGE P. MILLER, of California, be, and he is hereby, elected chairman of the standing committee of the House of Representatives on Science and Astronautics.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEE

The SPEAKER pro tempore<sup>(2)</sup> laid before the House the following communication which was read by the Clerk:

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., September 21, 1961.*

Hon. SAM RAYBURN,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the House Merchant Marine and Fisheries Committee.

2. John W. McCormack (MA).

Sincerely yours,  
GEORGE P. MILLER.

The SPEAKER pro tempore. Without objection the resignation is accepted.

There was no objection.

***Election to Committee***

**§ 7.4 A Member resigned from certain committee assignments pending his election to the Committee on Ways and Means.**

On July 30, 1968,<sup>(1)</sup> the chairman<sup>(2)</sup> of the Committee on House Administration, who also was a member of the Committee on Foreign Affairs, resigned from those positions pending his election to the Committee on Ways and Means.<sup>(3)</sup> His resignation was laid before the House by the Speaker:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., July 30, 1968.*

Hon. JOHN W. McCORMACK,  
*Speaker of the House, the Capitol,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Please accept my resignation from the Committee on House Administration, the Joint Committee on Printing and the Joint Committee on the Library.

1. 114 CONG. REC. 24215, 90th Cong. 2d Sess.
2. Omar T. Burleson (TX).
3. See 114 CONG. REC. 24220, 90th Cong. 2d Sess., July 30, 1968 (H. Res. 1276).

**Ch. 37 § 7**      DESCHLER-BROWN-JOHNSON PRECEDENTS

With kindest regards, I remain,

Sincerely yours,

OMAR BURLESON.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER laid before the House the following resignation from a committee:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., July 30, 1968.*

Hon. JOHN W. McCORMACK,  
*Speaker of the House, the Capitol,  
Washington, D.C.*

DEAR MR. SPEAKER: Please accept my resignation from the Committee on Foreign Affairs.

With kindest regards, I remain,

Sincerely yours,

OMAR BURLESON.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

**§ 7.5 The House, by unanimous consent, accepted the resignation of a Member from three standing committees.**

On Sept. 29, 2004,<sup>(1)</sup> Speaker J. Dennis Hastert, of Illinois, laid before the House the following resignation, which cited the Member's appointment to the Committee on Rules:

1. 150 CONG. REC. 19888, 108th Cong. 2d Sess.

**RESIGNATION AS MEMBER OF CERTAIN STANDING COMMITTEES OF THE HOUSE**

The SPEAKER laid before the House the following resignation as a member of the Committee on Agriculture, the Committee on Government Reform, and the Committee on Budget:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, September 28, 2004.*

Hon. J. DENNIS HASTERT,  
Speaker of the House, The Capitol,  
Washington, DC.

DEAR MR. SPEAKER, I hereby resign from the House Agriculture, Government Reform and Budget Committees due to my appointment to the House Committee on Rules.

Sincerely,

ADAM H. PUTNAM,  
*Member of Congress.*

The SPEAKER. Without objection, the resignations are accepted.

There was no objection.

On Jan. 21, 2004,<sup>(2)</sup> Speaker pro tempore John Culberson, of Texas, laid down the following resignation:

**RESIGNATION AS MEMBER OF COMMITTEE ON FINANCIAL SERVICES, SELECT COMMITTEE ON HOMELAND SECURITY AND COMMITTEE ON SMALL BUSINESS**

The SPEAKER pro tempore (Mr. CULBERSON) laid before the House the following resignation as a member of the Committee on Financial Services,

2. 150 CONG. REC. 140, 141, 108th Cong. 2d Sess.

the Select Committee on Homeland Security, and the Committee on Small Business:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 20, 2004.*  
Hon. DENNIS HASTERT,  
*Speaker of the House, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Effective January 20, 2004, I hereby resign from the Committee on Financial Services, the Select Committee on Homeland Security, and the Committee on Small Business due to my pending appointment to the Committee on Energy and Commerce.

Sincerely,  
CHARLES A. GONZALEZ,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.  
There was no objection.

### ***Statement of Reasons for Resignation***

#### **§ 7.6 A Member's letter of resignation from a committee, addressed to the Speaker, may state the reasons impelling the Member to resign.**

On Apr. 26, 2001,<sup>(1)</sup> Speaker pro tempore Paul Ryan, of Wisconsin, laid before the House a communication from Rep. Collin C. Peterson, of Minnesota, resigning his seat on a standing committee in light of his recent appointment to

1. 147 CONG. REC. 6299, 107th Cong. 1st Sess.

a permanent select committee and a rule of his party's caucus restricting the number of committee assignments.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, April 24, 2001.*

Hon. DENNIS HASTERT,  
*Speaker of the House,*  
The Capitol, Washington, D.C.

DEAR MR. SPEAKER: Thank you for appointing me to serve on the House Permanent Select Committee on Intelligence.

In keeping with the Democratic Caucus rules and Rules of the House that limit me to serving on no more than two full committees I am resigning from my seat on the House Committee on Veterans' Affairs.

Please notify me as to the disposition of this request. . . .

Thank you in advance for your prompt attention to this matter.

Sincerely,  
COLLIN C. PETERSON,  
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.  
There was no objection.

On Sept. 17, 1980,<sup>(2)</sup> Speaker Thomas P. O'Neill, Jr., of Massachusetts, laid before the House a communication from Rep. Michael O. Myers, of Pennsylvania, resigning his membership on a conference committee in light of a felony conviction.

WASHINGTON, D.C.  
*September 17, 1980.*

2. 126 CONG. REC. 25886, 96th Cong. 2d Sess.

**Ch. 37 § 7**      DESCHLER-BROWN-JOHNSON PRECEDENTS

Hon. CARL PERKINS,  
*Education and Labor Committee,*  
*Rayburn Building.*

DEAR MR. CHAIRMAN: In compliance with House Rule XLIII, I must refrain from participation in the business of the committees of which I am a member.

Consequently, I am unable to act as a conferee on the Child Nutrition legislation and would ask that you excuse me from this duty and appoint another member to the conference committee.

Sincerely yours,  
MICHAEL O. MYERS,  
*Member of Congress.*

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

On Sept. 24, 1974,<sup>(3)</sup> Speaker Carl Albert, of Oklahoma, laid before the House a communication from Rep. Frank J. Brasco, of New York, resigning his membership on a conference committee in light of a felony conviction.

WASHINGTON, D.C.,  
*September 19, 1974.*

Hon. CARL ALBERT,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: In view of my present circumstances, and because of the provisions of House Resolution 128, I hereby tender my resignation as a member of the conference committee on S. 386 and H.R. 11221.

3. 120 CONG. REC. 32420, 93d Cong. 2d Sess.

With warmest personal regards, I am,

Sincerely yours,  
FRANK J. BRASCO.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

On Feb. 7, 1966,<sup>(4)</sup> a letter of resignation of a Member from a committee was laid before the House and accepted. The letter noted certain restrictions against dual committee assignments.

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., February 7, 1966.*

Hon. JOHN W. McCORMACK,  
*Speaker of the House,*  
*House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I herewith tender my resignation as a member of the Committee on Agriculture.

Having thoroughly enjoyed my work on this committee, I wish to advise the House that this resignation is being submitted in accordance with a decision of our committee on committees that members of the Committee on Rules should not have dual committee assignments.

Sincerely yours,  
DELBERT L. LATTA,  
*Representative to Congress.*

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

On Jan. 13, 1966,<sup>(5)</sup> a Member's letter of resignation as the chairman and member of a committee

4. 112 CONG. REC. 2383, 2384, 89th Cong. 2d Sess.

5. *Id.* at p. 170.



was laid before the House by the Speaker and accepted. The letter made reference to the Member's appointment as a Federal district court judge.

JANUARY 13, 1966.

Hon. JOHN W. McCORMACK,  
*The Speaker,*  
*House of Representatives,*  
*Washington, D.C.*

MY DEAR MR. SPEAKER: In view of my imminent departure from the House of Representatives to assume a new role for me as U.S. district judge for the eastern and western districts of Arkansas, I hereby tender to you my resignation as chairman and a member of the Committee on Interstate and Foreign Commerce.

I leave this important assignment with affection and deep appreciation for the members of the committee with whom I have served over the years.

With genuine respect and high esteem, I am,

Sincerely yours,

OREN HARRIS  
*Member of Congress.*

The SPEAKER. Without objection, the resignation of the distinguished gentleman from Arkansas, who has rendered outstanding service as a legislator and as chairman of the important Committee on Interstate and Foreign Commerce, is—and I pause—accepted.

There was no objection.

On Feb. 3, 1965,<sup>(6)</sup> a member of the Committee on the Judiciary,

6. 111 CONG. REC. 1870, 89th Cong. 1st Sess.

having ceased to serve on the subcommittee dealing with immigration matters, submitted his resignation from the Joint Committee on Immigration and Nationality Policy.

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., February 3, 1965.*

Hon. JOHN W. McCORMACK,  
*Speaker of the House,*  
*U.S. House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Having transferred this year from subcommittee No. 1 of the Committee on the Judiciary, which has special jurisdiction over immigration legislation, it would be inappropriate for me to serve on the Joint Committee on Immigration and Nationality Policy to which I was reappointed on February 1, 1965.

In accordance with custom, I hereby respectfully submit my resignation from the Joint Committee on Immigration and Nationality Policy.

Sincerely,

RICHARD H. POFF.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

Similarly, on Jan. 25, 1943,<sup>(7)</sup> the resignation of a Member from the five committees to which he had been assigned at the opening of the Congress was laid before

7. 89 CONG. REC. 356, 78th Cong. 1st Sess.

the House. In the letter, the Member, James H. Morrison, of Louisiana, set forth his reasons for resigning all the committees on which he had been placed.

WASHINGTON, D. C.,  
January 23, 1943.

Hon. SAM RAYBURN,  
*Speaker of the House of Representatives,*  
*United States Congress,*  
*Washington, D. C.*

MY DEAR MR. SPEAKER: I herewith tender my resignation as a member of each of the following five committees:

Coinage, Weights, and Measures; Invalid Pensions; Public Lands; War Claims; Mines and Mining.

I want to make it plain that in taking this action I am not attempting to shirk my share of work. It is a fact, however, that the work of these committees is of no interest to people in my part of the country. Nor does the work of these committees have to do with the war, or national policy. Hence, if I tied myself down to committees of this type I would be serving interests which are of no concern to my people.

My district is predominantly agricultural. My whole personal background is agricultural. I have been intimately associated with farmers and farm organizations. I know little, if anything, of (1) mines and mining, (2) coinage, weights, and measures, (3) pensions, (4) war claims, and (5) there are no public lands worth mentioning in all my territory.

I requested an assignment to the Committee on Appropriations, where I

hoped that I might serve in connection with agricultural appropriations, or to the Committee on Agriculture. I know that they are important committees, and that it is not ordinarily considered that a new Congressman has a right to demand them. I did not ask for them because of any personal interest or virtue of my own. I asked them in the name of my people, who form one of the largest and most important agricultural communities in the country. I felt that if I did not get some such assignment, then I could be more useful by leaving myself free to devote whatever talents and energy I possess to the war, to national affairs, and to things in which my people are directly concerned. I certainly should feel that I was not representing my people if I permitted myself to be tied down with the details of five such committees as these.

I assure you, Mr. Speaker, that in taking this action I hold no resentment against anybody. I have been told that it is an unusual action for a new Congressman to take. If so, my answer is (1) that these are unusual times; and (2) that it ought not to be unusual for any Congressman to insist on devoting his time and energy to the purposes for which he is elected.

I assure you that in all matters which appear to me to be in the interest of the war effort, the welfare of my people, and the national good, you shall have my support.

Yours very truly,  
JAMES H. MORRISON,  
*Member of Congress.*

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

On Jan. 14, 1937,<sup>(8)</sup> the following letter of resignation of Rep. Usher L. Burdick, of North Dakota, from certain committees was laid before the House and read by the Clerk. The letter emphasized Mr. Burdick's dissatisfaction with the committees to which he had been assigned:

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C.

Mr. SPEAKER: The Republican minority having filed its resolution on committee appointments, and the same having been duly adopted by the House, I hereby tender my resignation from all committees to which I was named by the Republican minority for the following reasons, to wit—

Mr. [Bertrand H.] SNELL [of New York]. Mr. Speaker, reserving the right to object, is it proper to give the reasons for resigning from committees?

The SPEAKER.<sup>(9)</sup> It has been done before. The Clerk will proceed.

The Clerk continued reading:

First. I received no committee assignments from the minority in the Seventy-fourth Congress, save three minor committees. I endeavored to serve on these to the best of my ability, believing that in the Seventy-fifth Congress I might be advanced.

Second. Instead of being advanced I was left on the same committees and actually demoted in rank to the tail-end kite of a discredited political party. I was fully advised of the pun-

ishment in store for me if I did not support Mr. SNELL for the speakership. I refused to support him for the good of the Republican Party, and this action has been the result.

Third. I am not in sympathy with the present leadership of the Republican Party in this House and will not accept this demonstration of party punishment.

USHER L. BURDISK.

The resignation was accepted.

### *Change of Party Affiliation*

**§ 7.7 A resignation from a committee based on a change in a Member's political party affiliation was, in the earlier practice, subject to acceptance by the House.**

On Mar. 27, 1972,<sup>(1)</sup> the Speaker laid before the House a letter from a Member by which the Member, having changed his political party affiliation, submitted his resignation as a member of two committees of the House.

WASHINGTON, D.C.,  
March 23, 1972.

Hon. CARL ALBERT,  
*House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Having changed my registration yesterday from Republican to Democrat, I hereby resign from the Committee on Education and Labor and the Committee on Government Operations, as a Republican member.

8. 81 CONG. REC. 245, 75th Cong. 1st Sess.

9. William B. Bankhead (AL).

1. 118 CONG. REC. 10198, 92d Cong. 2d Sess.

With warm regard,

Sincerely,

OGDEN R. REID.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

On Jan. 20, 1958,<sup>(2)</sup> a Member, having submitted his resignation from a House committee, took the floor immediately before the Clerk read his resignation letter to explain that he had changed his party affiliation. He enunciated the steps he had taken to ensure that records and proceedings of the House would properly portray his changed affiliation.

The Speaker then laid Mr. Dellay's resignation from the Committee on Merchant Marine and Fisheries before the House.

Mr. [Vincent J.] DELLAY [of New Jersey]. Mr. Speaker, on October 27, 1957, I notified the people of my constituency that henceforth I considered myself a member of the Democratic Party and would support the candidate of that party and its policies and program. Inasmuch as I had been elected to the 85th Congress as a Republican, I did, on November 1, 1957, notify the Republican leader in the House of Representatives, the Honorable JOSEPH W. MARTIN, JR., that thereafter I would consider myself an affiliate of the Democratic Party and would, if permitted to do so, attend and become a

2. 104 CONG. REC. 673, 674, 85th Cong. 2d Sess.

member of the Democratic caucus of the House of Representatives. I was invited to attend such a caucus on January 14, 1958. I make this statement at this time, Mr. Speaker, so that the records and proceedings of this House will properly portray my present party affiliation. I insert at this point a copy of the letter I addressed to the Honorable JOSEPH W. MARTIN, JR., on November 1, 1957.

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., November 1, 1957.*

Hon. JOSEPH W. MARTIN, JR.,  
*Minority Leader of the United States  
House of Representatives, United  
States Capitol, Washington, D.C.*

DEAR MR. MARTIN: This is to ask that my name be withdrawn from the rolls of the House as a Republican Congressman. After I vote for the Democrat gubernatorial candidate as well as the entire Democrat ticket for Hudson County, N. J., in the general election on November 5, 1957, I will officially become a member of the Democrat Party.

I have notified the Democrat State committeeman and the Democrat State committeewoman to list me as a member of the Democrat State organization and to notify the chairman of the National Democrat Committee, the Speaker of the House, and the majority leader of the House that I will sit on the Democrat side of the House when the next session of Congress convenes.

Thanking you for your many past courtesies and with every good wish.

Sincerely yours,

VINCENT J. DELLAY.

RESIGNATION FROM  
COMMITTEE

The SPEAKER laid before the House the following resignation from committee.

The Clerk read as follows:

*January 16, 1958.*

Hon. SAM RAYBURN,  
*The Speaker, United States House of  
Representatives, United States  
Capitol, Washington, D. C.*

DEAR MR. SPEAKER: Having changed my politics from Republican to Democratic during the gubernatorial campaign in New Jersey last year, this is my official resignation from the House Merchant Marine and Fisheries Committee as a Republican member.

Sincerely,  
VINCENT J. DELLAY.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

*Parliamentarian's Note:* After Mr. Dellay's resignation from the Committee on Merchant Marine and Fisheries as a Republican, and after the Clerk listed Mr. Dellay as a member of his new party, Mr. Dellay was, on Jan. 27, 1958, elected as a Democratic member to two committees.<sup>(3)</sup>

***Committee Membership Dependent on Continued Caucus or Conference Affiliation***

**§ 7.8 A Member's membership on a standing committee is**

3. See H. Res. 452. *Id.* at p. 1073.

**contingent on the Member's continuing membership in the nominating party caucus or conference.**

On Sept. 7, 2004,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> laid before the House communications reflecting the operation of clause 5(b) of Rule X.<sup>(3)</sup> Under clause 5(b) of Rule X, membership on a standing committee is contingent on continuing membership in the party caucus or conference that nominated the Member for election thereto. When a Member ceases to be a member of a party caucus or conference, pursuant to clause 5(b) of Rule X, the chairman of the caucus or conference notifies the Speaker, and the Speaker notifies the chairman of each standing committee to which the Member was elected on the nomination of that caucus or conference that the Member's election to the committee is automatically vacated.

COMMUNICATION FROM THE  
HON. ROBERT MENENDEZ,  
CHAIRMAN, DEMOCRATIC  
CAUCUS

The SPEAKER pro tempore laid before the House the following communication from the Honorable ROBERT

1. 150 CONG. REC. 17535, 17536, 108th Cong. 2d Sess.
2. Mike Pence (IN).
3. *House Rules and Manual* § 760 (2007).

Ch. 37 §7      DESCHLER-BROWN-JOHNSON PRECEDENTS

MENENDEZ, Chairman, Democratic  
Caucus:

DEMOCRATIC CAUCUS,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, August 9, 2004.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House, House of Rep-  
resentatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to  
clause 5(b)(1) of Rule X, I am writing  
to inform you that Rep. Rodney Alex-  
ander has ceased to be a member of  
the House Democratic Caucus.

Sincerely,  
ROBERT MENENDEZ,  
*Chairman.*

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COMMUNICATION FROM THE  
SPEAKER

The SPEAKER pro tempore laid be-  
fore the House the following commu-  
nication from the Speaker:

OFFICE OF THE SPEAKER,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, August 16, 2004.*

Hon. BOB GOODLATTE,  
*Chairman, Committee on Agri-  
culture, House of Representa-  
tives, Washington, DC.*

DEAR MR. CHAIRMAN: This is to ad-  
vise you that Representative Rodney  
Alexander's election to the Committee  
on Agriculture has been automatically  
vacated pursuant to clause 5(b)(1) of  
rule X effective August 9, 2004.

Sincerely,  
J. DENNIS HASTERT,  
*Speaker of the House.*

COMMUNICATION FROM THE  
SPEAKER

The SPEAKER pro tempore laid be-  
fore the House the following commu-  
nication from the Speaker:

OFFICE OF THE SPEAKER,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, August 16, 2004.*

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed  
Services, House of Representa-  
tives, Washington, DC.*

DEAR MR. CHAIRMAN: This is to ad-  
vise you that Representative Rodney  
Alexander's election to the Committee  
on Armed Services has been automati-  
cally vacated pursuant to clause 5(b)(1)  
of rule X effective August 9, 2004.

Sincerely,  
J. DENNIS HASTERT,  
*Speaker of the House.*

On Sept. 13, 2000,<sup>(4)</sup> Speaker  
pro tempore Michael K. Simpson,  
of Idaho, laid before the House  
correspondence reflecting a  
change of party affiliation by Rep.  
Matthew G. Martinez, of Cali-  
fornia.<sup>(5)</sup>

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, July 27, 2000.*

4. 146 CONG. REC. 17832, 17833, 106th  
Cong. 2d Sess.
5. For other recent examples see: 150  
CONG. REC. p. 17536, 108th Cong. 2d  
Sess., Sept. 7, 2004 (Rodney Alex-  
ander [LA]); 150 CONG. REC. 65,  
108th Cong. 2d Sess., Jan. 20, 2004  
(Ralph M. Hall [TX]); 146 CONG.  
REC. 401, 106th Cong. 2d Sess., Feb.  
1, 2000 (Virgil Goode [VA]); 145  
CONG. REC. 16586, 106th Cong. 1st

Hon. JEFF TRANDAHL,  
*Clerk, U.S. House of Representatives,  
 H-154, Capitol, Washington, DC.*

DEAR MR. TRANDAHL: Effective July 26, 2000, please change my party designation on your official records and databases to "REPUBLICAN."

Your assistance is appreciated.

Sincerely,  
 MATTHEW G. MARTINEZ,  
*Member of Congress.*

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COMMUNICATION FROM THE  
 HONORABLE MARTIN FROST,  
 CHAIRMAN, DEMOCRATIC  
 CAUCUS

The SPEAKER pro tempore laid before the House the following communication from the Honorable MARTIN FROST, Chairman of the Democratic Caucus:

DEMOCRATIC CAUCUS,  
 HOUSE OF REPRESENTATIVES,  
*September 13, 2000.*

Hon. DENNIS HASTERT,  
*Speaker, House of Representatives,*

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Sess. July 19, 1999 (Michael P. Forbes [NY]); James A. Hayes (LA), Dec. 12, 1995, 141 CONG. REC. 36172, 36173, 104th Cong. 1st Sess., Dec. 12, 1995 (James A. Hayes [LA]); 141 CONG. REC. 32627, 104th Cong. 1st Sess., Nov. 15, 1995 (Michael Parker [MS]); 141 CONG. REC. 24717, 104th Cong. 1st Sess., Sept. 12, 1995 (W.J. [Billy] Tauzin [LA]); 141 CONG. REC. 18252, 18253, 104th Cong. 1st Sess., July 10, 1995 (Gregory H. Laughlin [TX]); and 141 CONG. REC. 12396, 18397, 104th Cong. 1st Sess., May 10, 1995 (J. Nathan Deal [GA]).

*Washington, DC.*

DEAR MR. SPEAKER: This is to notify you that the Honorable Matthew Martinez of California has resigned as a Member of the Democratic Caucus.

Sincerely,  
 MARTIN FROST,  
*Chairman.*

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COMMUNICATION FROM THE  
 SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

OFFICE OF THE SPEAKER,  
 U.S. HOUSE OF REPRESENTATIVES,  
*Washington, DC, September 13, 2000.*

Hon. BENJAMIN A. GILMAN,  
*Chairman, Committee on International Relations, U.S. House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is to advise you that Representative Matthew G. Martinez's election to the Committee on International Relations has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Sincerely,  
 J. DENNIS HASTERT,  
*Speaker of the House.*

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ANNOUNCEMENT BY THE  
 SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the foregoing communications, the party affiliation of Representative MARTINEZ has been switched for informational voting record purposes and

his committee memberships have been vacated.

Had the foregoing communication of July 27, 2000, from Representative MARTINEZ to the Clerk been laid before the House at that time, the party affiliation for voting informational purposes would have been changed or, as has been the case in the past, the process would have been timely noticed in writing to the chairman of the Democratic Caucus who, in turn, would notify the Speaker by letter pursuant to clause 5(b) of rule X.

### *Allegations of Improprieties*

#### **§ 7.9 The chairman of a special investigating committee, having been accused of accepting fees for appearing before a government agency, tendered his resignation from such committee after taking the floor in defense of his position.**

On Sept. 30, 1943,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, recognized Mr. Edward E. Cox, of Georgia, to offer his resignation as chairman of a special committee to investigate the Federal Communications Commission after he was charged with accepting a fee for appearing before a government agency.

The SPEAKER. The Chair recognizes the gentleman from Georgia [Mr. COX].

1. 89 CONG. REC. 7936, 7937, 78th Cong. 1st Sess.

Mr. COX. Mr. Speaker, I never gave my heart and my hand to another in friendship but that they were his forever, and nothing has delighted me more than hazarding injury by going to his aid in time of stress. This sweet manner of receiving me with such gracious applause evidences to me that the Members of the House have this same devotion to this highest of human relationships.

Mr. Speaker, for more than a year, now, I have been the object of bitter and scurrilous attacks.

Day after day the poisoned shafts of slander have been driven through my heart. Every effort to tear down and to destroy a reputation I have spent a lifetime in building has been put forth. All this is something that I have been compelled to endure in silence. My hands have been tied—tied by the chairmanship of the select committee of this House to investigate the F.C.C.

This chairmanship has compelled me to maintain a judicial attitude which cannot longer be done in the face of the insults and the slander being hurled at me from day to day.

Mr. Speaker, that which is being dealt out to me is a sorry wage for a service I have tried to render in the interests of my fellow men. . . .

Mr. Speaker, moved by these considerations, and fortified by the concurrence of friends in this House in whose friendship and judgment I have the utmost confidence, I tender you my resignation as chairman of the Select Committee to Investigate the Federal Communications Commission. Its work thus far has been well done. Its membership is excellent. Its staff is composed of men and women who are able,



conscientious, and skilled in the work they have undertaken. This committee must continue its work under a new chairman, freed of any possible embarrassment of my personal problems or controversies. I thank you for the honor of having named me chairman of the committee, and for your expressed confidence in my administration of its affairs. I urge the House to support, to continue and to stand solidly back of the work of the committee under its new chairman, whoever he may be.

So far as I am personally concerned, my love and admiration for this House, my devotion to its ideals, make it a matter of pride with me that I, as one of its Members, efface myself so that the work of one of its committees may go forward. Let no man mistake me. I shall continue to make the fight where I find it. I leave the well of this House today with my head unbowed and with my devotion to my duties undimmed.

The SPEAKER. The resignation of the gentleman from Georgia is accepted.

**§ 7.10 Form of final speech by the former Majority Leader engineered via debate on the question of resignation from committee that was accepted by unanimous consent.**

On June 8, 2006,<sup>(1)</sup> the following letter of resignation was laid before the House:

RESIGNATION AS MEMBER OF  
COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following resignation

1. 152 CONG. REC. 10498, 10500, 109th Cong. 2d Sess.

tion as a member of the Committee on Appropriations:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, June 8, 2006.*

Hon. J. DENNIS HASTERT,  
*Speaker, U.S. House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: Please accept my resignation, effective immediately, from the House Committee on Appropriations.

It has been my great pleasure to serve on the committee under the fine leadership of Chairman Jerry Lewis and Chairman Bill Young.

Thank you for your attention to this request.

Sincerely,

TOM DELAY,  
*Member of Congress.*

The SPEAKER pro tempore.<sup>(2)</sup> The question is, Shall the resignation be accepted?

The gentleman from Texas is recognized.

□ 1715

Mr. DELAY. Mr. Speaker, political careers tend to end in one of three ways: defeat, death, or retirement. And despite the fervent and mostly noble exertions of my adversaries over the years, I rise today to bid farewell to this House under the happiest of the available options. . . .

I say good-bye today, Mr. Speaker, with few regrets, no doubt. And so with love and gratitude for friends and foe alike, patriots all, I yield back the floor of our beloved House. And I exit as always, stage right.

2. Michael K. Simpson (ID).

The SPEAKER pro tempore. Without objection, the resignation is accepted.  
There was no objection.

## § 8. Resignations From Delegations and Commissions

### § 8.1 A Member's letter of resignation as a delegate to an international conference is laid before the House.

On Jan. 3, 1961,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, laid before the House two letters of resignation of Members as delegates to the NATO Parliamentarians Conference:

NOVEMBER 14, 1960.

The SPEAKER,  
*House of Representatives,*  
*Washington, D.C.*

SIR: Because of the extreme press of business at the present time it is impossible for me to attend the NATO Parliamentarians Conference to be held in Paris this week. Therefore, I hereby submit my resignation from the House contingent.

I wish to take this opportunity to express to you my gratitude for your confidence in me in appointing me. If I may be of service to you in any way I am yours to command.

Most cordially yours,  
MERWIN COAD,  
*Representative in Congress.*

1. 107 CONG. REC. 26, 87th Cong. 1st Sess.

### RESIGNATION AS A DELEGATE TO THE NATO PARLIAMENTARIANS CONFERENCE

The SPEAKER laid before the House the following communication, which was read:

NOVEMBER 14, 1960.

Hon. SAM RAYBURN,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I sincerely regret that I must tender my resignation as a delegate to the NATO Parliamentarians Conference for the year 1960.

I appreciate very much your having appointed me.

Very truly yours,  
ROBERT J. CORBETT,  
*Member of Congress.*

The Speaker then announced to the House that pursuant to an order of the House authorizing him to accept resignations and make certain appointments, he had appointed two Members to replace the two Members who had resigned.

### *Resignations from Commissions*

### § 8.2 The Chair laid before the House a communication from a Member resigning from the House Commission on Congressional Mailing Standards.

On Sept. 20, 2006,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> laid before the House the following communication:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, September 19, 2006.*

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER HASTERT: It has been an honor and a privilege to serve the House as Chair of the Franking Commission. I am grateful to Chairman Ehlers for the opportunity I have had to serve in this position.

I have thoroughly enjoyed working with the majority and minority staff of the Franking Commission, as we have worked together to ensure the standards of the Commission have been met. In particular, I would like to commend Jack Dail and Rich Landon for unending dedication to the commission. The purpose of this letter is to inform you that I am removing myself from the Franking Commission effective today.

Sincerely,

BOB NEY,  
*Member of Congress.*

### § 8.3 The Chair laid before the House the resignation of a

1. 152 CONG. REC. 18788, 109th Cong. 2d Sess.

*Parliamentarian's Note:* Because his appointment to the Franking Commission did not require House approval, neither did his resignation. Rep. Vernon J. Ehlers (MI) was appointed to fill this vacancy on the Commission. See *Id.* at p. 18832.

2. Michael K. Simpson (ID).

### Member (the former Majority Leader) from the House Office Building Commission.<sup>(1)</sup>

Pursuant to statute (2 USC § 2001), as well as “recess appointment” authority granted by unanimous consent on Dec. 18, 2005, the Chair announced the Speaker’s appointment of the (new) Majority Leader to fill a vacancy on the House Office Building Commission.

On Mar. 9, 2006,<sup>(2)</sup> the following occurred:

#### RESIGNATION OF MEMBER AND APPOINTMENT OF MEMBER TO HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore<sup>(3)</sup> laid before the House the following communication from the Hon. TOM DELAY, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 13, 2006.*  
Hon. J. DENNIS HASTERT,  
*Speaker of the House, House of Representatives, The Capitol, Washington, DC.*

DEAR MR. SPEAKER, I hereby resign my position as a member of the House Office Building Commission effective immediately.

Sincerely,

TOM DELAY,  
*Member of Congress.*

1. Before title 40 was codified as positive law in 2002, the statute appeared at 40 USC § 175.
2. 152 CONG. REC. 3172, 109th Cong. 2d Sess.
3. John Campbell (CA).

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 2001, and the order of the House of December 18, 2005, the Chair announces that on February 13, 2006, the Speaker appointed the gentleman from Ohio (Mr. BOEHNER) to the House Office Building Commission to fill the existing vacancy thereon.

**§ 8.4 The Speaker may be authorized by unanimous consent to accept resignations notwithstanding an adjournment *sine die*.**

On Oct. 14, 1968,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, was authorized to accept resignations (and appoint commissions, boards, and committees), notwithstanding adjournment of the second session of the 90th Congress *sine die*.

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the 2d session of the 90th Congress, the Speaker be authorized to accept resignations, and appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

On Dec. 15, 1967,<sup>(2)</sup> Mr. Albert asked for unanimous consent that,

1. 114 CONG. REC. 31313, 90th Cong. 2d Sess.
2. 113 CONG. REC. 37190, 90th Cong. 1st Sess.

notwithstanding the adjournment of the first session of the 90th Congress, Speaker McCormack be authorized to accept resignations (and to appoint commissions, boards, and committees authorized by law or by the House). There was no objection and it was so ordered.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the first session of the 90th Congress, the Speaker be authorized to accept resignations, and appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

On Oct. 22, 1965,<sup>(3)</sup> Speaker McCormack was authorized to accept resignations and to appoint commissions, boards, and committees authorized by law, notwithstanding adjournment *sine die*.

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the 1st session of the 89th Congress, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

3. 111 CONG. REC. 28563, 89th Cong. 1st Sess.

**§ 8.5 The Speaker was authorized by unanimous consent to accept resignations notwithstanding an adjournment to a day certain.**

On Oct. 13, 1970,<sup>(1)</sup> Mr. Carl Albert, of Oklahoma, asked for unanimous consent that, notwithstanding any adjournment of the House until Nov. 16, 1970, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House. Speaker John W. McCormack, of Massachusetts, asked if there was any objection to the request of the gentleman from Oklahoma and there was none.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until November 16, 1970, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

***Informing House of Resignations During Adjournment***

**§ 8.6 The Speaker and party leaders may be authorized by**

1. 116 CONG. REC. 36600, 91st Cong. 2d Sess.

**unanimous consent to accept resignations from commissions, boards, and committees, as authorized by law or by the House, for a stated period.**

On Jan. 8, 2003,<sup>(1)</sup> the House by unanimous consent authorized Speaker J. Dennis Hastert, of Illinois, Majority Leader Tom DeLay, of Texas, and Minority Leader Nancy Pelosi, of California, to accept resignations and make appointments to commissions, boards, and committees during the first session, as authorized by law or by the House.

Ms. [Deborah] PRYCE [of Ohio]. Mr. Speaker, I ask unanimous consent that during the first session of the 108th Congress, the Speaker and majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

1. 149 CONG. REC. 239, 108th Cong. 1st Sess.
2. Dennis R. Rehberg (MT).

## D. Resignations of Officers, Officials, and Employees

### § 9. Procedure

#### *Officers*

#### § 9.1 A Speaker has resigned “effective upon the election of his successor.”

On May 31, 1989,<sup>(1)</sup> Speaker James C. Wright, Jr., of Texas, was recognized by the Chair on a question of personal privilege. During the course of his remarks, the Speaker announced to the House his resignation as Speaker effective upon the election of his successor and his intention subsequently to resign as a Member of the House. Speaker Wright was the first Speaker to resign since Speaker Schuyler Colfax in 1869.<sup>(2)</sup>

#### QUESTION OF PERSONAL PRIVILEGE—JIM WRIGHT, SPEAKER OF THE HOUSE

THE SPEAKER PRO TEMPORE. (MR. FOLEY).<sup>(3)</sup> The Chair recognizes the distinguished Speaker of the House.

Mr. WRIGHT. Mr. Speaker, I ask that I may be heard on a question of personal privilege.

1. 135 CONG. REC. 10431–41, 101st Cong. 1st Sess.

2. For a listing of Speakers of the House, see [www.clerk.house.gov/art\\_history/house\\_history/speakers.html](http://www.clerk.house.gov/art_history/house_history/speakers.html).

See also 1 Hinds' Precedents §225.

3. Thomas S. Foley (WA).

The SPEAKER pro tempore. The distinguished Speaker is recognized for 1 hour.

(Mr. WRIGHT asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, for 34 years I have had the great privilege to be a Member of this institution, the people's House, and I shall forever be grateful for that wondrous privilege. I never cease to be thankful to the people of the 12th District of Texas for their friendship and their understanding and their partiality toward me.

Eighteen times they have voted to permit me the grand privilege of representing them here in this repository of the democratic principles.

Only a few days ago, even in the face of harsh news accounts and bitter criticisms, they indicated in a poll taken by the leading newspaper in the district that 78 percent of them approved of my services, and that includes 73 percent of the Republicans in my district. I am very proud of that.

And you, my colleagues—Democrats and Republicans—I owe a great deal to you. You have given me the greatest gift within your power to give. To be the Speaker of the U.S. House of Representatives is the grandest opportunity that can come to any lawmaker anywhere in the Western World, so I would be deeply remiss if I did not express my sincere appreciation to you for that opportunity.

I would hope that I have reflected credit upon the people of my district who know me best, perhaps, and upon

the people of this House who, next to them, know me best.

I am proud of a number of things that we have done together while you have let me be your Speaker. I am proud of the record of the 100th Congress.

Many people feel that it was the most responsive and productive Congress in perhaps 25 years, and all of you who were here in that Congress had a part in that.

Many of the things we did were truly bipartisan in character. Together we made it possible for great leaps forward to be made in such things as U.S. competitiveness in the world. Together we fashioned the beginnings of a truly effective war on drugs—to stamp out that menace to the streets and schools and homes of our Nation.

We began the effort to help the homeless, and we still have work to do to make housing affordable to low-income Americans so that there will not be any homeless in this country.

We did things to help abate the financial disaster of catastrophic illness, to provide for welfare reform, clean water, and a great many other things that I shall not detail.

For your help, your great work, and for permitting me to be a part of this institution while that was happening, I thank you and I shall forever be grateful for your cooperation.

I love this institution. I want to assure each of you that under no circumstances, having spent more than half my life here, this House being my home, would I ever knowingly or intentionally do or say anything to violate its rules or detract from its standards. All of us are prone to human error.

The Speaker of the House is, in fact, the chief enforcer of the rules of the House. It is really a wonderful thing that any Member of the House may, at his or her will, bring questions against any other Member and under our rules the case must be investigated. I have no quarrel with that, nor do I have any criticism of the people who serve on the Committee on Standards of Official Conduct. That is a thankless job, and we have to have such a committee.

For nearly a year I have ached to tell my side of the story. True, the questions which I have to respond to keep changing. But today silence is no longer tolerable, nor, for the good of the House, is it even desirable.

So without any rancor and without any bitterness, without any hard feelings toward anybody, I thank you for indulging me as I answer to you, and to the American people, for my honor, my reputation, and all the things I have tried to stand for all these years.

For the past year, while the Committee on Standards of Official Conduct has had these matters under advisement, I have ached for the opportunity to speak. Almost daily I besought the committee to let me come and answer whatever questions the Members had on their minds.

Finally, on the 14th of September, 1988, they gave me 1 day in which to respond. I gratefully went and spent the whole morning and the whole afternoon, answering as candidly and as freely as I possibly could, any question that anyone asked. I believe when I left everyone was reasonably well satisfied.

Suffice it to say that the five original charges were dropped, dismissed. In

their place, however, came three additional charges. Well, some said 69. But the 69 are actually just a matter of multiple counting of the 3.

In April the committee said, well, the members thought there was some reason to believe that rules may have been violated in these three basic areas.

I owe it to you, and to the American people, to give a straightforward answer on those three areas.

While I am convinced that I am right, maybe I am wrong. I know that each of us, as Benjamin Franklin suggested, should be careful to doubt a little his own infallibility.

Before those charges were issued, press leaks filtered out almost daily, tarnishing my reputation and, by inference, spilling over to the reputation of this institution.

I pleaded for the privilege to come and answer those questions. Under the rules, that was not permitted to me. And the charges were formally made.

So let us look at them—one by one—dispassionately.

The committee has raised three basic questions. It does not say there is clear and convincing proof that I violated the rules; it does not say that the committee knows I violated the rules. The committee said it had some reason to believe I may have violated the rules. For these last few weeks I have been trying to understand that and get an opportunity to address it.

Now is the day; I am going to do it now.

The three questions are these: One relates to my wife Betty's employment at \$18,000 a year for some 4 years by a small investment corporation which

she and I formed with friends of ours, George and Marlene Mallick. Did the salary and the attendant benefits of that employment—the use of an apartment when she was in Fort Worth on company business and the use of a company-owned car—constitute merely a sham and subterfuge and a gift from our friend Mr. Mallick? Betty's employment and those things related to it—were they gifts?

□ 1610

Members have read in the papers the suggestion made by committee counsel that I may have received up to \$145,000 in gifts from my friend, Mr. Mallick. Half of it, \$72,000, was Betty's income, Betty's salary. The other half involved the use of a car and use of an apartment. The question is whether this is right or wrong. Let us look at it.

Betty's employment—was this a gift? The first question, I suppose Members might be asking, is why was Betty working for the corporation. Why did we put her to work at \$18,000 a year? The answer is very simple. She was the only one of the four of us who had the time and the inclination to handle the job—to look into the investment opportunities that our investment corporation was created to explore. George Mallick was too busy looking after his own interests. He has business interests of his own. Marlene Mallick was raising a family. I was busy being a Member of Congress and majority leader. I did not have any time to spend on it. Betty alone, among all of us, had the time, the opportunity, the experience, and the desire to give effort and energy to exploring and promoting investment opportunities.



She did, indeed, perform work. It paid off for the little corporation. She did it well. She studied and followed the stock market on regional stocks. I had brought into the corporation some that I had owned personally, in my personal estate. Betty advised us as to the best time to sell, the best time to buy, and the corporation made some money on those regional stocks. Not a lot of money by some people's standards, but we made some money. Betty's work paid for her salary, several times over.

She made very frequent contacts with a drilling company that was working on a series of exploratory west Texas gas wells, in which each of the partners had an interest, having all borrowed money from the corporation in order to invest. She visited the site of drilling and maintained contact with the company for us.

She went to New York and studied the gemstone business and the corporation made an investment in gemstones. We made some money on that. Betty also looked into the possibility of the corporation, Mallightco, building an apartment complex for young people but she concluded that the interest rates were unfavorable. Betty also spent a considerable amount of time studying the wine culture industry which was then just getting started in Texas. She made an economic study that concluded it was too speculative for a little corporation of our type.

She looked into other prospective investments such as a small and limited partnership in the movie, "Annie," and a prospective venture in sulfur extraction, but advised against both of those investments. It was lucky for us that

she did because people investing in them lost money.

Now I want to include for printing in the RECORD affidavits from several business people who know from their personal experience and attest to the work that Betty did in this regard. There will appear in the RECORD, at this point, an affidavit by Pamela L. Smith, one by Kay F. Snyder, one by John Freeman, one by Louis A. Farris, Jr., and one by J.B. Williams, all attesting to their personal knowledge of the things Betty did in working for the corporation at \$18,000 a year.

The affidavits follow:

#### AFFIDAVIT

STATE OF TEXAS,

*County of Tarrant, ss:*

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared Pamela L. Smith, who being first duly sworn, did depose and say:

"My name is *Pamela L. Smith*, my address is 921 Holly, Crowley, Texas 76036. I am the Managing Director of The Mallick Company and its affiliates.

I have read in newspapers, magazines and hear on T.V. that Mr. Phelan has made the charge that Mallightco was a sham corporation and Mrs. Betty Wright did not do work or earn her pay. These charges are completely false and I have given testimony of this information to the Ethics Committee when I appeared before them.

I was first introduced to Mrs. Wright in 1973 by my employer Mr. Mallick. I was 23 years old. Through the years Mrs. Wright became a role model to me. Mrs. Wright encouraged me to join a professional business women's club. On her advice, I

joined Zonta International in 1978. I became the youngest President of the Fort Worth Chapter in 1982.

I became associated with Mrs. Wright professionally when she began working for Mallick Properties, Inc. in 1979. Mrs. Wright worked on the Mallick Concept from 1979-1981. The Mallick Concept was a small apartment unit designed for the young adult to be built throughout the Sunbelt area. Mrs. Wright, along with other staff including myself, studied approximately 10 different cities throughout the Sunbelt states. Mrs. Wright was excited about being a part of a team to develop and construct an apartment designed especially for young people. Mrs. Wright liked the idea of an apartment that was affordable for young people—first-time apartment dwellers and young married couples out on their own.

Mrs. Wright traveled often to many cities to discuss the concept with attorneys, city planners and engineers. Mrs. Wright along with others would survey the cities and locate building sites. She would return, complete her notes, and help prepare lengthy written reports.

In the latter part of 1979, I helped assemble and form the corporation Mallightco Inc. to be owned by the Mallicks and the Wrights. The Wright's contribution was \$58,127 in stocks and securities. The stock was delivered to me. As assistant secretary of Mallightco, the stock was under my safekeeping. Thereafter, I was in charge of day-to-day operations of Mallightco, Inc., under Mr. Mallick's direction.

In 1981, Mrs. Wright left Mallick Properties' payroll and went on the Mallightco Inc. payroll at \$18,000 a year.

Mrs. Wright pursued many business opportunities presented to Mallightco, including, but not limited to the following:

1. Barite and chemical.

2. Lou Farris—Chain Bank.
3. Everman Property.
4. Nigerian Oil Trading.
5. Matrix Oil.
6. Brazos River Vineyard and Winery.
7. "Annie"—the movie.
8. Oil and gas investments.

Additionally, Mrs. Wright met with Mr. Mallick and business associates on so many occasions that it is impossible to recall each, but I attended dozens of meetings with Mrs. Wright and Mr. Mallick from 1981 through 1984 on Mallightco business both in and outside of our offices.

For newspapers or Mr. Phelan to suggest that Mrs. Wright did not work is unreasonable and untrue. In addition to the above projects, I know that Mrs. Wright regularly tracked stock market/interest rate trends and discussed on the telephone by long distance Mallightco business affairs."

Sworn to upon my oath, this 15th day of April, 1989.

PAMELA L. SMITH.

Given under my hand and seal of office this 15th day of April, 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

AFFIDAVIT

STATE OF TEXAS,  
County of Tarrant, ss:

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared Kay F. Snyder, who being first duly sworn, did depose and say:

"My name is *Kay F. Snyder*, my address is 3813 Mattison, Fort Worth, Texas 76107. I am Director of Dining Enterprises, Inc. the corporate owner and operator of restaurants located in Fort Worth.

Beginning in 1978, I and my husband at that time, Armand Jones, began a vineyard in Parker County, Texas. Our vineyard was successful and in the early 1980's we then began exploring the idea of developing a winery project to produce wine at our vineyard and to market it in the restaurants we owned, as well as to conduct tours of the vineyard and winery.

Beginning in 1981, I had discussions with the Mallick group, initiated by Betty Wright. Although we never entered into a joint venture for the development of this project, I personally met with Betty Wright, Congressman Jim Wright and Mr. George Mallick and other representatives of their group over a period of several years to investigate the feasibility of this project.

The first substantive meeting was in July of 1984 and included Betty Wright, Jim Wright and I; however, all of the business that was discussed was between Betty and myself. Over the next year, Betty and I had numerous meetings at the vineyard, and telephone conferences regarding the project. Our meetings were lengthy, lasting from five to eight hours each. On one occasion, Betty Wright, Jim Wright and I spent a full day touring the vineyard and reviewing projections and proposals regarding the winery. Subsequent to my multiple meetings with Betty Wright, I had at least 8 meetings with George Mallick. After extended research, projections and negotiations, we were unable to reach an agreement and the joint venture was never consummated.

From the inception, this proposed joint venture was a project in which Betty Wright took an active part, contributing many hours of her time and her management and business skills to the analysis and development of the project. She initiated our negotiations and was active throughout the process. In all our meetings,

she was well informed on the subject, asked intelligent questions and was thorough in pursuing the details of the project knowledgeably and in a business-like manner. In fact, when I was in meetings with both George Mallick and Betty Wright, Betty led the discussion.

In summary, as regards the Mallick group's consideration of our winery proposal, Betty Wright was in charge and in control of the project. She initiated the contact, invested many hours of her time and had an active, meaningful and integral role in the Mallick group's analysis and evaluation of our proposal."

Sworn to upon my oath, this 15th day of April, 1989.

KAY F. SNYDER.

Given under my hand and seal of office this 15th day of April, 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

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AFFIDAVIT

STATE OF TEXAS,  
*County of Tarrant, ss:*

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared John A. Freeman, who being first duly sworn, did depose and say:

"My name is *John A. Freeman*, and my address is 5100 Crestline, Fort Worth, Texas 76107. I am an investor with interests in many different industries. I came to Fort Worth in 1967 and was introduced to Congressman Wright by Mr. Amon Carter, Jr. in 1968.

Shortly after Mr. Wright married Betty Wright I met them at a reception and continued to see them at irregular intervals. In 1978 and 1979 I mentioned to Congressman Wright

that I had enjoyed moderate success in investing in some shallow wells with Southeastern Resources. He said that he only had modest funds to invest but would like to invest in oil and gas exploration. I told him of a well that I had an interest in and he invested in a small percentage.

In 1979, at Congressman and Betty Wright's anniversary party, Betty introduced me to Mr. George Mallick and asked if I could meet with them at some convenient time to discuss business opportunities.

Shortly after that anniversary party, I met with Betty at Mr. Mallick's office and she explained that he was an investor as I was, and she was to assist him in looking for opportunities in the real estate, oil, or possibly other areas and that she would appreciate the chance to look at opportunities I might be interested in and that they in turn would do the same for me. I then met with Mr. Mallick and he discussed his various business experiences.

In early 1979 or 1980, I was having dinner with Mr. Jim Ling in Fort Worth and discussing the formation of a company to acquire interests in the energy field. Mr. Mallick and Betty Wright were dining at the same club and came by the table and were introduced to Mr. Ling. The following day I called Betty and told her that I was discussing an investment in Matrix Energy with Mr. Ling and it might be something that Mr. Mallick would be interested in. She told me that her position was no longer that of an employee but that she and Mr. Mallick had formed a company that they jointly owned. I furnished her all the information I had on Matrix Energy. Approximately six months later, I received a call from Betty and she told me that they had no interest in Matrix.

In 1982, I met with Congressman Wright in Fort Worth and he informed me that George Mallick and

Betty were in New York working and that he was going to join them when he left Fort Worth. At that time, I was working with an institutional investor and was planning to meet with them in New York. As I was going to be in New York, I arranged to meet with George, Jim and Betty there. We met and I told them what I was presently working on in the real estate field and they asked to meet with me in Fort Worth to see if they had any projects that we might do together.

Betty, George and I met in Fort Worth approximately two weeks later and I was furnished a description of property that they either knew of or controlled to see if we had any interest. I submitted properties that I had and the other properties to my investor. It was decided that we should pursue one project that Betty and Mr. Mallick had submitted.

I called Betty and she referred me to Mr. Mallick. We then worked for a period of approximately 2 months on our feasibility study during which time I met with Betty and George on several occasions. As a result of our failure to pre-lease the project, we decided not to build the building. Betty was active throughout the development and consideration of this project.

Beyond the consideration of these two projects, I had numerous contacts with Betty and George in New York City where I ran into them while they were pursuing various business investments.

In summary, to my personal knowledge, Betty Wright was an active and hard working member of the Mallick investment group. She was the person who introduced me to George Mallick and she worked with George and me throughout our consideration of the Ling investment and the office building project in Fort Worth.

Based on my personal experience with Betty Wright and George Mallick, Betty was a full and equal partner in everything we tried to do together. She was the primary reason I was involved with Mallightco and she was involved every step of the way."

Sworn to upon my oath, this 15th day of April, 1989.

JOHN A. FREEMAN.

Given under my hand and seal of office this 15th day of April 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

STATE OF TEXAS,  
County of Tarrant, ss:

AFFIDAVIT

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared Louis A. Farris, Jr., who being first duly sworn, did depose and say:

"My name is *Louis A. Farris, Jr.*, and my address is 8214 Westchester, Suite 91J, Dallas, Texas 75225. I am President of Empire Financial Corporation.

Over a period of several months beginning in the summer of 1983, I had three meetings in my Dallas office with George Mallick and Betty Wright to discuss various investments proposals for which I was seeking partners.

At our first meeting, Congressman Wright was also in attendance. George, Betty, the Congressman and I discussed my group's interest in acquiring common stock of the First National Bank of Weatherford then held by Mallightco. As a result of our discussions, the First National Bank of Weatherford, bought the stock from Mallightco for approximately \$25,000.

Over the next several months George, Betty and I met two more times in my office. At the time I was attempting to assemble a chain of banks in several states and I was looking for partners and investors. George and Betty reviewed my proposal, but decided not to participate in that venture with me.

From the outset of our meetings, I was told that George and Betty were co-owners of an investment company and all of my dealings with them confirmed such an arrangement. George and Betty both participated in all of our discussions and negotiations. In every way, Betty was a full and responsible partner in all of their dealings with me.

Sworn to upon my oath, this 15th day of April, 1989.

LOUIS A. FARRIS, JR.

Given under my hand and seal of office this 15th day of April, 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

AFFIDAVIT

STATE OF TEXAS,  
County of Tarrant, ss:

Personally before me, the undersigned authority, a Notary Public in and for the County of Tarrant, State of Texas, duly commissioned and qualified, there came and appeared J. B. Williams, who being first duly sworn, did depose and say:

"My name is *J.B. Williams*, my address is 6150 Indigo Court, Fort Worth, Texas 76112. I am Chief Executive Officer of Southeastern Resources Corporation, an independent oil and gas producer. Beginning in 1979, Congressman Jim Wright, his wife, Betty Wright, George Mallick and his wife, Marlene Mallick began a business relationship with our

company which led to the drilling of approximately 25 oil and gas wells over a period of 2-3 years, with the production from these wells continuing for approximately 10 years. The business relationship began with a meeting in 1979 in which Mr. and Mrs. Wright and Mr. and Mrs. Mallick met with our company and various personnel, George Jett, Vice President of Field Operations, Jean Williams, Executive Vice President, Dan Flournoy, Comptroller, Bill McCormick, Field Engineer and later on field people and other administrative personnel.

I had the perception that George Mallick and Betty Wright made the ultimate decisions to participate in the drilling of the wells with our company. That perception was simply because Betty and George asked more questions, and Betty in particular asked for and received the various contract forms and geological data of the intended area of drilling interest. Later on and for several years Betty made many visits to our office to gather information on the joint interest. She also made many telephone calls with regard to same.

To the best of my memory Betty made more than one trip to Brown County for on-site inspection of the joint oil and gas interest and on one occasion Congressman Wright, Betty, George and Marlene visited several wells with me and I was impressed by Betty's technical questions. My memory is not specific but the impression lingered that she, more than anyone else in the Mallick group, including George Mallick, attempted to learn the why and wherefores of the business in which the group was investing its money.

On many occasions I made visits to the Mallick offices on Hulen Street to discuss some aspects of the group's oil and gas interest and in my memory George always called Betty into these meetings and appeared to rely on her for dates, re-

call, opinions and decisions. These are lingering and lasting impressions as opposed to specifics, but I can testify under oath that though I was not aware of any details of any employer-employee relationship between Mallick and Betty Wright, she was in my strong opinion an integral person in the on-going business affairs of the Wrights and Mallicks, and in regard to their investments with my company, she took a leadership role.

I have known George many years and greatly admire his entrepreneurial enterprise but like most of us business types his successes have been attendant with some failures. It is not more than a personal opinion but during Betty's years with George, I judged she helped him achieve a balance that he didn't have in the years before or after their association.

This affidavit is given on a voluntary basis. I have neither seen nor talked with Congressman Wright (except to see him on television) since May of 1988. I have not seen the Mallicks for several years, although I have spoken to George on the telephone as recently as last month and we did discuss the investigation. Congressman Wright, Betty Wright, the Mallicks nor anyone else has asked me to volunteer this information.

The purposes of this affidavit is to personally refute the Ethics Committee allegation and accusations that Betty Wright was a sham employee of George Mallick. I will be glad to testify before any authorized investigative body to the truth of these statements."

Sworn to upon my oath, this 15th day of April, 1989.

J.B. WILLIAMS.

Given under my hand and seal of office this 15th day of April, 1989.

DOROTHY C. WING.

Notary Public in and for the State of Texas.

The outside counsel employed by the committee has suggested that Mrs. Wright's employment somehow amounted to a gift. I do not know why, but he assumed that the services she rendered could not have been worth \$18,000 a year. How he concludes that she did not perform duties is to me a mystery.

On page 20 of the statement of alleged violation, there is a very strange suggestion that, "there was no evidence either supporting or establishing that the money paid to Mrs. Wright was in return for identifiable services or work products." Frankly, I do not know exactly what Mr. Phelan means by "work products."

Does he want so many pages of old shorthand notes? So many pages of typed manuscript? Betty was not a carpenter.

Is a woman's mental study, her time and her advice, not to be counted as a work product? How the committee could conclude that there was "no evidence" that Betty performed duties is very puzzling to me. There certainly is no evidence that she did not.

When I was before the committee, that was not one of the things that was being considered. The committee did not ask me to go into any elaborate details as I have just done—to tell them the things that she did.

The committee assumed—assumed—that there was no evidence. Oh, but there was evidence. Both the people of whom questions were asked, aside from myself, Mr. Mallick and Pamela Smith, testified that she did indeed work.

Mr. Phelan's report says that Pamela Smith could not identify any more than maybe 12 days in the whole 4-year period in which Betty worked. That is an inaccurate representation of what Mrs. Smith said. Pamela Smith, both in this affidavit and in her testimony before the committee, clearly said she saw Betty there from 5 to 7 days every month including weekends. Mrs. Smith spoke of her knowledge of Betty doing work in Washington and New York and elsewhere. So there was surely evidence.

Well, is one to conclude that my wife's services to a little corporation were worth less than \$18,000? For most of her adult life Mrs. Wright has been a business person. She has been an officer in a large hotel, an officer in a successful real estate and construction firm, and a professional staff person on a congressional committee. She was making more than \$18,000 when she worked for the congressional committee.

And here is the irony, the supreme irony: In 1976, when I was elected majority leader, Betty voluntarily left her job as a professional staff person on the committee so as to avoid any criticism of this institution or of her husband on the grounds that we both were on the public payroll. How many colleagues in the House and the Senate do Members know whose wives are on the public payroll, doing good work? Yet Betty did not want to be the cause for even unfounded criticism. She was legally entitled to continue. She had occupied that job before our marriage. But she chose to leave, to save the institution and her husband from unwarranted criticism. That is the kind of person she is.

Now it just seems to me that there is not any justification at all for any person even raising a question about whether she earned her \$18,000 a year. Should a Member of Congress have to prove that his wife earned that much money? Bear in mind, this money was not paid by Mr. Mallick. The money was paid by the corporation of which Betty and I were half owners.

In addition to charging that Betty's salary was a gift, the outside counsel contends, in summing up \$145,000 in gifts, that Betty had the use of the company car. That is true, she did. For the first 3 years it was used largely by Mr. and Mrs. Mallick. The next 4 years, Betty had most use of it.

It was not Mr. Mallick's car, it was the company car. The company bought and paid for it. We owned half of it. The next 4 years Betty had most of the use of it.

I have done what I can to resolve any doubt. I wanted to do the right thing—the honorable thing. I bought and paid for that car out of my personal funds.

The trustee of my blind trust, at my instruction, paid the corporation full book value for the car on the day Betty first started driving it on company business, plus interest. The interest amounted to about \$3,000.

What more can I do? Does that make it right? That has already been done.

Concerning the apartment, Betty and I have been more than anxious to do what is right and honorable about that. We did not think there was anything wrong with paying a per diem rate. The apartment was not held out for rent to anybody else. It was not owned for rental purposes. The Mallick

family did not want anybody also in the apartment. The family owned about six apartments in this unit or complex. They held those apartments out for their employees and their families. There would not have been anybody in the apartment paying any amount of money at all if they had not permitted us, when we were in town, to occupy the apartment. We paid on a daily basis for our use of that apartment.

But in an effort to resolve any doubt, last year I told Mr. Mallick that I did not like the situation being criticized. He said "Ralph Lotkin, the counsel for the Committee on Standards, said it was all right." Mr. Mallick pointed out that 4 years ago, there was in the Fort Worth Star-Telegram newspaper a statement quoting the chief counsel of the Committee on Standards, Mr. Lotkin, as saying that he [sic] did not see anything improper with the per diem arrangement on the apartment. I relied on that.

Nevertheless, last year I said to George Mallick, "I want to buy the apartment, George. I want to pay you for it." I did. I paid the amount suggested as appraised by two real estate persons in Fort Worth, \$58,000. Now, if anybody thinks that is too low a price, I will sell it to you today for \$58,000.

Well, I just wanted to clear the air and remove doubts and say that if we made a mistake, we have done what we can to set things right. I do not think we violated any rules. I think you are entitled to know that, and my respect for you leads me to want to tell you that.

The second alleged violation is based on the assumption that Betty's employment and the job benefits that she had



were gifts, and the further assumption that George Mallick, our friend and business partner, had a direct interest in influencing legislation, which would make it a violation of the rules for us to accept gifts from him.

Now how does the committee arrive at that suggestion? I have known Mr. Mallick for more than 25 years. He has been my friend. He has been a good, decent, hard-working man, a man of Lebanese extraction. His father had a wholesale grocery store in Fort Worth. His grandfather came there with a wagon, a cart. George has been a moderately successful businessman.

Never once in all the years I have known this man has he ever asked me to vote for or against any piece of legislation—not once. That is not the basis of our friendship. That is not the way our relationship goes. You have friends like that; they do not ask you for anything. All they want is to be a friend. Not one time has he asked me to intercede with any administrative agency of government in his behalf or in behalf of any institution in which he has an interest—not once.

How do they say that he had a direct interest in influencing legislation? Well, on page 58 of the committee report, it is suggested that simply because he was in the real estate business and because he had some oil and gas investments, the committee might “infer”—that is the word—the committee might infer that he could be deemed a person with an interest of a direct nature in legislation.

The committee suggested he might have an interest in the Tax Code. Well, who does not? Every taxpayer has an interest in the Tax Code. Anybody who

ever expects to receive Social Security has an interest in the Social Security laws. All people have an interest of some kind in the results of legislation; do they not?

That is not what we are talking about. We are talking about whether or not they have an interest in trying to influence the course of legislation.

Now where would you go to find out what that means? If somebody wants to associate with you in some way and be in business with you back home in a perfectly legal way, where would you go to find out whether they have an interest in legislation or not? Whom would you consult if you were in doubt about it? I was not in doubt, but suppose you were. Would you think you could consult the publications of the committee or consult the people who wrote the rules?

Well, the people who wrote the rules do not think George Mallick had an interest in legislation. DAVID OBEY was the chairman of the committee that drafted those rules. He asserts clearly, unequivocally, emphatically, and unambiguously, both in an affidavit and an op ed he wrote for the Washington Post, the definition that does not fit George Mallick’s case. Mr. Mallick does not have an interest in legislation, as defined under the rules, the rules that DAVID and his committee wrote.

Harold Sawyer, a former Republican Member from Michigan, who served on that committee along with DAVID OBEY, says the same thing. I have an affidavit from Mr. Sawyer in which he states exactly that same conclusion.

And there is an affidavit of Donald F. Terry, who is currently employed by the Committee on Small Business, but

who was a staff member of the Commission on Administrative Review which was charged in 1976 with responsibility for drafting new rules of official conduct for the House. Most of what he refers to has to do with the question of book royalties, and I shall come to that next.

But in these matters, these three people who had a great deal to do with writing the rule say that is not what they intended when they wrote the rule. I offer these for printing in the RECORD, as follows:

[From the Washington Post, Apr. 25, 1989]

THE WRIGHT REPORT—THEY'RE  
MISAPPLYING THE RULES

(By David Obey)

I would like to offer some thoughts about the manner by which Congress and the nation reach judgments on the ethics of public men and women.

My only particular credential is that in 1977 I chaired the commission that rewrote, reformed and strengthened the House Code of Conduct under which Speaker Jim Wright is now being judged.

Of course, the ethics of public figures should be judged in a broad context. It is ironic, as George Will has thoughtfully noted [op-ed, April 18], that in the '80s the ethics of public figures are being discussed solely in terms of personal or financial acts.

When I first unpacked my bag of Wisconsin progressive values 20 years ago, as an idealistic 30-year-old newcomer to Congress, I had the idea—and still have the idea—that public decisions which deny decent shelter to today's poor and steal from the living standards of tomorrow's families in order to continue the fiction that wealthy people are

undertaxed are at least as unethical as, say, Judge Ginsburg's smoking a marijuana cigarette or a Cabinet nominee's feeling a female knee in public. So is lying to Congress about financing an illegal war.

Of course, there must be a higher standard than that of the marketplace for those of us who serve in public life. That is why members of Congress disclose the amounts and sources of their outside income even though those who report our actions and shape public opinion in the process do not (disregarding Adlai Stevenson's warning that those who shape the public mind may do evil just as great as those who steal the public purse).

I will reach no final conclusion about the speaker's case until I have all the facts. My purpose in writing is to help ensure that House rules for which I have prime responsibility are correctly understood and applied by the House, which must live by them, and the public, which must be served by them.

I do so with reluctance because rewriting those rules in 1977 was painful. Those rules changes cost some of my colleagues a lot of money—more than \$100,000—and while the vast majority have recognized that I was simply doing my job for the good of the institution, a few have never forgiven me.

The issue before the standards committee at the moment is not, as some have written, whether Jim Wright should remain as speaker. The issue is whether he has broken House rules. In my view, two rules cited by the standards committee in its initial report a week ago are being misapplied.

Book Royalties: In examining the meaning of the rule of book royalties, the committee report makes two mistakes:

(1) It asserts that the intention of my commission in drafting the House rule can be determined by

reading Senate debate. But the House rule was adopted before that Senate debate took place on the basis of testimony before us that occurred 77 days before Senate consideration.

(2) Committee Counsel Richard Phelan was “guided by the language of Advisory Opinion 13” in determining the royalty provision. That is wrong because the advisory opinion had nothing to do with the copyright exemption. It was drafted to distinguish between earned and unearned income from businesses. It was never even considered in the context of royalty income.

If today’s committee feels that the speaker violated House rules in his actions on book royalties, it must cite different rules and a different line of reasoning than the one contained in its erroneous report.

Interest in Legislation: The second misapplied rule is the committee’s new definition of who has a distinct interest in legislation. This is crucial because it would determine if or when the speaker received illegal gifts from George Mallick, a business associate and a 30-year close, personal friend. The committee report determined that Mallick had a direct interest in legislation “by virtue of the fact that he had large holdings and investments.” That interpretation is an absolutely arbitrary ex post facto rewriting of the rule.

In writing the gift limitation, we made no distinction whatsoever on the basis of a citizen’s economic status. Advisory Opinion 10, produced to guide members through this tricky thicket, spelled out four specific covered categories: a lobbyist, one who hires a lobbyist, one who maintains a separate political action committee, or one who the member knows has a distinct and special interest that sets him apart from others in his class. We specifically warned that members must be wary

of gifts over \$100 “unless such gift is from a close, personal friend.”

That language (and constant assurances I gave numerous members in 1977—that it would not be construed to require members to become accountants in their dealings with lifelong personal friends) makes it reasonable to assume that for 1981-1985 Wright could have concluded the rule did not cover Mallick. I do not know whether he was covered after 1985 because I do not have all the facts. The standards committee will, I am sure, review those events carefully.

I am confident that the House and the committee will be mindful of their public obligation and will do whatever is right. But T.S. Eliot also warned us that the greatest treason is to “do the right deed for the wrong reason.”

One other point: I am amused when some members of the press blithely dismiss as weak the rules under which Wright is being judged. Any reading of the congressional debate that took place at the time would leave no doubt that they were regarded as far too strong by many thoughtful members. And they were also regarded as being too tough by some members of the press, including a highly respected reporter for *The Post* who wrote an op-ed piece the day we adopted these rules, urging their defeat because they were too meddlesome. I do not mind the change of opinion expressed by some in the press today, but I do mind the sanctimony that occasionally accompanies that change of opinion.

No branch of government in our 200-year history has so thoroughly and excruciatingly examined the conduct of anyone within it as has the House in this instance. That should bring credit, not condemnation, on the House in which I proudly serve.

[U.S. House of Representatives before the Committee on Standards of Official Conduct]

AFFIDAVIT OF HAROLD S. SAWYER

IN THE MATTER OF SPEAKER JAMES C. WRIGHT, JR.

STATE OF MICHIGAN,  
County of Kent, ss:

I, Harold S. Sawyer, am competent to give affidavits at law, and testify as follows:

1. I am a partner in the Grand Rapids law firm of Warner, Norcross & Judd. I served as a Republican Member of Congress from 1977 to 1985.

2. In 1978, I served as a Republican Member of the House Select Committee on Ethics (“the Preyer Committee”), which drafted and later issued a number of Advisory Opinions implementing and interpreting the House’s Rules of Official Conduct.

3. During my service as a member of the Preyer Committee, our Committee had occasion to consider Rule XLIII, Clause 4, which prohibits members from accepting gifts from persons with a “direct interest in legislation.” We were very concerned with who would be considered to have a direct interest *for purposes of the Rule*, since virtually anyone who holds property, belongs to a profession, receives Social Security or any other form of government assistance, or works as a farmer has a “direct interest” in legislation before Congress. In the broad sense, any citizen does, but that certainly was not what the Rule intended.

4. In my opinion, Rule XLIII is specifically limited to the three classes of individuals described in the Rule: lobbyists, officers or directors of lobbyists, and any person retained by a lobbyist. Under the legal principal of *expressio unus exclusio alterius*, persons not falling within

one of these specific three categories is not covered by Rule XLIII and does not have a “direct interest” in legislation for purposes of the Rule. To avoid the application of this rule, a draftsman normally states “including but not limited to” or words to this effect. This was deliberately not done.

5. My understanding from public reports is that Mr. Mallick—the person from whom Speaker Wright is charged with having accepted a gift—is not a person who falls within any of the three categories delineated in Rule XLIII. If he is not, then in my opinion Speaker Wright cannot have violated the Rule.

6. While I was serving on the Select Committee, we adopted Advisory Opinion No. 10, which interprets Rule 43. The Advisory Opinion indicates that an individual who “has a distinct or special interest in influencing or affecting the federal legislative process which sets such individual . . . apart from the general public” is, for purposes of Rule XLIII, an individual with a “direct interest” in legislation. In my opinion, the Advisory Opinion was intended to describe, not expand, the scope of Rule XLIII. Indeed, an Advisory Opinion cannot lawfully expand the scope of a House Rule.

7. Even to the extent some members of the Select Committee might have believed that Advisory Opinion No. 10 expanded the scope of Rule XLIII, Mr. Mallick still would not constitute an individual with a “direct interest” in legislation, assuming that the media description of his activities is accurate. No one serving with me on the Select Committee ever even suggested that, under Advisory Opinion No. 10, an individual would be deemed to have a “direct interest” in legislation simply because he had real estate investments, oil and gas investments, or loans from federally insured lending institutions. Indeed, if such a person

has a "direct interest," then Advisory Opinion No. 10 has rendered Rule XLIII essentially meaningless, since virtually anyone would have a "direct Interest." This was *not* the purpose or intention of the Committee on which I served.

8. As I previously have advised this Committee, I do not believe that Speaker Wright's conduct relating to the sale of books and the receipt of royalties can possibly have violated House Rule XLVII, the limit on Outside Earned Income. The Rule expressly excludes copyright royalties from the earned income limit. This was a blanket exemption. In my opinion, any qualified lawyer with whom the Speaker had consulted as to whether he could sell books on which he was paid a royalty without having the annual 30 percent limit apply, in lieu of accepting honorariums, certainly would have advised him that he could do so under the plain terms of Rule XLVII. While this Committee may conclude that the blanket exemption of copyright royalties is unwise, it cannot fairly or lawfully reinterpret that Rule and apply a new definition retroactively in the current proceedings against the Speaker.

9. Since Speaker Wright plainly has not violated the letter of the Rule, it would be grossly unfair, in my opinion, to conclude that he has violated the "spirit" of the Rule. It is difficult to perceive what the "spirit" of the Rule is. It cannot be the restriction of outside income per se, since unearned income is unlimited, as is earned income from farming, ranching, or any other family-controlled business. Nor can the "spirit" be to limit the time spent by members on outside activities, since a member is permitted to give four times as many \$500 speeches as he is \$2,000 speeches, and since there is no limit at all on unpaid speeches. Indeed, my understanding is that the Speaker gave hundreds of

speeches for which he received no honorarium and in connection with which he sold no books. I point this out only to illustrate the danger and unfairness of attempting to enforce the "spirit," rather than the letter, of a House Rule. Lawyers, after all, spend much of their time advising clients as to how to comply with the letter of the law while neither attempting nor even being able to make any sense of the law or determine its "spirit."

10. I do not know the Speaker well, and have no partisan interest in this matter, as should be obvious from my political affiliation. However, as a lawyer and as one who served on the Select Committee during the relevant period, I feel obliged to note the extremely serious legal shortcomings in the Committee's preliminary interpretation of the House Rules the Speaker has been charged with violating.

Further affiant sayeth not.

HAROLD S. SAWYER.

Subscribed and sworn to before me this 22nd day of May, 1989.

BARBARA J. CALLAN.

Notary Public, Kent County, Michigan.

[U.S. House of Representatives before the Committee on Standards of Official Conduct]

AFFIDAVIT OF DONALD F. TERRY

IN THE MATTER OF SPEAKER JAMES C. WRIGHT, JR.

DISTRICT OF COLUMBIA.

I, Donald F. Terry, am competent to give affidavits at law, and testify as follows:

1. I am currently employed by the House Committee on Small Business. I was a staff member on the Commission on Administrative Review, which was charged in 1976

with the responsibility for drafting new Rules of Official Conduct for the House. I also am the former Staff Director of the House Select Committee on Ethics, which interpreted and implemented the House Rules of Official Conduct, once they were adopted by the House on March 2, 1977.

2. In my capacity as Staff Director of the Select Committee, I drafted Advisory Opinion No. 13, which was adopted by the Select Committee to clarify the application of House Rule XLVII (the Rule dealing with limitations on Members' outside earned income).

3. My understanding, and—to my knowledge—the understanding of all members of my staff and of the Select Committee at the time, was that the express copyright royalty exclusion contained in Rule XLVII was a blanket exclusion.

4. During the course of drafting Advisory Opinion No. 13, I had several meetings and conversations with Douglas D. Drysdale, a member of the law firm of Caplin & Drysdale, who had been retained by the Select Committee to provide expert counsel and technical assistance concerning issues relating to the application of House Rule XLVII. One provision proposed by Mr. Drysdale for inclusion in Advisory Opinion No. 13 was a subparagraph entitled "Real Facts Controlling." The subparagraph, which I accepted for inclusion in my draft of the Advisory Opinion, provides that "The limitations proposed by Rule XLVII may not be avoided by devices designed to circumvent them. In all cases, the real facts will control" My understanding of this provision and the basis on which I included it in the draft was that it principally related to the concern that a Member might try to mischaracterize earned income (which is limited under Rule XLVII) as unearned income (which is not limited). To my recollection, there was no discussion either between me

and Mr. Drysdale or in my conversations with members regarding the specific application of this subsection to Rule XLVII's exclusion of copyright royalties from the earned income limitation.

5. Mr. Drysdale and his law firm did submit proposed language specifically relating to copyright royalties, which language arguably would have restricted the otherwise blanket copyright royalty exclusion in Rule XLVII. I rejected this proposed language, however, just as I rejected a number of other provisions proposed by Mr. Drysdale in his 29-page memorandum. Because I rejected at a staff level the copyright royalty language proposed by Mr. Drysdale, to the best of my knowledge, it was never reviewed by the members of the Select Committee, and, therefore, cannot be now used as a basis to interpret application of Rule XLVII.

6. In the course of the investigation of Speaker Wright, neither the Outside Special Counsel nor any member of the Committee's staff has interviewed me or otherwise sought my view as to the proper interpretation of Rule XLVII or Advisory Opinion No. 13.

Further affiant sayeth not.

DONALD F. TERRY.

Sworn to and subscribed by the undersigned Notary Public on this 22 day of May, 1989, to certify which witness my hand and seal of office at 1:35 PM.

THOMAS J. LANKFORD.

Notary Public in and for the District of Columbia.

Where else might you turn if you were in doubt? Might you not possibly go to the committee itself and see what advisory opinions it has given? Here is the publication the committee sends to all of us to tell us what is and what is not legal. Each year we receive this as

instructions for filling out our financial disclosure statements. Appendix E is an advisory opinion No. 10 which defines who has a direct interest in legislation under the rules. It says:

If the Member does not believe that the donor of the gift has a distinct or special interest in the congressional legislative process which set him clearly apart from the general public, then the Member should feel free to accept such gifts.

That is the official advice from the committee given to every Member. Then it defines, in summary, who has an interest in legislation as prohibited under the rule. It given four classes. That is all.

Listed first are registered lobbyist. George Mallick is not a registered lobbyist.

Next comes any person who employs a registered lobbyist. George Mallick never did that.

Third, it refers to somebody who directs or operates a political action committee. George Mallick has never done that.

And finally, any other individual which the Member "knows"—not "should know" or "ought to suspect" or "ought to infer," but which the Member knows has distinct or special interest in influencing or affecting the legislative process. The definition is not just somebody who has got an interest financially in the outcome of legislation. Not at all. It is rather somebody you know who has a direct or special interest in influencing the outcome of the legislative process which sets that individual apart from the general public.

□ 1630

My colleagues, that was just simply not the case with George Mallick. He

had no direct interest in legislation of any type.

Now we have motions before the committee to set aside that presumption of Mr. Mallick's having a direct interest in legislation. Personally, I do not have reason to believe he has.

The only thing the committee has suggested is that in 1986 his son borrowed money from a savings and loan to build a shopping center, wholly apart and separate from any investments Betty and I had. Then in 1987, the lending institution had to foreclose on the son's loans.

But note the years involved here. Betty was employed, purportedly as a gift, from 1981 to 1984. Mr. Mallick could not have known in 1981 and 1984 that his son was going to borrow money in 1986, and that the thing would go bad in 1987, and that an economic decline would make it possible for him to pay off his note on time. He could not have known that in any way.

I ask my colleagues: "Would you stretch this rule to the point of saying it covers that just anybody who has a member of his family who owes money to a bank or a savings and loan?"

Of course my colleagues would not. That would cover more than half the citizens of the country.

The people who wrote the rules do not believe that Mr. Mallick is covered. So I think under all reasonable circumstances that our dismissal motion ought to be agreed to. Our motion ought to be agreed to, if rules mean anything—if we are not just going to turn the whole thing on its head and change the rules by whim every time we turn around.

Now the third count that remains in the statement of alleged violations

which concerns the sales of a book called "Reflections of a Public Man," which I wrote and which was sold sometimes in bulk quantities to people who took it and gave it away to other people—students, newspapers, public officials, and members of their organizations. Did I want these books circulated widely? Of course I did. My colleagues know that I wanted to get the widest possible distribution of the book. A book that you write, you know, is a part of you. You think of it as a child almost.

Now this book probably is not great literature, but I like it. Marty Tolchin of the New York Times, John Silber, president of Boston University; Jim Lehrer of the MacNeil/Lehrer Report; and Dr. Bill Tucker, chancellor of TCU, all said nice things about it. And I appreciate that.

Now, the contention of the committee, as I understand it, is that the publication of this book, from which I got \$3.25 for every one that sold, was a kind of a sham and a subterfuge in itself and an overall scheme for me to exceed and violate the outside earnings limitation on a Member of Congress. Do my colleagues think that I would do something like that?

The purpose of the book was to publish something that could be sold at a small price and get wide distribution. If monetary gain had been my primary interest, do my colleagues not think I would have gone to one of the big Madison Avenue publishers—the houses that give writers big advances?

I know people who have received advances before a single book sells from those big companies—advances twice or three times as much as I got in the

total sale of all those books. If it had been a scheme to get around outside earning limits, that is what I might have done.

I hear that a woman author of a book called "Mayflower Madam," got \$750,000 in advance royalties. Our former Speaker, Mr. O'Neill, is said to have received \$1 million for his excellent and readable book in advance before any of them were sold. I have read that a woman named Kitty Kelly received as much as \$2 million in advance royalties for a book she has written on Nancy Reagan and which, as I understand it, is not even an authorized biography. Well, so much for that.

It is true, I think, that people on my staff were eager to sell these books. They knew I wanted them sold. I have got to accept full responsibility for that if it was wrong. But the rule does not say it was wrong.

It could not have been an overall scheme to avoid outside earning limits because the rules are clear. They are not equivocal. The rules expressly exempt royalty income, and that, too, is attested to by the gentleman from Wisconsin (Mr. OBEY), and it is attested to by Donald Terry who gives the rationale. There were not any exceptions; book royalties were exempted.

Now maybe book royalties should not have been exempt. But the rules clearly say that they are.

Maybe somebody got the impression that buying a book was a price of getting me to make a speech. I never intended that impression. I never suggested that. I hope that friends of mine did not.

Of all the books that were sold, the committee suggests that seven cases



involved instances where individuals associated with organizations to which I made speeches bought multiple copies of the book and distributed them among members of the organization or others.

Now I have not been permitted to see a copy of their testimony, so I do not know exactly what the witness said. I have asked people on my staff, "Did you tell these folks that they had to buy these books or I wouldn't make a speech?" and they said, "no, they did not."

The total amount, as I figure, from all of those sales involved only about \$7,700. That is what I received.

My colleagues know I would do whatever was necessary, whatever was right. If any of those people were under the impression that I was not going to make a speech to them unless they bought a bunch of books, and if they wanted their money back, I would give them that money. I do not want the money. That is not important. What is important is a person's honor and his integrity.

During that 3-year period, the committee says there were seven instances where I made speeches to groups that bought copies of these books. In that period, I made at least 700 speeches for which I did not get any honorarium at all, and no one offered to sell anybody a book. Do my colleagues suppose that, if this had been an overall scheme, that there would not have been a wider kind of an experience than that? I do not know. I am just saying to my colleagues that I did not intend to violate the outside earning limitation, and I do not believe legally that I did.

Some of the rest of my colleagues make a lot of speeches. I ask, "How many speeches do you suppose you make that you don't get anything for?" Most of us make many.

One other thing about the book that I suppose needs elaboration involves the allegation in the statement of alleged violations that a man named S. Gene Payte, a reputable businessman in Fort Worth, paid for more books than he got from the publisher. That is what was said in the report of the outside counsel.

S. Gene Payte, upon reading that report, issued an affidavit that is not ambiguous at all. Here is what Mr. Payte says, I will read in part this affidavit and put the whole thing in the RECORD.

He says:

I have read the Report of Special Outside Counsel Richard J. Phelan on the Preliminary Inquiry conducted pursuant to the Committee's June 9, 1988 resolution, as it relates to my testimony. I also have reviewed the transcript of my deposition testimony. The Report, and also the conclusions reached by the Special Counsel, ignores much of the most pertinent testimony in the transcript, takes certain statements out of context, distorts clear statements of fact and in general, fails fairly and accurately to summarize the matters as to which I testified.

And the conclusion reached by the Special Counsel that Wright violated the rule was, quoting the affidavit, "based on his [Mr. PHELAN'S] categorical assertion that, 'Gene Payte did not receive the books?'"

□ 1640

The Special Counsel asserts,

Payte

And I am quoting—

Testified that he only received between 300 and 500 copies of the old book for his \$6,000 and makes the flat statement, “Gene Payte did not receive the books.” Citing as authority Payte’s transcript, on page 77.

Now here is what Payte says:

On the contrary, I did not so testify. I stated not once, but three times, that I believed 1,000 books were delivered to me.

And he cites the transcript of this testimony, pages 27, 40, and 41.

Mr. Payte goes on:

The Special Counsel ignores this testimony. Instead, he cites Transcript 77. That citation does not support the Special Counsel’s assertion. Transcript 77 shows that Congressman Myers—not I—made the comment, “I believe you said you received 3 to 500 books.”

I did not confirm his recollection, my reply being, “I would like to have the new books.” (Tr. 77). In fact, I never so testified.

So this is a copy of that affidavit which I should like to submit for the Record, together with a copy of a letter that was sent by the committee to Mr. Payte after he issued this affidavit telling him he ought not to comment.

AFFIDAVIT OF S. GENE PAYTE

THE STATE OF TEXAS,  
*County of Tarrant, ss:*

Before me the undersigned authority on this date personally appeared S. Gene Payte, known to me to be the person whose name is subscribed hereto, and he being duly sworn did depose and say the following:

My name is S. Gene Payte. I reside at 6450 Sumac, Fort Worth,

Tarrant County, Texas 76116. I have personal knowledge of the matters contained herein.

On or about October 17, 1988, I was called to testify in the proceeding before the Committee on Standards of Official Conduct of the U.S. House of Representatives, in the matter of Speaker James C. Wright, Jr.

I have read the Report of Special Outside Counsel Richard J. Phelan (“R.”) on the Preliminary Inquiry conducted pursuant to the Committee’s June 9, 1988 resolution, as it relates to my testimony. (R. 85-86). I also have reviewed the transcript (“Tr.”) of my deposition testimony. The Report, and also the conclusions reached by the Special Counsel, ignores much of the most pertinent testimony in the transcript, takes certain statements out of context, distorts clear statements of fact and in general, fails fairly and accurately to summarize the matters as to which I testified.

The conclusion reached by the Special Counsel that “Wright violated Rule XLIII, Clause 4 (R. 86) was based on his categorical assertion that, “Gene Payte did not receive the books.” (Id.). The Special Counsel asserts, “Payte testified that he only received between 300 and 500 copies of the old book for his \$6,000 (R. 86), and makes the flat statement, “Gene Payte did not receive the books” (Id), citing as authority, “Payte Tr. 77”.

On the contrary, I did not so testify. I stated, not once, but three times, that I believe 1,000 books were delivered to me. (Tr. 27, Tr. 40, Tr. 41). The Special Counsel ignores this testimony. Instead, he cites Tr. 77. That citation does not support the Special Counsel’s assertion. Transcript 77 shows that Congressman Myers—not I—made the comment, “I believe you said you received three to five hundred books.” I did not confirm his recollection, my reply being, “I would like to have the

new books.” (Tr. 77). In fact, I never so testified. Apparently, Congressman Myers had in mind a telephone conversation (a transcript of which I had furnished to the Committee) which I had had with a reporter several months earlier when the question had first arisen and before I had the opportunity to check any records or refresh my memory. In that conversation I had stated that over a period of time I bought and gave away about a thousand books, but I also had stated in the telephone conversation that I took delivery of, “just four or five hundred books, or three or four hundred books.” There had been some confusion in that early telephone interview both as to the question of whether I was to receive additional books from an anticipated new printing and as to whether the books from the original printing which I actually [sic] had received constituted what I termed “delivery” of all of the books which I had purchased and which I was to receive. At no time in my deposition before the Committee did I testify that I had received only between 300 and 500 books. When Mr. Kunkle put the question to me directly, my response was, “No, I think he delivered more than that.” (Tr. 52). I did not intend to say, and did not say to the Committee in my testimony, that I had received only that number of books. However, I was still desirous of receiving additional books which would identify Mr. Wright as Speaker rather than Majority Leader. As I testified before the Committee (which testimony was ignored by the Special Counsel in his Report), I believed that Mr. Moore had delivered 1,000 books to me, but I was “not for sure” (Tr. 27) and I repeated twice thereafter that I believed I had received approximately 1,000 books. (Tr. 40, Tr. 41). Later in my testimony, when Mr. Kunkle asked if it was my best recollection that in fact Mr. Moore delivered somewhere be-

tween 300 and 500 books to me, I responded that I thought that he delivered more than that. (Tr. 52).

Since testifying, I have discovered positively that in fact approximately 1,000 books were delivered to me. While I had believed this to be the case, I had not been absolutely certain of the fact. I now am certain. I had taken two large cases of books to the home which I have in Rockport, Texas and had forgotten this fact. These books, together with the books which I had in Fort Worth, totaled 1,000. To reiterate, I received all of the 1,000 books which I purchased.

I also am disturbed by the false statements, implications and innuendoes contained in the Report relative to my motivation in purchasing the books. As I testified, it is true that I had desired to make a cash gift to Jim Wright as an expression of appreciation for all that he has done for the community, the state and the nation. (Payte Ex. 4, Tr. 21). I have made a practice for several years of giving money to various charities, individuals, family members and things in which I believe, (Tr. 18, Tr. 35-36, Tr. 55, Payte Ex. 15). It is my belief that the members of the Congress are underpaid, particularly with the necessity to support two households, and I wished to make a contribution to a Congressman whom I admired and whom I felt had been of service to his community, state and nation. (Tr. 32). Since I had not had any direct interest in legislation, had none at the time and did not expect to have any such interest in the foreseeable future, I had believed that it would be permissible to make a gift with no strings attached to Jim Wright. However, he refused to accept it. I then learned that he was interested in distributing his book, “Reflections of a Public Man,” as widely as possible and I felt that it would be worthwhile to do so. I believed that distribution of the book,

particularly among young people, might encourage them to go into public service. (Tr. 28, Tr. 32, Tr. 36, Tr. 53, Tr. 77). This was not a subterfuge to attempt to put money into Jim Wright's pocket that I could not otherwise give him, although of course I realized that he would get some benefit from whatever the royalties might be. (Tr. 36).

The Special Counsel states in his Report, "Payte contacted his attorney, Tom Law. Law and Payte continued to search for a way to help Wright. Law suggested that instead of giving Wright cash, Payte make a contribution to support bringing one of Jim's book up to date with a new addition." (R. 85). That statement is absolutely untrue. Mr. Law never made any such suggestion. I made the decision on my own and later told him about it. The statement that my attorney, Tom Law, "advised Payte how to make a cash contribution to Wright by paying to have Wright's book 'updated.'" (R. 168). Also is wholly untrue. Mr. Law and I did not even discuss "how to make a cash contribution to Wright by paying to have Wright's book updated." Our only discussion, before I decided to buy the book, was my having asked him whether I could make a cash contribution to Jim Wright. He asked me whether I had any direct interest in legislation, whether I had had such an interest in the past, and whether I anticipated that I would have in the future. When I responded in the negative to each of these questions, he told me that he believed that such a gift would be permissible, but that he was concerned that there conceivably could be some Congressional rule regarding such a gift which he would want to check out before he gave me a final conclusion. He also told me that such a gift conceivably could be misinterpreted and perhaps be embarrassing, even though it was perfectly legitimate. He went out of

the city shortly after this conversation, and I proceeded to attempt to make the gift to Mr. Wright. However, he would not accept it and returned the check. At this point, knowing of Mr. Wright's desire to distribute his book widely, I made the decision to purchase a large quantity of Jim Wright's books and support bringing the book up to date with a new edition. I made this decision on my own without consultation with Mr. Law. He later wrote a letter to Mr. Dee Kelly, President of the Wright Congressional Club in Fort Worth, and reported the facts to him as a matter of interest. (Payte Ex. 4).

Signed this 21st day of April 1989.

S. GENE PAYTE.

Sworn to and subscribed before me by S. Gene Payte, this 21st day of April 1989.

CHRISTY MOAK COX,  
*Notary Public.*

COMMITTEE ON STANDARDS OF  
OFFICIAL CONDUCT,

*Washington, DC, May 5, 1989.*

MR. S. GENE PAYTE,  
*6450 Sumac,  
Fort Worth, TX.*

DEAR MR. PAYTE: It has come to our attention that on April 21, 1989, you executed an affidavit addressing matters raised during your testimony before the Committee on October 17, 1988. In particular, your affidavit states that you were called to testify before the Committee in connection with the Preliminary Inquiry in the matter of Representative James C. Wright, Jr.; and that as a result of having reviewed the transcript of your deposition and the report of the Special Outside Counsel, you have taken exception to a number of statements attributed to you at the time of your testimony.

Regardless of the position you have taken in your April 21, 1989, affidavit, which has been publicly circulated, the fact remains that at the time of your deposition you were expressly admonished by the Ranking Minority Member who presided at the deposition "that these proceedings have been taken in executive session, which means you are not to discuss anything that took place here with anyone other than your counsel." The transcript of the deposition reflects your agreement with the instruction given to you by the Ranking Minority Member. See, October 17, 1988, transcript at pp. 77-78.

In view of the foregoing, your affidavit represents a course of conduct in direct violation of the admonition given to you at your October 17, 1988, deposition. Accordingly, we wish to notify you that the matter of your violation may be taken up by the Committee and, once again, to direct you to refrain from any further discussion of your testimony with anyone not serving as your legal counsel.

Sincerely,

JULIAN C. DIXON,  
*Chairman.*

JOHN T. MYERS,  
*Ranking Minority Member.*

What do you think of that? A private citizen, a reputable citizen of my community, is misquoted in a document published at public expense, and sent widely to newspapers throughout the country. It is widely cited as authority, uncritically, and assumed to be accurate. The citizen being misquoted issues an affidavit to straighten it out so that he is not misquoted in the public record, and then he is warned by the committee that he might be held in violation and in contempt of Congress if he does not shut up.

First amendment rights supersede any rules of any committee, and any citizen of the United States ought to have the right to have his own testimony correctly characterized and not be threatened, or silenced by a House committee. Any House committee owes to a citizen of the United States that right and that privilege.

Well, those are basically the matters pending before the committee in our motion to dismiss. Those motions could clear the air.

Rules are important, just as the constancy of what a law means is important. The committee can resolve these particular legal issues as to what constitutes direct interest in legislation and whether or not book royalties are exempt, as the rules say they are.

I think it is important for the motions to be ruled upon, and I earnestly hope the committee will look at it from that standpoint and grant our motions.

Members are entitled to know what the rules mean and if they still mean what they meant when they were written and promulgated.

Now, maybe the rules need to be changed. If so, let us change them in a legal, orderly way. Let us vote on them. Let us vote to change them. Maybe the whole process needs some change and clarification.

You know, the House may want to consider establishing a House to whom Members can look for official advice and then rely on that advice.

The rules of the committee itself might need some reconsideration.

I have gone through this agonizing experience for about a year now. Almost every day there is a new story and a newspaper leak without any

chance for me to know what is coming next, no chance for me to go to the committee and answer it and say, "Hey, wait a minute. That is not correct. That is not right."

Maybe the committee which is currently required to sit both as a kind of grand jury and a petit jury ought to have a different composition, rather than having those who issue the statement of alleged violations being the same people who have to judge them. I think it clearly is difficult to expect Members who publicly announce reason to believe there is a violation to reverse their position at the hearing stage and dismiss charges against a Member. And maybe once a report of alleged violations is issued, the committee rules ought to allow the Member to respond expeditiously.

To deny a Member the opportunity to reply quickly can cause serious political injury. It is unfair. Once alleged violations are announced, the committee ought to release immediately to the Member all the evidence that it has to backup what it has alleged.

In my case, for example, the committee has yet to release any witness testimony or documents that it obtained during the investigation.

Why hide the evidence? What is there to hide? This ought not to be the kind of proceeding in which strategic maneuvering is allowed to override fundamental principles of fair play.

I urge the abolition of the gag order, too, which the committee says forbids any witness who comes and makes a deposition from discussing publicly or telling his side of the thing.

In addition charges which the committee concludes are unfounded should

not be published and widely disseminated as though they were true and bear the imprimatur of the committee's approval.

Now, there are other things you ought to consider. I am not trying to give you an exhaustive list of what might happen. I know there are others who have views that are equally relevant.

Perhaps we want to consider an outright abolition of all honoraria and speaking fees. Maybe we want to do that in exchange for a straightforward honest increase in the salary for members of all three branches of Government. I do not know. It is up to the House.

It is intolerably hurtful to our Government that qualified members of the executive and legislative branches are resigning because of ambiguities and confusion surrounding the ethics laws and because of their own consequent vulnerability to personal attack. That is a shame, but it is happening and it is grievously hurtful to our society.

When vilification becomes an accepted form of political debate, when negative campaigning becomes a full-time occupation, when members of each party become self-appointed vigilantes carrying out personal vendettas against members of the other party. In God's name that is not what this institution is supposed to be all about. When vengeance become more desirable than vindication and harsh personal attacks upon one another's motives and one another's character drown out the quiet logic of serious debate on important issues—things that we ought to be involving ourselves in—surely that is unworthy of our institution, unworthy of our American political process.

All of us in both political parties must resolve to bring this period of mindless cannibalism to an end. There has been enough of it.

□ 1650

I pray to God that we will do that and restore the spirit that always existed in this House. When I first came here, all those years ago in 1955, this was a place where a man's word was his bond, and his honor and the truth of what he said to you were assumed. He did not have to prove it.

I remember one time Cleve Bailey of West Virginia in a moment of impassioned concern over a tariff bill jumped up and made an objection to the fact that Chet Holifield had voted. In those days we shouted our answers to the votes, and Mr. Holifield was there in the back, and Bailey said, "I object to the vote of the gentleman from California being counted." He said, "He was not in the Chamber when his name was called and, therefore, he is not entitled to vote."

It was a close vote. Speaker Rayburn grew as red as a tomato, and I thought he was going to break the gavel when he hammered and said, "The Chair always takes the word of a Member," and then because I was sitting over here behind Cleve Bailey, I heard other Members come and say, "Cleve, you are wrong. Chet was back there behind the rail. I was standing there by him when he answered. His answer just was not heard." Others said he should not have said that. Cleve Bailey, the crusty old West Virginian, came down and abjectly, literally with tears in his eyes, apologized for having questioned the word of a fellow Member. We need that.

Have I made mistakes? Oh, boy, how many? I have made a lot of mistakes—mistakes in judgment. Oh yes, a lot of them. I will make some more.

Let me just comment on this briefly, because it is such a sensational thing, and injury has been done to me in this particular moment because of it. John Mack—and many of you remember him, know him, and I think a lot of you like him and respect him. I helped John one time in his life when he was about 20 years old. I did not know him and had never met him. I did not know the nature of the crime of which he had been convicted. I knew only that John Mack was a young man whom my daughter had known in high school. My daughter was married to his brother, incidentally, and that is how she knew about John. She mentioned it to me. All I knew was that he had been convicted of assault and that he had served 27 months in the Fairfax County jail.

Contrary to what has been published, I did not intervene with the court. I did not suggest anything to the court. I did not have anything to do with his sentencing. I really did not know and did not inquire, and maybe that is bad judgment. I did not inquire as to the exact nature of the crime.

The sheriff's office in Fairfax County called me and asked me if I would know of any job that I could help this young man get. They wanted to parole him. They said he had been a model rehabilitative prisoner. I gave him a job as a file clerk at \$9,000 a year, and he really blossomed and grew and developed.

Those of the Members who know him found the story hard to conceive,

as I did, when finally just 2 years ago I read in the newspaper the precise nature of that crime. It just did not fit his character. John was married and had two beautiful children. He was wonderfully responsible. I think he had become a very fine person.

Was that bad judgment to hire John? Maybe so. It does not have any thing to do with the rules, but it got all mixed up with it, I do not think though that it is bad judgment to try to give a young man a second chance. Maybe I should have known more about him. But in this case I think he has turned out well.

I do not believe that America really stands for the idea that a person once convicted should forever be condemned, but I think maybe he ought to have a second chance, and that is what I thought in the case of John Mack. Good judgment or bad, I believe in giving somebody a second chance.

Have I contributed unwittingly to this manic idea of a frenzy of feeding on other people's reputations? Have I caused a lot of this? Maybe I have. God, I hope I have not, but maybe I have. Have I been too partisan? Too insistent? Too abrasive? Too determined to have my way? Perhaps. Maybe so.

If I have offended anybody in the other party, I am sorry. I never meant to. I would not have done so intentionally. I have always tried to treat all of our colleagues, Democrats and Republicans with respect.

Are there things I would do differently if I had them to do over again? Oh, boy, how many may I name for you?

Well, I tell you what, I am going to make you a proposition: Let me give

you back this job you gave to me as a propitiation for all of this season of bad will that has grown up among us. Let me give it back to you. I will resign as Speaker of the House effective upon the election of my successor, and I will ask that we call a caucus on the Democratic side for next Tuesday to choose a successor.

I do not want to be a party to tearing up this institution. I love it.

To tell you the truth, this year it has been very difficult for me to offer the kind of moral leadership that our institution needs. Because every time I try to talk about the needs of the country, about the needs for affordable homes—both Jack Kemp's idea and the ideas we are developing here—every time I try to talk about the need for a minimum wage, about the need for day care centers, embracing ideas on both sides of the aisle, the media have not been interested in that. They wanted to ask me about petty personal finances.

You do not need that for a Speaker. You need somebody else, so I want to give you that back, and will have a caucus on Tuesday.

Then I will offer to resign from the House sometime before the end of June. Let that be a total payment for the anger and hostility we feel toward each other.

Let us not try to get even with each other. Republicans, please, do not get it in your heads you need to get somebody else because of John Tower. Democrats, please, do not feel that you need to get somebody on the other side because of me. We ought to be more mature than that.

Let us restore to this institution the rightful priorities of what is good for



this country. Let us all work together to try to achieve them.

The Nation has important business, and it cannot afford these distractions, and that is why I offer to resign.

I have enjoyed these years in Congress. I am grateful, for all of you have taught me things and been patient with me.

□ 1700

Horace Greeley had a quote that Harry Truman used to like:

Fame is a vapor, popularity an accident. Riches take wings. Those who cheer today may curse tomorrow. Only one thing endures: character.

I am not a bitter man. I am not going to be. I am a lucky man. God has given me the privilege of serving in this, the greatest law making institution on Earth, for a great many years, and I am grateful to the people of my district in Texas and grateful to you, my colleagues, all of you.

God bless this institution. God bless the United States.

[Applause.]

Speaker Wright announced his resignation as Speaker on May 31, 1989, effective upon the election of his successor, on June 6, 1989.<sup>(3)</sup> On that day, Speaker Wright conducted the election of his successor; he recognized the chairman of the Democratic Caucus and the chairman of the Republican Conference for nominations for the Office of Speaker, ap-

3. 135 CONG. REC. 10800-803, 101st Cong. 1st Sess.

pointed tellers for an alphabetical roll call vote, announced the result of the vote (at which point his resignation as Speaker became effective), and appointed a committee to escort the Speaker-elect to the chair to be sworn in. The following proceedings occurred:

#### ELECTION OF SPEAKER

The SPEAKER. Pursuant to the Speaker's announcement of Wednesday, May 31, 1989, the Chair will receive nominations for the Office of Speaker.

The Chair recognizes the gentleman from Pennsylvania [Mr. GRAY].

Mr. [William (Bill) H.] GRAY [III]. Mr. Speaker, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the Office of the Speaker of the House of Representatives the name of the Honorable THOMAS S. FOLEY, a Representative from the State of Washington.

The SPEAKER. The Chair now recognizes the gentleman from California [Mr. LEWIS].

(Mr LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. [Jerry] LEWIS of California. Mr. Speaker, as chairman of the Republican Conference, I am directed by the unanimous vote of that conference to present for election to the Office of the Speaker of the House of Representatives the name of the Honorable ROBERT H. MICHEL, a Representative from the State of Illinois. . . .

The SPEAKER. The Honorable THOMAS S. FOLEY, a Representative

from the State of Washington, and the Honorable ROBERT H. MICHEL, a Representative from the State of Illinois, have been placed in nomination.

Are there any further nominations?

There being no further nominations, the Chair will appoint tellers.

The Chair appoints the gentleman from Illinois [Mr. ANNUNZIO]; the gentleman from California [Mr. THOMAS]; the gentlewoman from Colorado [Mrs. SCHROEDER]; and the gentlewoman from Nebraska [Mrs. SMITH].

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 73] . . .

The SPEAKER. The tellers agree in their tallies that the total number of votes cast is 417, of which the Honorable THOMAS S. FOLEY, of Washington, has received 251 and the Honorable ROBERT H. MICHEL, of Illinois, has received 164, with 2 voting "present."

Therefore, the Honorable THOMAS S. FOLEY, of Washington, is duly elected Speaker of the House of Representatives, having received a majority of the votes cast.

### *Elected Officers*

#### **§ 9.2 The resignation of an elected officer of the House**

**(other than the Speaker) is subject to acceptance by the House. In the case of a vacancy among the elected officers of the House, the Speaker is authorized by law to appoint a person "to act as, and to exercise temporarily the duties of" the vacant office until a successor is elected.**

On Nov. 18, 2005,<sup>(2)</sup> the House, by unanimous consent, accepted the resignation of Jeff Trandahl as Clerk of the House.

#### RESIGNATION AS CLERK OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore<sup>(3)</sup> laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 18, 2005.*  
Hon. J. DENNIS HASTERT,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: I am writing to tender my resignation as Clerk effective upon the appointment of my successor November 18, 2005.

2. 151 CONG. REC. 27489, 109th Cong. 1st Sess.

Pursuant to §208 of the Legislative Reorganization Act of 1946 (2 USC §75a-1), Speaker Hastert appointed Karen L. Haas, of Maryland, to act as Clerk. Mrs. Haas subsequently was elected as Clerk. See *Id.* and 153 CONG. REC. 6, 110th Cong. 1st Sess., Jan. 4, 2007.

3. Lee Terry (NE).

It has been an honor to serve this Institution, its people and the Nation for more than 20 years. I leave knowing the incredible ability of the people who serve here and their commitment to the people they represent.

I will especially depart with a deep sense of admiration and respect for the individuals working in and with the Office of the Clerk. I wish to thank them for their efforts over the last seven years during my tenure as Clerk of the House.

With best wishes, I am

Sincerely,

JEFF TRANDAHL.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On Mar. 23, 2000,<sup>(4)</sup> Speaker pro tempore Ray LaHood, of Illinois, laid before the House a letter of resignation from the Chaplain. Upon its acceptance by the House, the Speaker appointed Father Daniel Coughlin to act as Chaplain and to exercise temporarily the duties of that office.

OFFICE OF THE CHAPLAIN,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 23, 2000.

Hon. J. DENNIS HASTERT,  
Speaker, House of Representatives,  
Washington, D.C.

DEAR MR. SPEAKER: During the last 21 years it has been my privilege and honor to serve as Chaplain of the U.S.

4. 146 CONG. REC. 3480, 3481, 106th Cong. 2d Sess.

House of Representatives. I came to the House with a view that the practice of politics can be a noble vocation and should be considered a high calling and I leave with that view strengthened and with my admiration enhanced for the people who serve in government.

I write now to inform you that effective Thursday, March 23, 2000, I resign my office as Chaplain of the House of Representatives.

It has been a singular opportunity to be elected to the position of Chaplain and now to be named Chaplain Emeritus, as I have sought to serve all the Members of the House and to honor their political and religious traditions. The friendships that have begun here have nourished my life and my work and I leave with appreciation for our years together and with a salute for the opportunities of the future.

With every good wish, I remain.

Sincerely,

JAMES D. FORD,  
Chaplain.

The SPEAKER pro tempore. Without objection, and with regret, the resignation is accepted. . . .

The SPEAKER. Pursuant to 2 U.S. Code, 75a-1, the Chair appoints Father Daniel Coughlin of Illinois to act as and to exercise temporarily the duties of Chaplain of the House of Representatives.

Business of the preceding Congress transacted after its adjournment *sine die* (including such matters as appointments and communications of resignations and subpoenas) is reflected in the *Congressional Record* on the opening

day of the new Congress under separate headings to show that it is not business of the new Congress. For example, the *Congressional Record* for Jan. 6, 1999,<sup>(5)</sup> the first day of the 106th Congress, reflects the resignation of the Clerk in the 105th Congress, effective Jan. 1, 1999, and the appointment of Jeffrey J. Trandahl to act as Clerk and to exercise temporarily the duties of that office.

The text of the communication from the Clerk of the House, dated Dec. 21, 1998, is as follows:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES  
*Washington, DC, December 21, 1998.*

Hon. NEWT GINGRICH,  
*Speaker, House of Representatives,  
The Capitol, Washington, DC.*

DEAR MR. SPEAKER: I write today to inform you of my decision to end my service as Clerk of the House effective January 1, 1999.

Because of your vision and support, many of the goals you set at the dawn of the 104th Congress have already been achieved, the most significant among them being the amount of immediate legislative information now available to all citizens via the Internet. Many others are well underway and when fully implemented will position this Office to support the efforts of the House in even more dramatic ways as we approach the millennium.

5. 145 CONG. REC. 257, 106th Cong. 1st Sess.

Thank you for providing such a magnificent opportunity for me to be a part of this unique institution.

With warm regards.

ROBIN H. CARLE.

The text of the communication from the Speaker, dated Dec. 21, 1998, is as follows:

OFFICE OF THE SPEAKER,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, December 21, 1998.*

Re temporary appointment of Clerk.

Hon. WILLIAM M. THOMAS,  
*Chairman, Committee on House  
Oversight, Longworth House Of-  
fice Building, Washington, DC*

DEAR BILL: In accordance with 2 USC § 75a-1, I hereby appoint Mr. Jeffrey J. Trandahl to fill the vacancy in the Office of the Clerk of the House of Representatives, effective January 1, 1999. Mr. Trandahl shall exercise all the duties, shall have all the powers, and shall be subject to all the requirements and limitations applicable to the position of Clerk until his successor is chosen by the House and duly qualifies as Clerk.

Please contact Dan Crowley, General Counsel in the Office of the Speaker, if you have any questions.

Sincerely,

NEWT GINGRICH,  
*Speaker.*

On Mar. 12, 1992,<sup>(6)</sup> the Speaker laid before the House a letter of resignation from the Sergeant at Arms. Upon its acceptance by the

6. 138 CONG. REC. 5519, 102d Cong. 2d Sess.

House, the Speaker appointed Werner W. Brandt to act as Sergeant at Arms and to exercise temporarily the duties of that office.

U.S. HOUSE OF REPRESENTATIVES,  
OFFICE OF THE SERGEANT AT ARMS,  
*Washington, DC March 12, 1992*

Hon. THOMAS S. FOLEY,  
*Speaker, U.S. House of Representatives,*  
*Washington, DC*

DEAR MR. SPEAKER: I respectfully submit to you my resignation as Sergeant at Arms of the United States House of Representatives effective March 12, 1992.

It has been an honor and a pleasure to serve the Members of Congress and this institution for the past 25 years.

Thank you.

Sincerely,

JACK RUSS,  
*Sergeant at Arms.*

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of the legislative Reorganization Act of 1946, as amended (2 U.S.C. 75a-1), the Chair appoints Werner W. Brandt of Virginia, to act as and to exercise temporarily the duties of Sergeant at Arms of the House of Representatives.

On Feb. 28, 1980,<sup>(7)</sup> Speaker pro tempore James C. Wright, Jr., of

7. 126 CONG. REC. 4349, 96th Cong. 2d Sess.

Texas, laid before the House a letter of resignation from the Sergeant at Arms. Upon its acceptance by the House, the Speaker appointed Benjamin J. Guthrie, of Virginia, to act as Sergeant at Arms and to exercise temporarily the duties of that office.<sup>(8)</sup>

WASHINGTON, D.C.,  
*February 28, 1980.*

Hon. THOMAS P. O'NEILL, Jr.,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: It is with deep personal regret that I submit herewith my resignation as Sergeant at Arms, U.S. House of Representatives, effective at the close of business February 29, 1980.

The decision to resign at this time has been most difficult, and it is done with a feeling of sincere appreciation for having had the privilege of serving the House for more than thirty years.

My thanks to you, Mr. Speaker, to all Members, and to my fellow employees for the many personal courtesies and acts of assistance that have enabled me to perform my assigned duties.

With kind personal regards, I remain,

Sincerely,

KENNETH R. HARDING,  
*Sergeant at Arms.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection. . . .

8. *Id.* at p. 4350.

The SPEAKER pro tempore. Pursuant to the provisions of the Legislative Reorganization Act of 1946, as amended by Public Law 197 of the 83d Congress, the Chair announces that today the Speaker has appointed, effective March 1, 1980, Benjamin J. Guthrie, of Virginia, to act as and to exercise temporarily the duties of Sergeant at Arms of the House of Representatives.

Without objection, the Chair will now administer the oath.

There was no objection.

The SPEAKER pro tempore. Will the appointee please come to the well of the House and take the oath of office.

Mr. Benjamin J. Guthrie appeared at the bar of the House and took the oath of office.

The SPEAKER pro tempore. The gentleman is the Sergeant at Arms, Acting, of the House.

On Nov. 17, 1975,<sup>(9)</sup> the Speaker laid before the House a letter of resignation from the Clerk. Upon its acceptance by the House, the Speaker appointed Edmund Lee Henshaw, Jr., to act as Clerk and to exercise temporarily the duties of that office.

WASHINGTON, D.C.,  
November 14, 1975.

Hon. CARL ALBERT,  
*Speaker, House of Representatives.*

DEAR MR. SPEAKER: I hereby submit my resignation as Clerk of the U.S. House of Representatives, effective at the close of business on November 15, 1975.

9. 121 CONG. REC. 36901, 94th Cong. 1st Sess.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,  
*Clerk, House of Representatives.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

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APPOINTMENT AS CLERK OF  
U.S. HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to the provisions of the Legislative Reorganization Act of 1946, as amended by Public Law 197, 83d Congress (67 Stat. 387, 2 U.S.C. 75a-1(a)), the Chair appoints, effective at the close of business on November 15, 1975, Edmund Lee Henshaw, Jr., of Virginia, to act as and to exercise temporarily the duties of Clerk of the House of Representatives.

Will Mr. Edmund Lee Henshaw, Jr., come to the well of the House to take the oath of office.

Mr. HENSHAW presented himself at the bar of the House and took the oath of office.

On June 30, 1972,<sup>(10)</sup> the Speaker laid before the House the resignation of the Sergeant at Arms, which was accepted by the House.

WASHINGTON, D.C.,  
June 8, 1972.

Hon. CARL ALBERT,  
*House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I hereby submit my resignation as Sergeant at Arms of

10. 118 CONG. REC. 23665, 92d Cong. 2d Sess.

the U.S. House of Representatives effective at the close of business June 30, 1972.

Sincerely,  
 ZEAKE W. JOHNSON, Jr.  
*Sergeant at Arms.*

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The Speaker then announced his appointment of the same Mr. Johnson as temporary Sergeant at Arms to fill the vacancy caused by his own resignation.

The SPEAKER. Pursuant to the provisions of the Legislative Reorganization Act of 1946; as amended by Public Law 197, 83d Congress (67 Stat. 387; 2 U.S.C. 75a-1(a)), the Chair appoints, effective July 1, 1972, Zeake W. Johnson, Jr., of Tennessee, to act as and to exercise temporarily the duties of Sergeant at Arms of the House of Representatives.<sup>(11)</sup>

*Parliamentarian's Note:* Mr. Johnson was reappointed temporarily to his former position until a replacement could be elected.

### ***Non-elected Officers, Officials, and Employees***

#### **§ 9.3 The resignation of a non-elected officer or official of the House is not subject to acceptance by the House but**

11. Kenneth R. Harding was elected to the office of Sergeant at Arms on Sept. 25, 1972 (H. Res. 1134). *Id.* at p. 32000.

**is laid before the House as a matter of information. In the case of a vacancy among a nonelected officer of the House, a new appointment is made as in the first instance.**

On May 26, 2005,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> laid the following communication before the House:

#### COMMUNICATION FROM INSPECTOR GENERAL, HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. KUHL of New York) laid before the House the following communication from Steven A. McNamara, Inspector General, House of Representatives:

OFFICE OF INSPECTOR GENERAL,  
 HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 16, 2005.*

#### MEMORANDUM

To: Hon. DENNIS HASTERT, Speaker of the House.  
 Hon. TOM DELAY, Majority Leader of the House.  
 Hon. NANCY PELOSI, Minority Leader of the House.  
 From: STEVEN A. MCNAMARA, Inspector General.  
 Subject: Notification of Resignation and Retirement.

Please accept my offer of resignation, as the Inspector General for the U.S. House of Representatives, effective May 30, 2005. This date will also be my effective date of retirement from Federal Service.

It has been an honor to serve the House as the Inspector General for the

1. 151 CONG. REC. 11441, 109th Cong. 1st Sess.  
 2. John R. Kuhl (NY).

last five years. My goal, and that of my staff, has been to help the House achieve the best use of all the dollars it spends, increase efficiencies, and ensure the health, safety, and security of Members, staff, and visitors. Through the combined support of the House Leadership, the Committee on House Administration, and the hard work of my staff, I believe we have helped the House accomplish its administrative goals.

Now, after slightly more than 35 years of Federal Service, I look forward to a new chapter in my life; the pursuit of a hobby and business venture as a kayak instructor and kayaking guide.

Once again, it has been a great honor to serve the House of the Inspector General for the last five years. It has been a fulfilling and rewarding experience!

On Apr. 1, 2004,<sup>(3)</sup> the Speaker pro tempore<sup>(4)</sup> laid before the House the following letter of resignation from John R. Miller, Law Revision Counsel. Pursuant to 2 USC §285c, the Speaker pro tempore appointed Peter LeFevre Law Revision Counsel.

The SPEAKER pro tempore laid before the House the following communication from John R. Miller, Law Revision Counsel, House of Representatives:

OFFICE OF THE LAW REVISION COUNSEL,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 29, 2004.

3. 150 CONG. REC. 6258, 6259, 108th Cong. 2d Sess.

4. Michael Simpson (ID).

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: Last October, I completed 28 years of service with the Office of the Law Revision Counsel of the U.S. House of Representatives. During that time, I have had the pleasure of serving as Assistant Counsel, Deputy Counsel, and for the past seven years Law Revision Counsel. After almost 33 years of service to the Federal Government, it has been very difficult to make this decision and select a particular date, but with your approval, I will retire as Law Revision Counsel, effective May 3, 2004.

Over the past seven years, the Office has become self-reliant and greatly improved the procedures for preparing and publishing the United States Code. Self-reliance had been the goal of the Office since it was established in 1975. The Office continues to produce the most accurate version of the Code but no longer requires any outside assistance for its production of the Code. This is the result of developing an outstanding staff as well as new procedures for preparing and publishing the Code. The new procedures and computer programs that have been developed and implemented in the past few years will enable the Office to improve its efficiency while maintaining the accuracy of the Code, and eventually will increase the timeliness in which the Code becomes available. While many challenges remain for the Office in our rapidly changing environment, I am confident that the knowledge, experience, and professionalism of the staff will enable the Office to continue its successes and progress.

Over this period, the Office also has prepared and submitted to the Committee on the Judiciary bills to enact



two titles of the Code into positive law. In addition, a bill to enact a third title should be transmitted to the Committee shortly. Also, nearing completion is a bill to complete the enactment of Title 46, Shipping.

None of this could have been accomplished without the support and expertise of the dedicated staff of the Office. I am deeply grateful for their assistance and wish them every success. Finally, I gratefully acknowledge the assistance and support that I, and the Office, have received from the many House Officers and Offices, especially the Speaker, the Chairman of the Committee on the Judiciary, the Parliamentarian, and the fine staffs of those Offices and the Committee.

Respectfully yours,  
JOHN R. MILLER,  
*Law Revision Counsel.*

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APPOINTMENT OF LAW REVISION COUNSEL, HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to 2 USC 285c, and the order of the House of December 8, 2003, the Chair announces the Speaker's appointment of Mr. Peter LeFevre as Law Revision Counsel for the House of Representatives, effective May 4, 2004.

On July 31, 1997,<sup>(5)</sup> the Speaker laid before the House a letter of resignation from the Legislative Counsel of the House, Mr. David E. Meade. Pursuant to 2 U.S.C.

5. 143 CONG. REC. 17033, 17034, 105th Cong. 1st Sess.

§ 282, the Speaker then appointed Mr. M. Pope Barrow as Legislative Counsel.

U.S. HOUSE OF REPRESENTATIVES,  
OFFICE OF THE LEGISLATIVE COUNSEL,  
*Washington, DC, July 8, 1997.*

Hon. NEWT GINGRICH,  
*Speaker, U.S. House of Representatives, U.S. Capitol, Washington, D.C.*

DEAR MR. SPEAKER: I would like to resign from my position as the Legislative Counsel of the House of Representatives effective July 31, 1997. I would like to continue my service in the Office of the Legislative Counsel as a Senior Counsel.

I will leave my position knowing that my Office is finally fully enabled to provide needed services to the House.

As you know the primary function of the Office is to draft legislation (including amendments and conference reports) which will carry out the policy of the Members involved. Ideally, there would be time for conferences to develop the policy and the persons responsible for the policy would be available. If that can be done it is very satisfactory work to participate in the process. I have taken a real interest in seeing that the Office is able to effectively do its work.

When I joined the Office in 1962 it had 11 attorneys and did not provide services to all the Committees. A good working relationship had been established with only the Ways and Means Committee and the Committee on Commerce. However, through time and the changes in the Committees, the Office has been able to establish good

working relationships with all the Committees. Without a doubt, your actions and those taken by your leadership have facilitated the Office in providing services to the Committees and the Leadership. I think it can be said that the House does not act on significant legislation which has not been a responsibility of an attorney in the Office.

The morale in the Office is quite high because of the action you took on the pay comparability with the Senate and also on account of the Committee responsibilities.

The tutorial process the Office follows with new attorneys allows the new attorney to begin Committee work with a fellow attorney in about a year. When the new attorney graduates to Committee work they feel they have been given a special responsibility.

Now an attorney doing Committee work can readily feel that he or she is making a significant contribution to a public measure.

I am encouraged about continuing in the Office. The Office undertook an extensive audit of its work and the problems presented to it in carrying out its work. As a result of the audit some very interesting work has been developed in communicating our services to the Members. The Office has a web site which provides information about the Office and the services it provides. In addition, we will soon have the capacity to fax material directly from our personal computers. That will relieve us of the time needed to make copies and deliver the work. In addition, the Office has developed a team to mediate differences in the Office. Finally, work has been done in improving the work-

ing conditions of the clerical/administrative staff. Consequently, I think we are doing well and we know what our difficulties are and we are prepared to deal with them.

I have particularly enjoyed serving as the Legislative Counsel under your Speakership.

Sincerely yours,

DAVID E. MEADE,  
*Legislative Counsel.*

The SPEAKER. Pursuant to the provisions of section 521 of the Legislative Reorganization Act of 1970 (2 U.S.C. 282), the Chair appoints Mr. M. Pope Barrow as Legislative Counsel of the United States House of Representatives, effective August 1, 1997.

The Chair would also like to thank Mr. Meade for all his service to the House, and to remind all Members that the work done by the legislative counsels is absolutely essential to the job we do, and without the dedication and hard work and long hours of the legislative counsels, it would be literally impossible to have the legislative process that we now engage in.

On Jan. 7, 1997,<sup>(6)</sup> as a matter transacted after the preceding adjournment *sine die*, Speaker Gingrich placed in the *Congressional Record* a letter of resignation from the Law Revision Counsel, Edward F. Willett, Jr. On Dec. 1, 1996, pursuant to statute, and under a previous order of the House,<sup>(7)</sup> the Speaker appointed

6. 143 CONG. REC. 189, 190, 105th Cong. 1st Sess.

7. See 142 CONG. REC. 25776, 104th Cong. 2d Sess., Sept. 28, 1996 (H. Res. 546).

Mr. John R. Miller as the new Law Revision Counsel.

U.S. HOUSE OF REPRESENTATIVES  
*Washington, DC, September 16, 1996.*

Hon. NEWT GINGRICH,  
*Speaker, U.S. House of Representatives,  
Washington, D.C.*

DEAR MR. SPEAKER: This past April, I completed 26 years of service with the House of Representatives, first as Assistant Law Revision Counsel and later as Law Revision Counsel for the Committee on the Judiciary and, since the establishment of the Office of the Law Revision Counsel in 1975, as Law Revision Counsel for the House of Representatives. Together with prior executive branch service, my total service is nearing 38 years. Accordingly, I have concluded it is time to retire. I am most grateful for having had the privilege of serving the House as Law Revision Counsel. With your approval my termination as Law Revision Counsel will become effective November 30, 1996.

Permit me to provide a brief overview of the Office of the Law Revision Counsel. Functions of the Office include the classification of new laws to the United States Code, the preparation and publication of the Code, the preparation of bills to enact titles of the Code into positive law and to repeal obsolete and superseded statutes, and the provision of advice and assistance to the Committee on the Judiciary in carrying out its functions with respect and codification.

The Office functions with a staff of 18, all of whom have been appointed without regard to political affiliation

and solely on the basis of fitness to perform the duties of the position. All have expressed the desire for career service in the Office. This has resulted in low turnover and in a highly motivated, productive staff. My Deputy and the two Senior Counsels have accumulated 60 years of service with the Office. Accumulated service of the seven Assistant Counsels totals 74 years and that of the seven support staff 69 years.

Methods and procedures for the preparation and publication of the United States Code have been modernized. Working with the Government Printing Office, the transition from hot metal to electronic typesetting and composition for printing of the Code was implemented commencing with the 1976 main edition. A computer system was installed in the Office for use in maintaining the code database and updating it to include newly enacted laws. The system permits the text of new laws to be extracted from the bills database and efficiently incorporated into the Code database. Benefits resulting from modernization include increased productivity, virtually error-free text, timelier publication, and substantial reduction in typesetting costs. Main editions of the code were published for 1976, 1982, 1988, and 1994, and annual cumulative supplements were published for each of the intervening years.

The Code database is also utilized for a computerized Code Research and Retrieval system for the legislative branch and for the annual production of the Code on CD-ROM. Response to the availability of the Code on CD-ROM has been exceptional, with thousands being purchased from the Superintendent of Documents at a unit cost

of about \$35. Commencing in January 1995, the Code and the Code classifications of new laws have been made available (utilizing the Code database) on the House Internet Law Library and on the Government Printing Office Internet access. Usage of the House Internet Law Library to access the Code is increasing significantly each month, with user totals for August in excess of 100,000. The Internet Law Library has been the subject of numerous good reviews and comments from both user groups and individual users.

As a result of bills prepared by the Office and transmitted to the Committee on the Judiciary, three titles of the Code have been enacted into positive law without substantive change and numerous obsolete and superseded laws repealed. Assistance was provided to the Committee in connection with the substantive revision and enactment into positive law of a fourth title of the Code. Bills to enact three other titles have been transmitted to the Committee and a bill relating to another title is in preparation.

What has been accomplished could not have been done without the assistance and expertise of an outstanding staff. I am truly indebted to them. The Office has enjoyed a close working relationship with the Committee on the Judiciary with regard to its consideration of bills to enact titles of the Code into positive law, for which I am most appreciative. I also gratefully acknowledge the assistance of the support offices of the House, particularly House Information Resources and the Office of the Legislative Counsel, and of the Government Printing Office.

Respectfully yours,  
EDWARD F. WILLETT, Jr.

On Mar. 1, 1989,<sup>(8)</sup> Speaker pro tempore Earl Hutto, of Florida, laid before the House a letter of resignation from the Legislative Counsel of the House, Ward M. Hussey. Pursuant to statute,<sup>(9)</sup> the Speaker later that day appointed David E. Meade as Legislative Counsel.<sup>(10)</sup>

U.S. HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 16, 1989.*

Hon. JIM WRIGHT,  
*Speaker, U.S. House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: I hereby submit my resignation as Legislative Counsel of the United States House of Representatives effective at the close of business February 28, 1989.

Sincerely yours,  
WARD M. HUSSEY,  
*Legislative Counsel.*

For tributes to Legislative Counsel Ward M. Hussey and Deputy Legislative Counsel Lawrence E. Filson on their respective retirements, see § 10.6, *infra*.

For the resignation of Lewis Deschler as House Parliamentarian, effective June 30, 1974, see § 10.3, *infra*. For the resignation of William Holmes Brown as House Parliamentarian, effective

8. 135 CONG. REC. 3084, 101st Cong. 1st Sess.

9. 2 USC § 282.

10. See 135 CONG. REC. 3097, 101st Cong. 1st Sess., Mar. 1, 1989.

Sept. 15, 1994, see § 10.4, *infra*. For the resignation of Charles W. Johnson III as House Parliamentarian, effective May 31, 2004, see § 10.5, *infra*.

**§ 9.4 Resignations of certain employees of the House sometimes have been laid before the House as accepted.**

On Jan. 22, 1962,<sup>(1)</sup> the Speaker laid before House the resignation of the Legislative Counsel of the House which was read:

JANUARY 16, 1962.

Hon. JOHN W. McCORMACK,  
*The Speaker, House of Representatives,*  
*The Capitol, Washington, D.C.*

DEAR MR. SPEAKER: I hereby submit my resignation as legislative counsel of the House of Representatives, United States, effective at the close of January 31, 1962.

Sincerely yours,  
ALLAN H. PERLEY.

Mr. [Oren] HARRIS [of Arkansas]. Mr. Speaker, I ask unanimous consent that the reply to the letter just read into the RECORD of the Speaker of the House be included at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.  
The letter referred to follows:  
THE SPEAKER'S ROOMS,  
HOUSE OF REPRESENTATIVES, U.S.,  
*Washington, D.C., January 17, 1962.*

1. 108 CONG. REC. 584, 87th Cong. 2d Sess.

Mr. ALLAN H. PERLEY,  
*Legislative Counsel,*  
*U.S. House of Representatives,*  
*Washington, D.C.*

DEAR MR. PERLEY: I am in receipt of your letter of January 16 resigning as legislative counsel, House of Representatives, United States, effective at the close of business on January 31, 1962. While I respect very much the reasons which prompted you to take this action, I regret very much you are doing so.

I am well aware of the fact that you have been associated with the office of the legislative counsel since 1925 and from 1949 until the present you have been the legislative counsel. I thoroughly understand the great responsibility of that office, and the tremendous duties devolved upon you. Your life has been dedicated through the House of Representatives in the service of our Government. There is no man who could perform his duties more effectively than you. You have had the respect throughout the years of several Speakers and Members of the House of Representatives. You have my complete respect as you had my confidence.

In accepting your resignation, reluctantly as I do, but respecting your wishes, I want to highly commend you for the outstanding character of service that you have rendered in your most trying, sensitive and important position. I cannot too highly commend you. Speaking for myself, and for the Members of the House of Representatives, I express to you my sincere thanks for service well done. I also extend to you and Mrs. Perley my very best wishes for many future years of happiness,

and in any activities in which you might engage, many years of success to you.

With kind personal regards to you and Mrs. Perley, I am,

Sincerely yours,  
JOHN W. McCORMACK,  
*Speaker.*

### ***Minority Employees***

#### **§ 9.5 The Speaker lays before the House the resignations of minority employees. Formal acceptance of such resignations is not necessary. The Journal entry shows merely that the letters of resignation were laid before the House.**

On Dec. 6, 1973,<sup>(1)</sup> the Speaker laid before the House the resignation of an employee designated by House resolution as a “minority employee”, the employee having been appointed as Chief of Staff to the Vice President.

WASHINGTON, D.C.,  
December 5, 1973.

Hon. CARL ALBERT,  
*The Speaker,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I hereby submit my resignation as one of the Floor Assistants to the Minority, generally known as Minority Sergeant at Arms,

1. 119 CONG. REC. 39927, 93d Cong. 1st Sess. See H. Jour. p. 1780, 93d Cong. 1st Sess.

effective as of the time that the Honorable Gerald R. Ford becomes the Vice President of the United States.

It has been a great privilege to serve the House of Representatives for eight years and as one of the elected minority officers in the 91st, 92d and 93d Congresses. May I express to you my personal thanks for your many courtesies and my sincere regret at having to leave the House which I will always revere and love.

Respectfully,  
ROBERT T. HARTMANN,  
*Assistant to the Minority Leader.*

On Jan. 16, 1967,<sup>(2)</sup> Speaker McCormack laid before the House the resignation of a minority employee.

DECEMBER 6, 1966.

Hon. JOHN W. McCORMACK,  
*The Speaker,*  
*U.S. House of Representatives,*  
*Washington, D.C.*

MY DEAR MR. SPEAKER: I feel that the time has come for me to retire from active employment, and it is therefore requested that you accept my resignation as assistant disbursing clerk (minority), United States House of Representatives, as of December 30, 1966.

You may be assured that my nearly twenty years service as an employee of the House has been a most pleasant and gratifying experience.

With all good wishes.

Sincerely yours,  
FREDERICK M. KISSINGER.

2. 115 CONG. REC. 444, 445, 90th Cong. 1st Sess. See H. Jour. p. 87, 90th Cong. 1st Sess.

On Oct. 31, 1969,<sup>(3)</sup> the floor assistant to the minority having retired under the provisions of Public Law No. 91-93, Speaker John W. McCormack, of Massachusetts, laid his letter of resignation before the House.

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., October 30, 1969.*

The Honorable the SPEAKER,  
*U.S. House of Representatives,*  
*Washington, D.C.*

SIR: I herewith submit my resignation as floor assistant to the minority, U.S. House of Representatives, effective at the close of business, October 31, 1969.

Respectfully,  
HARRY L. BROOKSHIRE.

On Jan. 7, 1958,<sup>(4)</sup> Speaker Sam Rayburn, of Texas, laid before the House a communication from Lyle O. Snader, resigning from his position as minority clerk.

OCTOBER 28, 1957.  
The Honorable the SPEAKER,  
*United States House of Representatives,*  
*Washington, D.C.*

SIR: I herewith submit my resignation as Minority Clerk, United States House of Representatives, effective at the close of business October 31, 1957.

3. 115 CONG. REC. 32550, 91st Cong. 1st Sess. See H. Jour. p. 1039, 91st Cong. 1st Sess.
4. 104 CONG. REC. 5, 85th Cong. 2d Sess. See H. Jour. p. 14, 85th Cong. 2d Sess.

Respectfully,  
LYLE O. SNADER.

## § 10. Tributes

Resignation of a congressional officer or employee may be announced by a Member from the floor, with the opportunity taken to offer tribute.

### *To the Chaplain*

#### § 10.1 On his retirement as Chaplain of the House, Dr. James Shera Montgomery was elected Chaplain Emeritus and paid tribute.

On Jan. 30, 1950,<sup>(1)</sup> the House by resolution appointed Dr. James Shera Montgomery, Chaplain of the House from Apr. 11, 1921, to that date, as Chaplain Emeritus.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I offer a resolution (H. Res. 453).

The Clerk read as follows:

*Resolved,* That immediately following his resignation as Chaplain of the House of Representatives, James Shera Montgomery be, and he is hereby, appointed Chaplain emeritus of the House of Representatives, with salary at the basic rate of

1. 96 CONG. REC. 1095-97, 81st Cong. 2d Sess.

\$2,350 per annum, payable monthly, to be paid out of the contingent fund of the House until otherwise provided by law.

Following action on this resolution, Members spoke in tribute.

The Speaker then laid before the House the following communication, which was read by the Clerk:

JANUARY 30, 1950.

Hon. SAM RAYBURN,  
*House of Representatives,*  
*Washington, D.C.*

MY DEAR SPEAKER: It is with regret that I submit herewith my resignation as Chaplain of the House, to take effect February 1. Due to the condition of my health this becomes necessary.

Allow me to assure you of my great appreciation of our long associations through these years; they will remain in my grateful memory while time passes by. The Congress will always be very near to my heart; may generous blessings of a loving Father abide with each and every Member, officer, and employee is my prayer.

Ever faithfully yours,  
JAMES SHERA MONTGOMERY.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

**§ 10.2 On his retirement after 20 years as Chaplain of the House, Dr. James David Ford was paid tribute by resolution electing him as Chaplain Emeritus.**

On Nov. 10, 1999,<sup>(1)</sup> the House adopted a resolution electing as Chaplain Emeritus Dr. James David Ford, who was retiring after 20 years service as House Chaplain.

The resolution was read, as follows:

H. RES. 373

*Resolved*, That immediately following his resignation as Chaplain of the House of Representatives and in recognition of the length of his devoted service to the House, Reverend James David Ford be, and he is hereby, appointed Chaplain emeritus of the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

***To the Parliamentarian***

**§ 10.3 Lewis Deschler was paid tribute on the occasion of his retirement as Parliamentarian of the House.**

On June 27, 1974,<sup>(1)</sup> Speaker Carl Albert, of Oklahoma, laid before the House the resignation of its Parliamentarian, the Honorable Lewis Deschler, effective June 30, 1974, after more than 49 years of congressional service. The House then adopted a resolution expressing its gratitude for Mr.

1. 145 CONG. REC. 29493-96, 106th Cong. 1st Sess.

1. 120 CONG. REC. 21590-95, 93d Cong. 2d Sess.



Deschler's long service. The Speaker, Majority Leader Thomas P. O'Neill, Jr., of Massachusetts, Minority Leader John J. Rhodes, of Arizona, and other Members spoke from the floor in tribute. During his remarks, the Speaker inserted in the *Congressional Record* a letter to Mr. Deschler from the Vice President of the United States, the former House Minority Leader, Gerald R. Ford, of Michigan.

The proceedings were as follows:

The SPEAKER laid before the House the following communication from the Parliamentarian of the House of Representatives:

WASHINGTON, D.C.,  
June 27, 1974.

Hon. CARL ALBERT,  
*The Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I hereby submit my resignation as Parliamentarian of the United States House of Representatives effective at the close of June 30, 1974.

I am in my fiftieth year of service for the House of Representatives, having come originally to this body as an employee in 1925. In 1927 I became Assistant Parliamentarian and in January, 1928, I began my service as Parliamentarian of the House of Representatives, service which has covered a period of more than forty-six years.

This has been a wonderful experience, and I consider it to be one of the

great privileges which God has granted me that I have served with nine Speakers: Honorable Nicholas Longworth, Honorable John Garner, Honorable Henry Rainey, Honorable Joseph Byrns, Honorable William Bankhead, Honorable Sam Rayburn, Honorable Joseph Martin, Honorable John McCormack, Honorable Carl Albert.

No one ever becomes Speaker of the House of Representatives unless he has great intelligence and ability and high probity, and unless he commands the respect of his colleagues. All of these nine Speakers were eminently qualified to follow and enhance the traditions of the House of Representatives. Their wisdom, fairness, and non-partisanship in filling the high post of Speaker is shown by the fact that from the beginning of the 70th Congress, in 1927, there have been only eight appeals from decisions of the Speaker, and in seven of these eight cases the decision of the Speaker was sustained by the House of Representatives. On the one occasion when the Speaker was overruled (on February 21, 1931), the House was actually following the wishes of Speaker Longworth, for he in effect appealed to the House to overrule him in order to correct what he regarded as an erroneous precedent.

The challenges presented by my work as Parliamentarian have been heightened by the caliber of the men and women who have served in the House of Representatives while I have been associated with it. Truly representing all parts of the country and all their constituents, their individual and collective wisdom and their unceasing dedication to this country and its Constitution have always been a source of inspiration to me. I shall always treasure the many deep and

abiding friendships which have developed through my associations with the Members over these years.

Along the way too it has been a pleasure to associate with the talented and loyal officers and employees of this body, and I am deeply grateful for the close friendships and wonderful working relationships which we have had.

I shall cherish the firm and lasting friendships I have had, Mr. Speaker, with the ladies and gentlemen of the media. In my almost daily associations with them over many years, I have come to know and respect their diligent efforts to report the news. I am particularly grateful for the way in which they honored my requests to protect my anonymity on those many occasions when they discussed with me some of the complicated legislative problems which confronted us from time to time.

The time comes in each man's life when he must determine what his future may be under God's guidance and direction. I am approaching my seventieth year, and my doctors have strongly suggested that I retire from my duties as Parliamentarian. It is my hope, Mr. Speaker, that in your good judgment you will find a position where I may continue to advise and consult with you and the new Parliamentarian, as well as continuing the important work in which I am presently engaged of compiling the Precedents of the House of Representatives.

I wish to thank you, Mr. Speaker, and through you all the Members of this great body present and past, for your many kindnesses and considerations.

Most respectfully submitted.

LEWIS DESCHLER,  
*Parliamentarian, U.S. House of  
Representatives.*

RETIREMENT OF LEWIS DESCHLER AS PARLIAMENTARIAN

Mr. O'NEILL. Mr. Speaker, on behalf of the minority leader, the gentleman from Arizona (Mr. RHODES) and myself, I offer a resolution (H. Res. 1202) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1202

*Resolved*, That the House of Representatives hereby tenders its gratitude and expresses its abiding affection to Lewis Deschler upon his retirement after more than 46 years as its Parliamentarian, and recognizes that his unsurpassed service and dedication to the House, his impartial counsel to Speaker and Members, and his exceptional contribution to the operation of its rules have immeasurably benefited this institution of government.

The Speaker stepped down from the Chair for one of the many tributes to Mr. Deschler and inserted in the *Congressional Record* a letter to Mr. Deschler from the Vice President of the United States:

THE VICE PRESIDENT,  
*Washington, June 27, 1974.*

Hon. LEWIS DESCHLER,  
*Parliamentarian, House of Rep-  
resentatives,  
Washington, D.C.*

DEAR LEW: It was with a sense of sadness that I learned you had decided to leave the place that has been a home to you for nearly half a century.

When I first came to the House you had already become a living legend in

a sanctuary of great and noble men. It was not difficult, especially for a freshman Congressman, to learn why you were so highly regarded.

Suffice it to say, Lew, that you have served the House Members—from the most junior to the most senior—with a degree of professionalism and dignity that has been, and will continue to be, an inspiration to us all.

Warmest best wishes for many years of happiness.

Sincerely,

GERALD R. FORD.

**§ 10.4 William Holmes Brown was paid tribute on the occasion of his retirement as Parliamentarian of the House.**

On Sept. 20, 1994,<sup>(1)</sup> Speaker Thomas S. Foley, of Washington, laid before the House the resignation of its Parliamentarian, the Honorable William Holmes Brown, effective Sept. 15, 1994, after 36 years of Congressional service (40 years of Federal service including four years of active duty in the United States Navy). After the letter of resignation was read and (ostensibly) accepted, Minority Leader Robert H. Michel, of Illinois, and the Speaker each spoke from the well in tribute.

The SPEAKER laid before the House the following communication from the Parliamentarian of the House of Representatives, which was read:

U.S. HOUSE OF REPRESENTATIVES,  
THE SPEAKER'S ROOMS,  
Washington, DC, August 20, 1994.

1. 140 CONG. REC. 24850-52, 103d Cong. 2d Sess.

Hon. THOMAS S. FOLEY,  
*Speaker, U.S. House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: In March of this year, I completed my thirty-sixth year with the House of Representatives. In July, I completed my twentieth year as Parliamentarian.

In the past few months, circumstances, both personal and professional, have focused my attention on retirement. It has been a difficult decision to reach, but I have concluded that it's time for a change.

The office which I have been privileged to hold continues to be both challenging and rewarding. It is fascinating to encounter—almost daily—fresh interpretations of rules and bill language which require constant evaluation of yesterday's assumptions and conclusions. The House changes from year to year, with new Members and staff and circumstances always reshaping this institution; what does not change is the reservoir of intellect and inventiveness which characterizes those who work in the legislative branch of our government. Daily interaction with such talented people makes the Congress a uniquely fascinating place to work.

I could not have done this job without a lot of help, without the love and support of my family, who have learned to live with long hours and erratic schedules; without the teamwork at the rostrum and in all the support offices of the House; without the reservoir of personal commitment and professional strength from my colleagues in the Office. Among the Deputy and the assistant parliamentarians there is a wealth of experience and talent. Their accumulated service totals over 80 years. Each is dedicated to the proposition that the rules of this great institution should be applied

and enforced without political considerations. All are open to Members and staff with respect to the rules and precedents which govern and guide the deliberations of the House and its committees. They are all exemplary public servants; they can and will continue to carry out the responsibilities of the Office in a manner which reflects the best traditions of the House. We share a lasting bond and I will miss these friends whom I admire and care for so deeply.

I owe a great debt of gratitude to all the Speakers whom I have been fortunate to know: Sam Rayburn, who first appointed me as an assistant parliamentarian on the recommendation of my legendary predecessor as Parliamentarian, Lewis Deschler; John McCormack, who shared his anecdotes and love of the House during long evening conversations in the Speaker's Rooms; Carl Albert, who had faith enough in my abilities to appoint me as Parliamentarian during a very tumultuous time in the history of the House and has continued to be a valued mentor since his retirement; Thomas P. 'Tip' O'Neill, whose good humor and warmth toward me survived some parliamentary decisions which he must have found vexing; Jim Wright, whose eloquence and courage are unflagging. Finally, Mr. Speaker, I must say how much I have valued your friendship and support. You have always been sensitive and faithful to the distinctions between political and parliamentary decisions and your gavel has been both firm and impartial. The opportunities you have given me to interact with other parliamentary institutions, particularly with the newly emerging democratic republics in eastern Europe, have revealed new horizons which I hope to explore more fully in the future. Programs to encourage and foster parliamentary democracy in that area of our world are of critical im-

portance. The House can be proud of the contribution it is making to this effort and if I can be of assistance in these endeavors I will be available to do so.

I must acknowledge the courtesies and cooperation shown me by the distinguished Minority Leader, Bob Michel. He has always shown an appreciation of the role of our office and he and his staff have been of inestimable support. To have known so many of his predecessors, such distinguished men as Joe Martin, Charley Halleck, John Rhodes and Gerald Ford, has been a rare privilege. All of these Leaders have made the House a better place and have left an indelible mark on its history.

I will miss the many friendships with Members that have formed over the years. May I extend to them, through you, my appreciation for their kindnesses.

With your concurrence, my termination as Parliamentarian will be effective on September 15, 1994.

Very respectfully yours,  
WM. HOLMES BROWN.

The SPEAKER. It is with great regret that the Chair accepts the resignation of the distinguished Parliamentarian of the House Wm. Holmes Brown.

Pursuant to the provisions of 2 U.S.C. 297a, the Chair announces that on September 16, 1994, he appointed Charles W. Johnson as Parliamentarian of the House of Representatives to succeed Wm. Holmes Brown, resigned.

□ 1210

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A WARM FAREWELL TO WILLIAM H. BROWN, PARLIAMENTARIAN

(Mr. MICHEL asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I think the news that was just announced here, that the Parliamentarian of the House is going to retire, comes as a sad note for many of us who have known Bill through all of these years, although I am happy that he is leaving in a commensurate year with my own retirement. He could not be leaving at a better time, from that standpoint.

However, things have changed since I first started in this House. At that time the Parliamentarian was Lou Deschler, referred to by those who dared to call him "the Judge." He was a tough old bird. He would not talk to staff, and he would hardly talk to Members.

I remember one time I took him five different versions of an amendment prohibiting food stamps for strikers and said, "Okay, Judge, one of these has got to be in order." And you see, he had the only copy of all the precedents of the House from 1936 on in his office, and he had all the power.

Bill Brown has changed all that. He and his staff have done a magnificent job in compiling and publishing those the Judge had kept hidden. He has done an excellent job organizing the Office of the Parliamentarian and helping the membership. Many of the precedents are now "on-line," available through the House Information System.

Bill was born in West Virginia, receiving a bachelor of science degree from Swarthmore College in Pennsylvania in 1951. He received his law degree from the University of Chicago, out our way in Illinois, and served in

the Naval Reserve with active duty in the Persian Gulf, returning as a lieutenant commander in 1974.

Bill was first appointed Assistant Parliamentarian by Speaker Sam Rayburn, and then became Parliamentarian in 1974 under Speaker Albert, and has served under six Speakers of the House.

Bill has been a great Parliamentarian, but most do not realize that he is also a farmer. He lives in a 200-year-old home on the Oakland Green Farm, has expanded the log cabin with a stone addition, and later a brick addition. Bill, I am not sure about the aluminum siding you and your lovely wife Jean have now added.

The Browns do have one daughter, Sarah, who is currently studying in Kenya.

Being a farmer and a Parliamentarian involves a lot of work. He is often late coming in, as he has been birthing calves, or on snowy days he has had to drive his tractor to a main road to get a ride. You cannot miss his car in the Rayburn garage, as it looks like he keeps it in the chicken coop all night.

Bill, we are sorely going to miss you, and can imagine you reciting precedents to your cows as the Congress continues writing new ones. I believe we will still use your expertise in attempting to finalize the publishing of the Deschler-Brown precedents, which I will always consider the "Brown volumes."

Taking Bill's place in the top spot is someone who I also have known and argued with many a time, Charlie Johnson.

We have had a good laugh telling the story of when Charlie first was

working for the Judge, and Lou assigned Charlie the responsibility of compiling old contested election cases. Charlie worked for weeks, researching and writing, only to find out later that they were all neatly compiled in Cannon's precedents.

Charlie still works harder than he needs to. He is a good guy and a dedicated worker. He is the perfect choice. Charlie, I hope you will last longer than Lehr Fess, who some of you may not know lasted just a year.

Best to you, Bill, and we know, Charlie, John, Tom, and Muftiah will carry on the strong tradition of professionalism and cooperation that you started.

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TRIBUTE TO THE HONORABLE  
WILLIAM HOLMES BROWN,  
PARLIAMENTARIAN, ON HIS  
RETIREMENT

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, nothing gives me greater satisfaction than to hear on this day of retirement of Bill Brown these wonderfully warm words from the Republican leader, because I think the lifeblood of any parliamentary body is the sense that our debates and discussions, the votes and actions taken here, are taken in a context of rules and observance, conventions and procedures, that are fair to each Member of the body. Indeed, I think the history of our House of Representatives, certainly in this recent period, has been one of scrupulous adherence to the rules.

As Speaker I have tried to follow that guide of fairness and objectivity in every ruling I have made, and if I had any tendency to veer from that, I would find resistance, very strong resistance, from the Parliamentarians of the House, who are committed in an almost religious sense to ensuring that the rules are absolutely impartially observed here, I think there is a record, perhaps, of the fact that this body has hardly ever overruled the Chair, and that in those cases where there sometimes has been a question of moving to override the Chair, Republican leadership has often joined with our Members and Republican Members have joined with Democratic Members in supporting the Chair.

Certainly no small part of the credit for this belongs to Bill Brown. He has been an absolutely sterling Parliamentarian in every way. He has served six Speakers. He has been in this body for almost a longer period than virtually anyone. There are few Members and very few professional staff who have served as long.

He begins his retirement with the best wishes and warm affection of an overwhelming number of Members and those who serve with him in aiding this body to achieve its objectives. He has compiled, as Bob Michel says, the precedents of the House. They are now available for all. He has in recent months been a special resource of assistance to emerging parliamentary democracies in Eastern Europe. I think he has found great satisfaction and opportunity for additional service in that work.

Charlie Johnson, his very long-time Assistant Parliamentarian, has our full confidence on both sides of the aisle,

and I have made his appointment with great satisfaction; and if it is time, in Bill Brown's judgment, to leave, that a successor as worthy and able and committed and dedicated as Charlie Johnson stands ready to assume the responsibilities.

Mr. Speaker, I want to extend again, not only on my own behalf but on the behalf of all Members of this House, my thanks and my appreciation and my warmest best wishes to Bill Brown, and every success and happiness for him and Jean in the years that lie ahead.

**§ 10.5 Charles W. Johnson III was paid tribute on the occasion of his retirement as Parliamentarian of the House.**

On May 20, 2004,<sup>(1)</sup> Speaker J. Dennis Hastert, of Illinois, laid before the House the resignation of its Parliamentarian, Charles W. Johnson III, effective May 31, 2004, after 40 years of Congressional service. After the resignation was read, the Speaker, from the floor, offered, and the House adopted, House Resolution 651, expressing gratitude for Mr. Johnson's service, and the Speaker, Majority Leader Tom DeLay, of Texas, Minority Leader Nancy Pelosi, of California, and other Members took the floor in tribute:

1. 150 CONG. REC. 10618-29, 108th Cong. 2d Sess.

**RESIGNATION AS PARLIAMENTARIAN OF HOUSE OF REPRESENTATIVES**

The SPEAKER laid before the House the following resignation as Parliamentarian of the House of Representatives:

THE SPEAKER'S ROOMS,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 20, 2004.*

Hon. J. DENNIS HASTERT,  
*Speaker of the House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: After forty years of service in the Office of Parliamentarian, I believe that the time is appropriate for me to submit my resignation in completion of a wonderfully satisfying career under seven Speakers. By this action, I shall with your permission remain available to fulfill the requirement in law to publish precedents accumulated during my tenure and that of my beloved predecessor, the late Wm. Holmes Brown.

This decision is made especially difficult by the loyal support and friendship you have shown to me, Mr. Speaker. You have enabled my office to serve the House and all its Members at a time of profound institutional change, by coping with new pressures and realities while mindful of the importance of continuity of the practices and precedents of the House and of the dignity and integrity of its proceedings. Speaker Foley, who appointed me to this position, other Speakers, and Minority Leaders, whose personal friendships I have also cherished, have likewise been particularly supportive of this office.

One need only refer to the prefaces of Hinds', Cannon's, and Deschler's

**Ch. 37 § 10**      DESCHLER-BROWN-JOHNSON PRECEDENTS

Precedents to gain a sense of the extent of the procedural evolution in the House for the first 190 years of the Republic, and then compare with that documented history the nature and pace of more recent changes, to understand the enormity of contemporary developments. Along the way, important matters of Constitutional separation of powers and continuity of government have occupied high profile status requiring the attention of my office. Numerous incremental changes have considerably altered the procedural landscape during my career. Examples include increased turnover in Membership, committee seniority status, budgetary disciplines, appropriations practices, an ethics process, televised proceedings, multiplicity of committee jurisdictions, oversight and authorization prerequisites, the impact of changing Senate processes, disposition of matters in conference, review of Executive actions, authorities to recess, to postpone and cluster votes and consolidate amendments, an issue-specific super-majority vote requirement, electronic capabilities, committee report availabilities, five-minute rule and other special rule variations, and the interaction between traditional spontaneity of the House's proceedings and trends toward relative predictability of time constraints and issues presented.

I believe that the longstanding tradition of the role of the Chair in rendering impartial and proper decisions has been maintained and appreciated despite the switch in party majorities and despite occasional efforts to appeal various rulings. It has been reassuring when bipartisan majorities understand and support the rulings of the Chair solely on the basis of their propriety as

nonpartisan institutional standards with precedential significance. Respect for appropriate means of disagreement remains the foundation upon which so much depends. I express special gratitude to those Members on both sides of the aisle who served as fair and effective presiding officers during this time. We share a unique bond.

In fact, my decision is made easier by the certain realization that my office is immediately capable of providing all required services to the House. That is made possible by the total dedication and competence of my deputies, assistants and clerks. Beyond the fact that they offer to the House more than 100 years in cumulative nonpartisan professional experience, they are my dear friends whose institutional loyalty and commitment have been unfailing. Together, with frequent infusions of humor and with an essential ability to communicate honestly with all who inquire, they serve in the public interest. In retrospect many of my own most valuable experiences were as Deputy and Assistant, in furtherance of the office's collective response to questions. I am particularly proud of the involvement of my office in the preparation of the recodification of the Rules in the 106th Congress working with a bi-partisan task force. By this letter through you Mr. Speaker, I also wish to honor the many staff who, over the years, have respected and protected the collegial traditions of the House by their professionalism and by being true to Speaker O'Neill's reminder of the abiding "importance of being nice".

My affection for the House which began when Parliamentarian Lewis Deschler hired me in 1964 has been



sustaining. It has been nurtured by occasional skepticism, by the never-ending nuances of questions and responses which have confronted the House, by cherished relationships with Members and staff past and present, and by exchanges with parliamentarians from over the world. I expect to communicate the value of this unique experience to young people contemplating public service. Thank you, Mr. Speaker, for having permitted me this opportunity, and for your friendship.

With your permission, this resignation will take effect May 31, 2004.

Very respectfully yours,  
CHARLES W. JOHNSON,  
*Parliamentarian.*

The SPEAKER. With great regret, the Chair accepts the resignation of the distinguished Parliamentarian of the House, Charles W. Johnson, effective May 31, 2004.

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APPOINTMENT AS PARLIAMENTARIAN OF HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to section 287a of title 2, United States Code, the Chair appoints John V. Sullivan as Parliamentarian of the House of Representatives to succeed Charles W. Johnson, resigned.

Will the gentleman from Illinois (Mr. LAHOOD) kindly assume the Chair.

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EXPRESSING THE GRATITUDE OF THE HOUSE OF REPRESENTATIVES TO ITS PARLIAMENTARIAN, THE HONORABLE CHARLES W. JOHNSON.

Mr. HASTERT. Mr. Speaker, I offer a resolution (H. Res. 651) expressing

the gratitude of the House of Representatives to its Parliamentarian, the Honorable Charles W. Johnson, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 651

Whereas Charles W. Johnson was appointed to the Office of the Parliamentarian of the House of Representatives in May 1964 and, over the ensuing 40 years has continuously served in that Office under seven successive Speakers, the past 10 years as Parliamentarian of the House of Representatives under the appointments of three successive Speakers;

Whereas Charles W. Johnson has unfailingly endeavored to apply pertinent precedent to every parliamentary question, in recognition of the principle that fidelity to precedent promotes procedural fairness and legitimacy; and

Whereas Charles W. Johnson has institutionalized in the Office of the Parliamentarian his demonstrated commitment to consistency in parliamentary analysis: Now, therefore, be it

*Resolved*, That the House of Representatives expresses its profound gratitude to the Honorable Charles W. Johnson for his unrivaled record of devoted service and steady, impartial guidance as its Parliamentarian.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. [David] DREIER [of California]. Mr. Speaker, parliamentary inquiry.

**Ch. 37 § 10**      DESCHLER-BROWN-JOHNSON PRECEDENTS

The SPEAKER pro tempore (Mr. LAHOOD).<sup>(2)</sup> The gentleman may inquire.

Mr. DREIER. Mr. Speaker, is a motion to table this resolution in order at this time?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. HASTERT), the distinguished Speaker, will control 1 hour.

Mr. HASTERT. Mr. Speaker, I yield myself such time as I may consume, after which I yield my time to the gentleman from Texas (Mr. DELAY) and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HASTERT. Mr. Speaker, 40 years ago Charlie Johnson, fresh out of Virginia Law School, came to work for the Office of the Parliamentarian. Little did he know that 40 years later, almost to the day, he would be announcing his retirement from that same office.

Charlie, we are going to miss you.

You have been a rock. You have advised seven different Speakers and countless Speaker pro tems on how they should rule on various parliamentary questions. You have advised thousands of Members and even more staff in how to draft their amendments. You have given us advice on committee jurisdiction, the favorite part of my job.

The Parliamentarian in the House takes on special significance, more so than any other legislative body. You have to be exceedingly fair and judi-

cious, and have to be seen as fair and judicious by both sides. And I know that is not always easy.

Charlie replaced Bill Brown as Parliamentarian. Bill started the process of demystifying the precedents used by his predecessor, Lew Deschler. That is a pretty good pedigree of institutional knowledge. Charlie has continued to make the Parliamentarian's office more accessible and more open to Members and staff.

Charlie is a man of many talents. He is dedicated to education and talks endlessly about his beloved Camp Dudley, a place for kids to learn about the great outdoors. He is a baseball fanatic, a southpaw who pitches batting practice for the Los Angeles Dodgers. And he has an avid interest in the English House of Commons. In fact, he is writing a book with his counterpart in London comparing our procedures with those of the Parliament.

I am sure he thinks he will get the chance to spend more time with his lovely wife Martha and his two boys, Charles and Drew, once he retires, but let us not kid ourselves. If I know Charlie Johnson, I know he will keep as active as he ever has with his many interests in many things.

I have asked John Sullivan to replace Charlie, and he has accepted the offer. John is well respected by both Republicans and Democrats and has served in the Parliamentarian's office since 1987. John is a graduate from the Air Force Academy and got his law degree from Indiana School of Law. John is an avid college basketball fan whose allegiance tends to flow to any team that Bobby Knight coaches. John is an able successor to Charlie Johnson, Bill Brown and Lew Deschler, and he will do a fine job.

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2. Ray LaHood (PA).

Once again, best wishes to Charlie Johnson in his golden years. We wish you the best.

The SPEAKER pro tempore. The gentleman from Texas (Mr. DELAY) is recognized.

Mr. DELAY. Mr. Speaker, I yield half of my time to the gentlewoman from California (Ms. PELOSI) and ask unanimous consent that she be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1015

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

To the gentleman from California's (Mr. DREIER) question as to whether it was appropriate to table the resolution, I think we should have tabled the letter.

Mr. Speaker, it is with personal and official pride that I rise to pay tribute to Charles Johnson on his retirement as House Parliamentarian and to thank him for his many years of outstanding service to this body.

To praise Charlie Johnson is easy, and it is one thing that brings Democrats and Republicans together. I have only served for 17 years of Charlie's 40, and during that time I have observed, and we have all witnessed, profound changes in how this body conducts its business. But through every change and difficult time, the House has always been able to count on the expert, honest, and fair advice of Charlie Johnson.

Charlie began his service in the House in 1964, as acknowledged by the

Speaker, shortly after graduating from the University of Virginia Law School. When he was appointed House Parliamentarian in 1994, he joined a distinguished line that includes Clarence Cannon, Lewis Deschler, and Bill Brown. Think of this, my colleagues: Charlie is just the third Parliamentarian since 1928.

Respected on both sides of the aisle, Charlie was first appointed by a Democratic Speaker, Speaker Tom Foley, and reappointed by Republican Speakers Newt Gingrich and the gentleman from Illinois (Mr. HASTERT).

Charlie exemplifies the best of this House. With his unquestioned integrity and keen intellect, he has consistently maintained the highest standards of nonpartisanship and scholarship for the Office of Parliamentarian. Charlie has guided us carefully, but firmly, through turbulent floor debates; and he knows of what we speak here and has provided sound and discreet advice to individual Members and staff.

He has served as a mentor to the outstanding Parliamentarians that serve under him, among them his respected successor, John Sullivan. And we are all pleased with the Speaker's announcement that John Sullivan will be named the Parliamentarian; and that, of course, is the suggestion of Charlie Johnson. So respected is he that he can even suggest his own successor.

On top of everything, Charlie Johnson is truly a kind man. The Speaker and others will reference Camp Dudley, one of his acts of kindness.

As a San Franciscan, and, Charlie, I am going to spill the beans on you, I am delighted that Charlie is also a devoted San Francisco Giants fan. But

Charlie is not just a fan. When he leaves us, he will take up his true calling as a major league batting practice pitcher, beginning with a Dodgers-Expos game soon.

Perhaps, Mr. Leader, we can use our collective influence to have this event covered by C-SPAN. Maybe we could just do it right here on the floor and then it will be covered by C-SPAN.

Although Charlie will relinquish his daily duties here, Charlie's dedication to this House, of course, will remain. Charlie will continue the difficult, but essential, work on the Precedents of the House of Representatives.

Earlier this week when the Speaker told me of the news of Charlie's submitting this letter, which I agree should be tabled, I received the news with mixed emotions. We all know how great Charlie is as the Parliamentarian and what a great friend he is to many of us, but of course we want to see him go on after 40 years to fulfill himself personally in other ways. And so we know he will teach professionally at the University of Virginia Law School and he will collaborate with the Parliamentarian in the House of Commons of the U.K. on a book of parliamentary procedures that will surely be a great contribution on that important topic.

But I was delighted to hear Charlie talk about his own personal plans. Of course he will have more time with his wonderful family, and he is very lucky his grandchildren live in the region. In fact, we are lucky his grandchildren live in the region because hopefully that will mean that Charlie will visit us frequently.

As you leave us, Charlie, please go forth with the knowledge that anyone

who values the work of this House of Representatives indeed values the work of democracy, is deeply in your debt, and that goes well beyond those of us who have served here, with the knowledge that you will be deeply missed and with the hope for us that you will visit us often. Good luck to you. Congratulations. Thank you. Thank you. Thank you. And thank you to your family for sharing you with us.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with mixed feelings that I come to the House today to wish farewell to our respected and beloved Parliamentarian Charlie Johnson. It is a happy day because it provides us with an opportunity to recognize one of the true giants of the United States House of Representatives and finally give one of our often underappreciated officials his due and also because we know he is on his way to a happy retirement.

But it is a sad day, as well, for the House is losing one of its true institutions. For more than 4 decades, Charlie has provided Members of both parties the benefit of his guidance and his judgment and his experience. Charlie is an honest man, one of the few in Washington whose staff can honestly claim that they rarely make mistakes and honestly claim that they take responsibility for them when they do.

For instance, when I took over as majority leader, Charlie and I often butted heads over the length of floor votes. I urged the Chair to gavel votes closely right at 15 minutes, even as Members were scrambling to the floor

to cast their votes. I thought that imposing a little discipline in the voting would encourage a more efficient use of floor time in the House.

But Charlie's experience taught him the value of tolerance and understanding in these matters; and particularly during certain votes late last year, I finally saw the wisdom of Charlie's way of thinking in leaving some of those votes open. For those of you on the other side of the aisle, that was a TOM DELAY's idea of a joke.

Along with Charlie's experience, we will also miss his undying support for the Amherst College Lord Jeffs, which, to those of you who follow the perennial NESAC, the cellar-dwellers, know, is vocal, enthusiastic, and honestly a little sad.

Seriously, Mr. Speaker, the job of the Parliamentarian is a job of trust, of integrity, and of honesty. These are the qualities without which no description of Charlie Johnson would be complete. The House has been honored by his service, and we have been honored by his presence.

Good luck, Charlie. God bless you and your family, and of course we always thank you for your exemplary and distinguished service to the House of Representatives and to this Nation.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DREIER) and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Ms. PELOSI. Mr. Speaker, I yield the balance of my time to the very dis-

tinguished gentleman from Texas (Mr. FROST), ranking member on the Committee on Rules. He and the Committee on Rules and staff, as well as other Members, know full well the quality of the excellence of the work of Charlie Johnson, and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. [Martin] FROST [of Texas]. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. [Steny H.] HOYER [of Maryland]. Mr. Speaker, I thank the distinguished gentleman from Texas, the ranking member of the Committee on Rules, for yielding me this time.

Those who will speak have been here for some years. Most of us who speak are known as institutions. We love this House. We believe this House plays a very unique role in this democracy. It is called the People's house, a House to which one can be elected but not appointed. It is a House where the passions and wisdom of the people are joined in this crucible of decision-making process. It is a House that is composed of persons of different views, different regions, indeed different races and nationalities. It is a House where our Founding Fathers designed American democracy to be realized.

And in that context it is extraordinarily important to have a House that plays by the rules. Our Founding Fathers knew that if we were to have democracy, it would have to be governed by rules.

The gentleman from Missouri (Mr. GEPHARDT), my good friend, the former majority leader, is on the floor; and I have heard him say so often that democracy is a substitute for war.

In that context, it is sometimes confrontational; and we need a wise person helped by wise staff to, in effect, be the referee, to say to both sides that we are a democracy and we resolve questions in a peaceful way, perhaps animated, perhaps heated, but nevertheless in a way that seeks to realize the dream of our Founding Fathers, a dream which has been sustained now since 1789 because of people like Charles W. Johnson III. Not elected to serve but selected, selected by persons who themselves are elected and who know the value of this institution and the absolutely essential position that Charles Johnson III was called to serve in.

I am not objective. Those of us who speak will not be objective. We are his friends. We are his admirers. We are appreciative of the service that he has given to this House but, much more importantly, to this country. He is wise. He is also thoughtful. He is also caring of the institution, its staff and its Members but, most of all, of his country.

Mr. Speaker, I rise with my colleagues to thank Charlie Johnson for his service. Charlie's service will be long remembered. He will write a book, and like his predecessors, that book will be used for generations to come to help manage this center of democracy, the people's House.

I somewhat lament the fact that Charlie is leaving and will be replaced by John Sullivan, not because John

Sullivan is not a worthy successor, but because I prefer Gary Williams to Bobby Knight, and Drew went to the University of Maryland and therefore leavened Charlie Johnson's University of Virginia experience.

But, Charlie, as you leave, as we honor you, as we thank you, we wish you Godspeed and wish you many years of the kind of productivity and success that you have enjoyed here in this House. You have been and continue to be a great American in the tradition of your predecessors who ensured that the people's House would be revered by its Members and respected by those it serves. Godspeed.

□ 1030

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very challenging time for all of us, because Charlie has been such a great friend and enormous asset to this institution.

Many of us are proud to be institutionalists, and as the gentleman from Maryland (Mr. HOYER) said, I am one of them; and there are an awful lot of people here who, over the last decades have seen attacks made on this institution itself, but many of us, you included, Mr. Speaker, have had a strong commitment to this institution.

The Office of the Parliamentarian began in 1857 when Speaker James L. Orr of South Carolina appointed Thaddeus Morrice as "Messenger." Morrice was said to have a marvelous memory and his ability to recall the House precedents and other decisions of the Chair required him to be near the Speaker in his role as presiding officer of the House.

The title was later changed to "Clerk to the Speaker," then to "Clerk at the Speaker's Table," and in 1927 to "House Parliamentarian." The first person to actually have the title of Parliamentarian was Lehr Fess.

Today, we are honoring Charles W. Johnson III as he steps down from that most important position. There are few people, including those Members who have been elected to serve, who have contributed more to this institution than Charlie Johnson.

In fact, Mr. Speaker, I believe that Charles W. Johnson III is the greatest Parliamentarian to have served this House and our country. His dedication and service to this great institution is unparalleled in our history.

Oh, yes, great men have served before, as we have heard, but he has distinguished himself from them by his desire and ability to not only assist the Speaker and other presiding officers, but to reach out and teach Members and staff the rules of this institution.

Moreover, he has been an example as to how we should conduct ourselves in office and in life. He has always been a gentleman who has dealt with Members honestly and fairly. He has worked with Members from both sides of the aisle evenhandedly and without prejudice. His advice and counsel have always been sound and thoughtful. He has been steady and consistent, even when there has been turmoil in the House and in the country at large.

Charlie has helped this institution during some of the most trying times that our country has endured. He has competently served this House and our country by assuring that this great Chamber proceeds in order when there

has been chaos and conflict in the world around us. He has been at our side from the Vietnam War to the War on Terror.

There is not enough time to ever fully explain how much Charlie has contributed. Every piece, every single piece of legislation, every amendment considered, every motion, every floor event, every law enacted over the past several decades, bears his mark. Who else among us can actually say that?

I am humbled at the thought of how much he has done for me personally as a Member of this body and as chairman of the Committee on Rules. He has assisted me through major reforms and minor jurisdictional squabbles.

But today I want to say thank you very much, Charlie, not only for what you have done for me, but I want to thank you for what you have done for this great institution, the greatest deliberative body known to man and to our country as a whole.

Yesterday morning, not unusually, the House Committee on Rules convened at 7 a.m. to proceed with consideration of the Department of Defense authorization rule and the conference report on the budget. At the end of that meeting, I joined with the gentleman from Texas (Mr. FROST), the ranking minority member of the Committee on Rules, in asking for an agreement to be unanimous, and, thank heavens for you, Charlie, no one did call a vote, but we unanimously did pass a resolution that had been crafted by our able Staff Director, Billy Pitts, who, as you know, is a great institutionalist and very committed to this body, and Kristi Walseth, who worked in fashioning the resolution.

I should say that we actually have many more staff people on the House floor, I think, than Members at this moment, because there are so many staff members with whom you have worked closely. I mentioned Billy Pitts, but I want to say on behalf of the bipartisan staff membership of the House Committee on Rules, working closely with you and your team, I see here on the floor Seth Webb and a number of people from the Speaker's office who work, I know, very closely with you. These staff members will not have an opportunity to speak here on the House floor, but I know that every single one of them would want us to express our appreciation to you for your effort.

I would like to take just a moment to read the resolution, which we overnight have gotten on parchment, and I am going to personally present to you here. This was voted unanimously by the Committee on Rules at 7 o'clock, foggy, yesterday morning.

Whereas Charles W. Johnson, III has served the House of Representatives with dedication and devotion in the Office of the Parliamentarian since May 20, 1964; and

Whereas Charles W. Johnson, III learned the Rules, practices and precedents of the House under the tutelage of Lewis Deschler, who served the House as Parliamentarian from 1928 until 1974, and his good and great friend W. Holmes Brown, who served as the House Parliamentarian from 1974 until 1994; and

Whereas Charles W. Johnson, III has used those lessons to honorably serve as a universally respected Parliamentarian of the House from 1994 until today; and

Whereas Charles W. Johnson, III has, as a teacher of House rules, its

practices and precedents, taught respect for the institution of the United States House of Representatives to countless Members of Congress and their staff; and

Whereas Charles W. Johnson, III has provided to the Committee on Rules countless hours of advice and counsel as well as assistance in its work as the traffic cop of the House; and

Whereas Charles W. Johnson, III has ensured that the Office the Parliamentarian will continue to operate with the high standards and non-partisan manner that he and his predecessors have demanded by assembling a knowledgeable, skilled and experienced staff who serve as a vital part of the operation of the House; and

Whereas Charles W. Johnson, III, or "Charlie" as he is known in the House, will continue to serve the House as he continues the work of Lew Deschler and Bill Brown by finishing the Precedents of the House; and

Whereas his good humor, kind smile and love of baseball will be missed by all who know him in the House of Representatives; and

Whereas Charles W. Johnson, III will officially retire from the United States House of Representatives on May 20, 2004, exactly 40 years after he first came to this body: Now, therefore be it

*Resolved*, That the Members of the Committee on Rules express their deep and lasting appreciation for the service Charles W. Johnson, III has given to the Committee, the House of Representatives and the people of the United States of America.

I look forward to giving this to you personally, Charlie.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.



Mr. Speaker, I want to thank you and the Democratic leader for bringing this resolution to the Floor this morning so that Members of the House may pay tribute to our friend Charles W. Johnson.

Charlie is taking leave of his position as Parliamentarian of the House today, exactly 40 years after he began as a young lawyer fresh out of law school in the Parliamentarian's office. On his last day in the House it is only fitting that the Members of this body can take the floor to pay tribute to him and express our gratitude and our friendship.

To say that Charlie is a creature of the House or a servant of this institution does him a disservice, for without him, many of us would never have learned the intricacies of the Rules of the House, its practices and its procedures. Without his sage advice and counsel, so many of us, as well as our staff, would be lost in the maze of legislative practice.

His office, just off this floor, is more than just an office; it has served as a focal point for discussions both pointed and prosaic, political and procedural, but always, always, non-partisan.

Quite frankly, Mr. Speaker, Charlie is the institution. During his 40 years as a Parliamentarian, he has served Democratic Speakers and Republican Speakers. He has shown fairness to all and malice to none. Not an easy task, where tempers can run high and where blame is easily cast.

He has served through peace and war and through times of great national triumph and tragedy. Charlie has always risen to the challenge, and in doing so, has challenged so many of us to do so as well.

Charlie took over the job as the Parliamentarian in 1994 following the retirement of his dear friend and colleague Bill Brown. Just as Bill was a voice of calm, deliberative reason, so is Charlie. Far too often we, as Members, fail to recognize the importance of those qualities in the people who ensure that the business of the House can proceed, regardless of which political party holds the majority. I know that it is often the case with regard to Charlie and the entire staff of the Office of the Parliamentarian.

Charlie is so good at what he does that he makes the job look easy. But I, for one, know it is not. But his talents, his intellect and his love for this institution have made our job as legislators all the more easy, and I am grateful.

When I was first elected to the House 26 years ago, I became only the second freshman Member in the 20th century to take a seat on the Committee on Rules. Had it not been for Bill and Charlie, my acclimation to that difficult post would have been far more difficult. I know because of their patient tutelage, their willingness to just sit down and talk, their careful guidance, my knowledge of the Rules and how to use them now runs both deep and wide.

I want to take just a moment, Mr. Speaker, to kind of talk about my personal experience with Charlie and his office.

From time to time, I, my staff, would go to see Charlie and we would ask very direct questions, questions that were vital to formulating strategy on our side of the aisle. What he would do would be to respond to every question and to answer every question truthfully. He did not go beyond that. He

did not try to suggest what strategic steps we should take. He only answered what we asked. And I know he did that for the other side as well.

He was truly acting in the best, non-partisan position in helping us as partisans understand what we could and could not do. But he never went beyond that. He never said, "By the way, you know, you could do this also." And that is the role of a Parliamentarian, to answer truthfully the questions of both sides of the aisle, and then let those Members on both sides of the aisle figure out where they go with the information.

I cannot tell you how important that is to the functioning of this body and how important it has been to me as a Member to know that I can go to someone and get an honest answer; who will answer my questions, but who will not necessarily go beyond that. And I respect that.

I know we will all miss Charlie, but I also know we all wish him well. He has earned the respect of hundreds of Members and more staff than he can count. He is a man of the House and a deep and true friend of the House. He has ensured that his office will continue to serve the House by assembling a talented staff.

I owe him so much, and there are not words to express my deep gratitude and affection. I can only wish you the best, Charlie. And while I know he has taken great pains to ensure the institution will go on without him, I know it will not be the same.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, at this time, I am happy to yield 1 minute to

my friend, the gentleman from Sanibel, Florida (Mr. GOSS), the very distinguished vice chairman of the Committee on Rules.

Mr. [Porter J.] GOSS. Mr. Speaker, I thank the distinguished chairman for yielding me time.

I too wish to associate myself with the praise and gratitude for the man and his service to our institution. I would characterize Charlie as the true north on the compass of this institution and the man who had the good judgment to understand when magnetic declinations were in order. He has had seasoned patience with seasoned Members, and he has had extraordinary patience with new Members, to try to explain how things happen here. I think many of us feel that his personal judgment is as much a hallmark as the knowledge of the institution, which is matched by none.

The reason I asked for time to speak is that Charlie will always be in my memory on a fateful day in this country, September 11, 2001. The Speaker of the House desired that the House be opened for a prayer on that fateful day even as events were transpiring around us. It was not the right time, there was concern about precedent. Parliamentarians always worry about precedent.

□ 1045

Charlie found a way for us to get the House opened, the prayer said, and the House evacuated. And I have, to this day, that official RECORD hanging on my wall in my office and it will always be a memory of my life. Because I think it was very important that that day was recorded that way about this

institution, and it would not have happened without him, of course.

Charlie is well regarded here and overseas, as we know. I have talked to parliamentarians, as I am sure others will testify, who come and wonder how this democracy works; how the people's House works. He has imparted that knowledge and wisdom and judgment around the globe, and I have heard it expressed many times from visitors who come here.

He has added value. He has brought credit to our institution. We are going to miss you a lot, Charlie, and I wanted to say thanks.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House.

Mr. [John D.] DINGELL. Mr. Speaker, I rise with great personal sadness about the departure from this institution of a great friend, wise counselor, mentor, and superb public servant. I do speak, however, with pride about the accomplishments of Charlie Johnson, who has served us, the House, and his country well.

He is in all particulars a great patriot and a great American. He has been wise counselor to us, mentor; he has given us good advice; and he has seen to it that we understood the history and the traditions of this institution.

He has served us in the great traditions of Clarence Cannon, Lewis Deschler, Bill Brown, and now the fine work which he has done. He is going to be missed by this institution. He has served as an example to all of us and to those who will follow in his particular task as Parliamentarian.

It has been his responsibility to see to it that the House function as it should, in accord with the great traditions that we have here of respect, of decency, and of love of this institution. And for that and all of the other things that we can say good about Charlie, we have to recognize that we should say thank you; that we should say well done; that we should wish him well for what it is that he has accomplished.

The House is a better institution for his wonderful service to this body. And all of us here, as individual Members, particularly those of us who have had frequent occasion to consult with him about the rules, about the traditions, about how this institution does work and how it should work have a special reason to be grateful to him and to have a special burden of gratitude to him for what he has done.

I am proud, indeed, that he has been my friend. I am grateful to him as my mentor. I am appreciative to him of his wise counsel and guidance. And I know that I am not alone in feeling a singular debt of gratitude to my good friend, our Parliamentarian, as he leaves us.

I would note that other Members have these same feelings and all have good reasons. And I would note that the House of Representatives is a better institution, and one more in keeping with the traditions and with the principles and practices, and in keeping with what it is we would like to say it was, a great institution, the House of the people, and a place which serves all of us.

All of us have reason to miss him, and we will indeed. We will wish him well. We will pray that God will be

good to him and that He will give him many years to enjoy a reflection upon the great service which he has given to this great country.

I say again to him, Charlie, well done, good and faithful servant. You have made this a great institution, and we are all grateful to you. Thank you, my friend.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. PETRI).

Mr. [Thomas E.] PETRI. Mr. Speaker, it is with a sense of real loss that I first heard the news that Charlie Johnson was leaving after so many years of dedicated service to all of us in the House, and I want to take this occasion to join with my colleagues in paying tribute to him today.

I personally take great comfort in seeing Charlie each day at his post on the Speaker's podium, monitoring our proceedings, guiding the Member who has been appointed to preside over the House, and making the determinations and rulings needed to keep this House running in a manner that respects the rights and the privileges of all Members. I know that we are in good hands.

The person who serves as Parliamentarian influences the daily activities of the House, and though not known by many Americans, has had a great impact on some of the most dramatic moments that have occurred in this Chamber. From his perch, he literally has a front seat to history. I am sure at times he found himself in situations he never expected; but through it all, his behavior was beyond reproach.

Perhaps what impressed me most as I got to know Charlie over the years

was his commitment to and interest in parliamentary procedure, not only here in the U.S. but in other legislative bodies as well. Charlie often traveled to consult with others and has participated in conferences and hearings explaining our rules and procedures.

Speaking from my own experience, he joined us on trips to London as part of the British-American Parliamentary Group. He spent at least part of the time consulting with his counterpart in the British Parliament regarding a cooperative project on parliamentary procedures and comparing the two institutions.

Charlie was an educator. In addition to writing and editing books about parliamentary procedure, he spent a lot of time meeting with school kids and others to explain how our House works and the importance of parliamentary procedure and its literal impact on the history of our House and this Nation.

As he leaves us, we can thank him too for the way he ran the Office of Parliamentarian and mentored the deputy and assistant Parliamentarians under his direction. His deputy, John Sullivan, will become the Parliamentarian next month. This also reflects well on the standards Charlie set for his office.

I will miss Charlie, but I will value always his integrity, professionalism, his attention given to each Member no matter what party they may have represented, his principled advice and conduct, his love and respect for the House and its traditions, and, most importantly, for his friendship.

Mr. FROST. Mr. Speaker I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the former Democratic leader of the House.

Mr. [Richard A.] GEPHARDT. Mr. Speaker, I found out something I did not know about Charlie today. I found out from our leader that he is a San Francisco Giants fan. If I had known that, I would not have come today.

On a more serious note, I have had some time lately to do some things that I usually have not had time to do, so I have been watching on television the early part of the proceedings here in the House, and I hear these rules being explained. I have tried to put myself in the shoes of an average citizen, and I think it is gobbledygook, and I do not understand what they are talking about. But that really is the magic of this place.

As the gentleman from Maryland (Mr. HOYER) said earlier, I am fond of saying that politics is a substitute for violence. It really is. And the only thing that allows us to resolve our differences peacefully is that we have a process. We have rules. We have laws. We have parliamentary procedure. And that process is what makes this place work and makes democracy work in our country.

The keeper of those rules has been our subject today, Charles Johnson. He has done it, in my view, as well as it can be done. He has always been fair. No one questions his judgment or his enunciation of the precedents of the House, whether it comes down in your favor or it does not. He is a professional. No one ever doubts his knowledge or his dedication to knowledge about the process.

Finally, his character, his human character, has been impressive to everybody who has come in contact with him. Whether a Member, staff, people

visiting, everyone knows that this is a man of great character.

I guess the best story I can tell to kind of sum up my feelings about Charlie is that we had a common friend, someone that I went to Northwestern University with and was one of my best friends there, wound up at the University of Virginia Law School and became a friend of Charlie's. So we, in that common friendship, got somewhat of a personal relationship; and we, unfortunately, saw our friend die of cancer some years back. But even with that personal relationship I had with Charlie, I never, ever felt that in anything he did while I was leader or in anything I have done here was anything other than fair. Never prejudiced. Never giving in to human relationships. Always calling it the way he saw it and making judgments on the process, which is at the heart of our democratic experiment, fairly and with honesty and good character.

Charlie, we truly will miss you. We welcome the successor, who is going to do a great job; and we wish you the greatest time in retirement that anybody could ever have. Thank you.

Mr. DREIER. Mr. Speaker, I am very happy to yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), a Member who has chosen to retire at the end of this term but has served extraordinarily well on both the Committee on International Relations and the Committee on Financial Services.

Mr. [Doug] BEREUTER. Mr. Speaker, I thank the gentleman from California for yielding me this time and for his statement.

It is people that make an institution function, that make it great, that sustain and build respect for it; and

Charles W. Johnson is certainly one of those people. He has helped the Congress respect and assert the best traditions and decorum of the House.

I said to him, Charlie, you cannot retire before I do. I will miss you too much. And yet I guess we were born in the same vintage year. Nevertheless, we have great respect for John Sullivan, and we look forward to his service here as Parliamentarian.

I think it was just a few minutes ago that the distinguished gentleman from Maryland (Mr. HOYER) said Charlie Johnson is not only a knowledgeable man but he is a wise man and a caring man, and that is certainly the case. I respect the contributions so much that he has made to help young people who have less advantages than most others.

Charles Johnson has had a tremendous and very positive impact on the U.S. House of Representatives during his service here, 40 years to the month in the Office of the Parliamentarian, and 10 years as our Parliamentarian. Tremendous service!

I remember a day back on January 21, 1997. I do not preside over the House that much, but it has been my lot to preside on some of the most difficult days, and I recall that difficult and historic day. And it was the strategy and advice of Charles Johnson that helped set the tone and the order and demeanor of the House that day, through me, which was so crucial. I thank him for that and for so many other occasions.

It has been my privilege to travel with Charlie as I led the House delegation to the NATO-Parliamentary Assembly, and not only going to Brussels but, as the gentleman from Wisconsin

(Mr. PETRI) said, visiting the House of Commons where Charles Johnson is very well known. Charlie has lots of friends there and in the leadership of the House of Representatives.

If Charlie and this Member ever talk about nonessential things here, like sports, we have talked about college football. And I have never until yesterday really known how much of an interest Charlie Johnson had in baseball. But I think I am shortly going to join him as a fan of the San Francisco Giants. A couple of years ago, the Wall Street Journal ran a piece on the chronic shortage of left-handed batting practice pitchers in major league baseball. So shortly thereafter, Charlie's ability to throw strikes from the port side was tested as he auditioned and then he started pitching for the Los Angeles Dodgers when they came to Camden Yards to play the Orioles. Then he pitched for them in Philadelphia, helping the Dodgers, and soon they became better hitters of left-handed pitchers.

If it had not been for yesterday's rework of the schedule because of rain, I understand he would have been doing the same thing for the Dodgers in the Phillies' new stadium. So that is a remarkable side of Charlie that I did not know about at all.

Mr. Speaker, as he leaves here, our outgoing Parliamentarian is going to be working with the recently retired Clerk of the British House of Commons, William McKay, on an updated comparative book on Parliament and Congress. Charlie's appreciation of the value of comparative studies through his work with counterparts in other countries, especially with that Mother of all Parliaments, has played an essential role in the development of programs of mutual exchange. You have

heard that already referenced. People on every continent know Charlie Johnson because they have worked with him in their parliamentary efforts. So he is going to be working with Sir William in that respect.

Mr. Speaker, if it were consistent with American tradition, we would make you Sir Charles. But, nevertheless, we know that this is going to be another major contribution and it has some impact here. As you leave the House, Charlie Johnson should feel good to know that the recently established Office of Interparliamentary Exchange reflects his interest in improving not only the conduct of activities here in this parliament but in parliaments around the world.

□ 1100

So Charlie Johnson, best wishes to you and your family. Thank you for your public service and your service to the U.S. House of Representatives. You will be greatly missed.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. [David R.] OBEY. Mr. Speaker, parliamentary inquiry, is it correct that the Speaker accepted Mr. Johnson's resignation?

The SPEAKER pro tempore. (Mr. LAHOOD). The gentleman is correct.

Mr. OBEY. Mr. Speaker, I appeal the ruling of the chair.

Mr. Speaker, I often refer to Archie the cockroach. This is my political bible, and Archie has something for almost every occasion. One thing he said once was "Boss, I believe the millennium will come, but there is a long list of people who have to go first." I think

Charlie misunderstood. Charlie, Archie was not talking about you, and I hope you reconsider.

Mr. Speaker, for 40 years Charlie has been at the center of every effort of this institution to live up to the responsibility which it has to the oldest democracy in the world. Democracy can thrive only when all of our citizens believe that there is at least one place, some forum to which they can go in order to make their case and to have their arguments heard. They do not have to win, but they have to know that there is a place where they will receive a fair hearing. When that happens, democracy thrives; and when it does not, democracy dies a little.

I think more than anyone in this institution, Charlie Johnson has dedicated himself to see to it that on this floor, democracy thrives. He has been dedicated to the proposition that the rules ought to be applied in a way that enabled the majority to meet their responsibilities to govern and at the same time to enable the minority to offer and be heard on its alternative visions.

To the extent that the House has on occasion not been used that way, the fault certainly does not lie on the shoulders of Charlie Johnson. Charlie Johnson, I think, has met his responsibility to the institution, to the country, to both political parties; and we are all the better for it.

I know people have said a lot of good things about him today, and I know that on occasions like this people often exaggerate. For instance, I understand that Charlie's own wife was watching this on C-SPAN, and she heard so many good things about him that she

rushed to the Chamber to see if we were talking about the same fellow. We are, Charlie. We are all talking about you. If Dick Bolling were here, who was my mentor in this place and who as a Member I think knew more about the rules than any other Member I ever knew, if Dick Bolling were here today, he would say, "Well done, thou good and faithful servant."

Mr. DREIER. Mr. Speaker, I yield 2 ½ minutes to the gentleman from Savannah, Georgia (Mr. KINGSTON), the very distinguished vice chairman of the Republican Conference.

Mr. [Jack] KINGSTON. Mr. Speaker, I want to say a few remarks about our great friend and departing parliamentarian. If Members think about the world we live in today and all the technology and all the feats of engineering, we take so much for granted. We get in our cars, and our cars are almost a mechanical and a computer platform now, and we never marvel, we never question. We just flip a switch, and we expect something to happen. We take it all for granted.

That is somewhat how we are as we come down to the floor of the House. As 435 independent contractors, we come down here and we expect bills to be on the table, we expect to have a learned staff who can ask why a certain amendment was germane and why it was allowed and why it was not allowed. We expect to have some professionals who can keep their eyes on our distinguished brethren and sisters on the Committee on Rules, for example.

We need a neutral body as our motions flow that can say this is how the procedure must go on. And I think the

House should be very proud of what Charlie and his entire team have done and all of the staff members that make this body click. Lord knows what would happen if we did not have this. We might look like the U.S. Senate.

I do not know if my words will be taken down, Charlie. I know there is a whole list of things I am not supposed to say. For example, I cannot turn to my friend, DAVID OBEY or JOHN LEWIS and say, JOHN. I have to say my distinguished friend from. Right now, this is like fingernails going against a blackboard. He keeps Members like me who can be somewhat flippant, who might say the wrong thing, who may deserve to have words taken down. He is the guy who says I may agree with what he just said about the fellow Member of the House, I might agree with his politics, I might disagree, but I am going to stick with the rule books. We need to have somebody like that. And he keeps people like the gentleman from Illinois (Mr. LAHOOD) watching that clock.

There was a great TV commercial of Motel 6 years ago. Tom Bodett made famous the line, "I am going to keep the light on for you." I always liked that because my mom would keep the light on for us when we were teenagers going home because the light represented security, the light represented home and wisdom and fairness. Charlie has kept the light on for all of us for many, many years, a source of wisdom, a source of fairness, a bright spot no matter what the legislative agenda of the day was; and we thank Charlie for all of his hard work.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN).



Mr. [Henry A.] WAXMAN. Mr. Speaker, so much of the time in this institution in recent years has been partisan, rancorous comments back and forth, difficult feelings among the Members; and this year, which is an election year, has exacerbated all of that. So it is important to note that Democrats and Republicans are joined together because what we are all experiencing is a significant loss for this institution, for the people's House, the House of Representatives.

Charlie Johnson has served as an integral part of the legislative process, and I feel privileged to have had the opportunity to work with him over the years. We have been the beneficiaries of his intellect, thoughtfulness, and integrity time and time again. Several years ago, Charlie noted that his predecessor, William Brown, had set a standard of "intellectual vigor, sharing of information, and a sharing of responsibility with a grace that was accompanied by a total devotion to the House of Representatives." Charlie has more than met that standard.

He does serve an important role, but it is more than just the role he serves. He has embodied the person that all of us can look to as one who will judge the issues with fairness based on the rules, based on the idea that laws govern not just individuals, and that when he makes his determination on all of the precedents and the exact wording of the rules, we know that is the course that we all have to agree to.

I came here from the California State legislature, and I think many legislatures are like this, the speaker has complete control. The speaker gets to appoint the Members to the committees and the chairmen, and assigns the

members' offices and staff, and the speaker can make the rulings, and it is the speaker's authority alone to make the rulings.

So when I came here, I was surprised to find out that the Speaker could not just make a decision that benefited those of us on a certain side of the issue. He had to go to Charlie Johnson to find out what the rules were, and he had to abide by that decision.

I have come to realize how important that is for an institution to be able to have someone with such integrity and knowledge that we can look to to be the final say on what the rules are because we have to follow the rules in this institution and in a country that looks to the rule of law as essential.

I have come to recognize that as important, just as I have come over the years to recognize even the importance of seniority, which I more and more appreciate the longer I am here.

I want to say that I have not only benefited from Charlie's wisdom and advice but from his friendship. I have not had the opportunity to travel with him. Maybe now that Charlie is leaving, we will have to go on an Elder Hostel trip together because we are advancing in age. He has been a terrific friend to me, someone I have tremendous respect for, and it is shared by everyone in this institution. He is certainly going to be missed.

This is a change that many of us hoped we would not see, not only with Charlie's absence but a change in his guidance for all of us; and I join all of my colleagues, Democrats and Republicans, liberals and conservatives, in supporting this resolution to thank him for a job well done.

Mr. DREIER. Mr. Speaker, I yield 1 ½ minutes to the gentleman from Buffalo, New York (Mr. QUINN), another Member who unfortunately has chosen to retire at the end of this term.

Mr. [Jack] QUINN. Mr. Speaker, I want to join my colleagues this morning, mostly in leadership positions, who have come to the floor this morning, Charlie, to talk about your wisdom and fairness and work ethnic; and I want to associate myself with their remarks, of course. But I am one of those dozens of the Speaker pro tempores. Charlie has made us all look good, both on C-SPAN and back home for our constituents, and for our colleagues here in the Chamber.

I was in the chair one day and some rule question came up. After I answered it, my mother called me on the phone and said, "How did you know all of those rules so quickly?"

I said, "It was easy, Charlie Johnson was there."

She said, "Who is he?"

I said, "Well, he is the guy that does the trick. He talks into the microphone so you hear him, but so nobody else hears him, and he explains the rules."

Charlie, on behalf of all of the Speaker pro tempores, some with a little more experience than others, who you have made look good across the country and in front of our colleagues, I want to thank you for knowing those rules, for sharing those rules, and for keeping this place a place of order when we are in the chair trying to keep order.

I guess the trick for you then and your staff is to be heard, but not to be heard when you do your job best. And I would submit to my colleagues here

in the Chamber that we all can take a lesson from this gentleman as he leaves us. When we do our business, we should try to be heard, and maybe not be heard so loud during those times of emotion, during those times of debate, during those times of political arguments, to be heard, of course, but to not be heard. And Charlie, for that service to us as that group of people that chair these sessions, and on behalf of all our constituents across the country, I want to say thanks for a job well done. We appreciate it. We will always remember you.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. [John M.] SPRATT [Jr.]. Mr. Speaker, I have served in the House for more than half of the 40 years that Charlie Johnson has served as Parliamentarian. As a matter of fact, I had just become a Member of the House with no more than 3 weeks of experience when I wandered onto the floor one day, having mistaken the bells and thought there was about to be a vote.

Before I could get off the floor and go back about my business, Charlie beckoned me to the chair; and the next thing I knew I was wielding the gavel, presiding over the House, never having done that before in my life. I was never more thankful to have someone who knew what he was doing sitting behind me whispering instructions, and I have been thankful ever since that Charlie Johnson was in that position.

□ 1115

For all those 22 years that I have known him, his chair behind the Speaker, his office across the hall have

been sources of civility in a House that is often contentious, sometimes bitter and pugnacious and embattled. For all those years, the Parliamentarian has been an authority that everyone in this House, both sides of the aisle, have recognized and respected because his rulings and his advice and his good judgment have always been based on precedent and on sound thinking.

His office made him powerful. Anyone who became the Parliamentarian of the House would be powerful inherently, but his knowledge, his ability and his manner made him authoritative. The House could not be the House that the Framers intended us to be, the people's House, without sometimes passionate, hard-hitting debate; but the House could not operate in that mode, sometimes pushing the envelope of civility, without a referee that everybody trusted and respected. For a long, long time, Charlie has been such a referee.

My respect for Charlie Johnson on our side, the Democratic side of the aisle, was established over the years and well-founded, but his great ability, his inherent decent fairness, was recognized to his credit and theirs when our Republican colleagues moved into the majority and made him their Parliamentarian, too. He proved his fairness, his basic inherent fairness, by serving both parties without ever breaking stride. I do not think anyone in the years that I have served here has ever accused him of bending with partisan winds. Charlie Johnson has called them the way he saw them for the last 40 years.

The House of Representatives is losing, we should not fool ourselves, a huge amount of institutional memory

with the loss and retirement of Charlie Johnson. Four decades in the Parliamentarian's office, 10 years as Chief Parliamentarian, and during all those 40 years he has embodied those qualities that we need most in a parliamentarian: erudition and evenhandedness, great authority and great good humor, too, and overall a keen understanding of this great institution of the Republic.

He has made the people's House deserve its name. He has helped us make this complex system that we call democracy work and work well.

Though he is leaving, he leaves behind him a legacy that will inform the proceedings of this House for a long time to come, and he is leaving a well-trained staff of Parliamentarians.

The SPEAKER pro tempore (Mr. LAHOOD). The time of the gentleman from Texas (Mr. FROST) has expired.

Mr. DREIER. Mr. Speaker, I ask unanimous consent, in light of the fact that we have so many requests to talk about Charlie, that we extend the debate on this for an additional 5 minutes; and I would like to yield that 5 minutes to the control of my friend from Dallas, Texas (Mr. FROST).

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, there will be an additional 5 minutes.

There was no objection.

Mr. FROST. Mr. Speaker, I yield 30 additional seconds to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I remember when John Sullivan was first appointed and moved from the House Committee on Armed Services. The day after he took his office as the Deputy Parliamentarian, the staff on the

House Committee on Armed Services concocted a convoluted parliamentary problem, which I presented to him as an innocent junior Member of the House, which John was immediately stumped by before he realized that it was all a hoax. Today, if we presented him that Gordian knot, I think he could probably cut it.

Charlie, you have taught us not just the procedures of the House and taught us well, but you have taught us the reasons that those rules must prevail. That is a legacy that will last for a long, long time. I think the brooding omnipresence of Charlie Johnson will loom over this House for a long time to come.

Thank you for everything you have done for us and this great institution.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Texas (Mr. THORNBERRY), who often presides very ably over this institution.

Mr. [Mac] THORNBERRY. Mr. Speaker, Members come to this Congress with a policy agenda or a political agenda. We spend our time and effort trying to make some change we think is good for the country. Yet there is something bigger and more enduring than any one of us or any one of our issues. That something is the institution of the House of Representatives.

I believe that every elected Member has a responsibility to that institution, but it is the professionals who serve as the officers and staff of the House that make sure it is preserved and protected. They serve the House and the Nation day and night through heated debates and even through long, dull special orders.

Nobody has served this House more faithfully and more nobly than our Parliamentarian, Charles Johnson. He is smart and insightful as his job required, but he also has the integrity to be trusted by both sides of the aisle during heated debate and controversial rulings. He has a sense of history and, I think, a sense of responsibility for this institution going back 217 years to the Constitutional Convention on through today and on through generations to come.

The House has been in good hands during Charlie Johnson's tenure, and part of his legacy, part of his lasting influence, will be felt through his successor. I join in expressing sadness at his leaving, but also admiration and gratitude for his service.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. LEWIS).

Mr. [John] LEWIS of Georgia. Mr. Speaker, I rise to join my colleagues in paying tribute to and saying a word of thank you to Charles Johnson, the distinguished Parliamentarian of the House of Representatives.

This is my 18th year of serving in this House, and this Member can testify to the fact that Charles Johnson has been a fair, hardworking, committed and dedicated public servant. When new Members were given the chance to preside over the House, he was always patient and eager to help Members make it through the process. The House is a better House, and the country is a better country because of Charles Johnson.

It is my belief that when historians pick up their pens and write the history of this House during the latter

part of the 20th century and the beginning of the 21st century, they will have to write that a man called Charles Johnson made a lasting contribution to maintaining order and peace in this House.

But he did more than maintain order and peace with his talents, skills and ability. He helped guide this House through some of the most important and sometimes bitter debates and discussions. Charles Johnson has helped guide this House through the discussion and debate on voting rights, civil rights, Medicare, the Higher Education Act, war and peace.

I want to join my colleagues to thank Charles Johnson for all of his good work and for his contribution toward the strengthening of our democracy. Charles Johnson, Mr. Parliamentarian, we wish you well in the days and years to come.

Mr. DREIER. Mr. Speaker, I am very happy to yield 1 minute to the gentleman from Ohio (Mr. LATOURETTE).

Mr. [Steven C.] LATOURETTE. Mr. Speaker, when we are all here on the floor, there are often calls for regular order. The fellow who has kept regular order has been Charlie Johnson during my 10 years.

A lot of platitudes have been spoken and they are all well deserved. I want to extend my voice in saying thanks for giving me the guidance when I have had the honor of presiding over the House from time to time.

I do want to tell just one quick story in the minute that I have been given because the majority leader made sort of a joke about the 3-hour vote on prescription drugs and some Members in

the House, when they scream regular order, because we are all busy, we do not take time to read the rules, do not know that the votes are a minimum of 15 minutes and not a maximum of 15 minutes.

But I can recall during a rather contentious vote the Republicans were up 206-204 and time had expired. A rather excited Member from the West Coast, California, came running up, it was not the gentleman from California (Mr. Dreier), and said, "You've got to close this thing down. We have to win this vote. You need to shut it down."

We looked and saw that earlier in the day 420 Members had voted, we were about 10 Members short; it was late in the evening, everybody was out having dinner, coming back; it was raining in the Capital. Charlie Johnson then said, "When you're in the minority, you understand that you're not going to win a lot of votes here, and when you're in the majority you can and probably should win most votes, but what you can't do when you're in the majority is steal a vote. We need to keep this vote open to make sure that those 10 Members who voted just a half an hour ago have the opportunity to be here and cast their ballots."

We wound up winning and the Member on that occasion who was excited came up later and apologized for screaming. Charlie Johnson has been fair, fair to the Republicans, fair to the Democrats, and I shall miss him very much.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. [Benjamin L.] CARDIN. Mr. Speaker, I take this time to say thank

you to Charlie Johnson for his public service. He has never been elected as a Member of this body, but he has had as much influence as anyone who has ever been elected to this House in preserving the traditions of this great democratic institution, and I thank him for that. His contributions go well beyond the 40 years of service because what he has done in his service will be a lasting tradition in this body and will serve future generations.

He cannot duck a single tough issue, but he has ruled every time on the basis of sound precedent without partisan considerations. He is a person of the highest integrity, an encyclopedic mind, a person who is totally committed to our country and this legislative body.

Mr. Speaker, I just wanted to take this 1 minute as one Member of this body to thank Charlie Johnson for what he has done to make this great institution a better place for the future.

I thank you, I thank you for your friendship, and I thank you for your commitment.

Mr. DREIER. Mr. Speaker, I am very pleased to yield 1 minute to my good friend, the gentleman from Atlanta, Georgia (Mr. ISAKSON).

Mr. [Johnny] ISAKSON. Mr. Speaker, I, first of all, associate myself with all the kind remarks that have been made about Charlie, but I thought back to my first day here. I was elected on a special election, came in, I knew no one, and it was a hustle and bustle. Charlie Johnson was the guy who got me through that in what was a blur to me.

Secondly, I am reminded of how great this institution is, and I am re-

mindful of three silent factors the public never sees. First is the scone of Moses that looks down upon the Speaker as an inanimate object, but as a constant reminder of the integrity we all need. Second is our Founding Father, George Washington, whose portrait hangs on this side of our Capitol to remind us of where we come from.

The third silent but very present, day in and day out, person that guides the integrity of this most important institution is the quiet but effective leadership of Charlie Johnson. This institution has been blessed to have leaders of great capability from elected office, but from that seat next to the Speaker, we have been blessed to have a man who has the excellent commitment to fairness, integrity, responsibility and the preservation of this Republic, and that is Charlie Johnson.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. McNULTY).

Mr. [Michael R.] McNULTY. Mr. Speaker I am honored to stand here today and associate myself with the remarks of Speaker HASTERT and Leader PELOSI and all of the other Members in thanking Charlie Johnson for his 40 years of outstanding service to the House of Representatives and to the country.

When I first came to the Congress in the 1980s, I served on a regular basis as one of the Speaker pro tems. At that time I knew very little about parliamentary procedure and almost nothing about the House rules. I thank Charlie and my friend the late Bill Brown and John and Tom and Muftiah and Gay and all of the others who helped through the years to educate

me about the House rules and to have that wonderful experience which, incidentally, I hope I have again someday.

Charlie, I would sum it up this way: You are the very definition of outstanding public service. I wish you good health and happiness for many, many years to come.

## GENERAL LEAVE

Mr. DREIER. Mr. Speaker, we have many, many Members who want to have an opportunity to be heard on this and so, at this moment, I am going to ask unanimous consent that general leave be provided so that all Members may include statements in the RECORD upon Charlie Johnson's retirement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, I ask unanimous consent that my friend from Texas (Mr. FROST) be given an additional 1 ½ minutes for debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to my very, very good friend, the gentleman from Idaho (Mr. SIMPSON).

Mr. [Michael K.] SIMPSON. Mr. Speaker, I thank the gentleman for yielding me this time.

Charlie, we are certainly going to miss you. Sometimes that does not seem like enough, but all of the Members of the House and the fellow staff members here in the House are certainly going to miss you. Sometimes simple words are the best.

Parliamentary procedure, as has been stated here, the Rules of the House equally and uniformly applied to all, are what make this emotional and sometimes polarized place work. Charlie and I have sometimes disagreed about the interpretation of those rules and we have debated it a little bit. Yielding to the superior wisdom of Charlie, I found out that you can end debate with a nondebatabable motion here in the House, but if we were back in Idaho, you could not do that. We have had some very interesting debates.

I always found, when I practiced dentistry, that when I was hiring a new chairside assistant, it was sometimes often easier to hire somebody that had no experience because then you did not have to untrain them before you retrained them. Sometimes I think Charlie's toughest job here is to take some of us who have been presiding officers in State legislatures and untrain us of the rules that we learned in our State legislatures before he retrained us about the Rules of the House.

I know that you have done a fantastic job. We have all enjoyed working with you. Sometimes the measure of an individual's performance is what those around him think about the job that he has done. As I have talked to other staff members here, I can tell you one of the things that was said yesterday, someone said, "If I had to think of one word to describe Charlie, it would be 'integrity.'" That is not a bad legacy to leave.

Thank you, Charlie. We are going to miss you.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCHELL).

Mr. [Bill] PASCRELL. Charlie, you have served your country and you have served this wonderful House. At a time when we have lost something in terms of ritual and ceremony, you have always brought us back to reality.

□ 1130

Thomas Jefferson, I am sure, would be very proud of you. Our laws and our rules are based upon what he wrote.

We were brought together 8 years ago when I came into this House by a mutual friend. It was the right move. The first person I met on this floor was Charlie Johnson.

And I know you have wished well your successor. I know he will do well. I know John will do very well. This is a great institution, Charlie, and we will never forget how you served your country.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. [Earl] BLUMENAUER. Mr. Speaker, we have talked about the contribution that our friend Charlie Johnson has made to the rules of the House, and that he has provided the context to understand the rules. But I think the thing that I have come to appreciate is the human face that he puts on it. It is the dimension provided by the outstanding men and women who make this place work behind the scenes, that we all come to appreciate.

Charlie, you epitomize those people; and ultimately it is that human face that is going to provide the strength to make sure that the House follows through on the path that you have

charted so ably in the past 40 years. We greatly appreciate your contributions.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Peoria, Illinois (Mr. LAHOOD), who, as has been pointed out, time and time again so ably presides over this institution as Speaker pro tempore.

Mr. LAHOOD. Mr. Speaker, I think people watching this would find it kind of odd that I would have to step down off the podium in order to speak, but Charlie would never allow me to speak from up there because it is not according to the rules of the House.

And I think people would find it odd that Charlie cannot speak today. Charlie has spoken many, many times on this floor through those of us who have had the great opportunity and privilege to serve as Speaker pro tempore. But it is not according to the rules. And if it is not according to the rules, it does not happen. And if it is not according to the rules by Charlie Johnson, it does not happen.

I was quoted in CQ as saying that Charlie runs the House, and I hope our leadership does not take offense at that; but Charlie really has run the House for many years, and thank goodness for that.

I think many people do not realize that in 1994 not one of us in the majority presided. When we were sworn in in 1995, not one of us in the majority had ever presided over the House. And if it were not for the magnificent work of Charlie and his entire staff, think of the chaos that could be created when we turn over an entire House to a new majority of people who obviously maybe know a little bit about



the rules but not much. And if it were not for the great work of Charlie and all of his people, think of the kind of chaos.

And we were dealing with some really important issues here. I know you do not like to hear about the Contract with America, but that was the agenda for 3 months, and that was major legislation. And we could not have done it, and those of us who had the privilege early on of presiding could have never done it. It would not have been possible for us if we had not really paid attention to Charlie Johnson and the people that work in his office, and they really are the ones that allow us to do the things that we were able to do throughout the 10 years that we have been in the majority.

When people say to me, How did you get so good at presiding? It is a very simple answer. I listened to Charlie Johnson. That is the answer. And when one listens to Charlie, they get good advice.

I want to say one word about these jobs that we have: we could not do without the kind of spouses that allow us to do them, and I want to say a word about Martha. Martha is here.

And, Martha, I want to say to you, thank you for giving us this extraordinary human being who has given us so much. We are in your debt for the kind of, I think, tolerance that you have lent to the job that Charlie has done, the long nights, the late nights, and the good work.

Charlie, job well done. Godspeed.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. BAIRD).

Mr. [Brian] BAIRD. Mr. Speaker, on the night of September 11, I began to

think about what might happen if this institution were to perish in an attack, and I asked, who should we talk to to learn the answer to that question? And the answer to that was Charlie Johnson.

Charlie, I want to thank you and your entire staff for your help on that issue but, more importantly, for how you help us every single day.

People around the country see us disagree and bicker all the time here, and they say is there not anything you people can agree on? Today, my friends, we have agreed on something. We have agreed to honor this magnificent individual, his service to our country and the principle of the rules that keep our democracy, our Republic, and this great body functioning.

I thank you, Charlie, and I thank my colleagues for their great words today. Godspeed, Charlie.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. KIND).

Mr. [Ron] KIND. Mr. Speaker, I thank the gentleman for yielding me this time.

Charlie, they say that politics is a sea of conflict. If that is true, then you have been the steady hand that has guided this ship of state, our democratic process, through so many years of calm and troubled waters. You will be missed. We have appreciated your service. You are the epitome of what public service is all about.

And, as I encouraged Terry just before his retirement, and I have enjoyed the conversations that we have had in regards to the tradition and the history and the culture of this place, I encourage you to record your memories and

maybe put it in book form to share with the rest of the world because in so many ways, you are also the repository of a lot of the knowledge and memories that are embodied in this place.

So we all wish you well today. We wish you Godspeed and may you have a very long and happy and healthy retirement. Thank you.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. LINDER), the chairman of the Subcommittee on Technology and the House of the Committee on Rules.

Mr. [John] LINDER. Mr. Speaker, when the Republican transition occurred in December of 1994, I was charged with the responsibility of interviewing people and finding hires for the top five positions in the House, and one of those was Parliamentarian. I frankly came at it with some suspicion. If someone could be working so long for the other party in control, could that person be fair? And he convinced me over two meetings that his job was not to be fair or unfair, but to know the rules. He has proven that he does, with an even hand; and I join all my colleagues in thanking him in his service to his country.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I would like to close again by expressing appreciation on behalf of all of the many staff members here in this institution who work so closely with Charlie Johnson, all of those who are working for us here today and the members of committee staffs and personal staffs who have worked so closely with him.

And I would like to close by sharing with our colleagues a note that was

handed to me a few minutes ago. It says: "Dear Charlie, thanks for your 40 years of service to the House and our country. I wish you all the best. Keep your arm loose. We may need to call you in from the bullpen." This is a handwritten note from the President of the United States, George W. Bush, which I will give to you, Charlie, as soon as we have the resolution. . . .

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### *To the Legislative Counsel*

#### **§ 10.6 The Legislative Counsel, Ward M. Hussey, and the Deputy Legislative Counsel, Lawrence E. Filson, were paid tribute on the occasion of their respective retirements on the same day.**

On Mar. 1, 1989,<sup>(1)</sup> Speaker pro tempore Earl Hutto, of Florida, laid before the House the resignation of its Legislative Counsel, Ward M. Hussey, and a response thereto from the Speaker, James C. Wright, Jr., of Texas. The House then considered and adopted House Resolution 97, expressing its gratitude for the service of

1. 135 CONG. REC. 3084-87, 101st Cong. 1st Sess.

Mr. Hussey and for the service of Lawrence E. Filson, who also was retiring as Legislative Counsel.<sup>(2)</sup>

RESIGNATION AS LEGISLATIVE  
COUNSEL OF THE HOUSE OF  
REPRESENTATIVES

The SPEAKER pro tempore (Mr. HUTTO) laid before the House the following resignation as legislative counsel of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 16, 1989.*

Hon. JIM WRIGHT,  
*Speaker, U.S. House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I hereby submit my resignation as Legislative Counsel of the United States House of Representatives effective at the close of business February 28, 1989.

Sincerely yours,

WARD M. HUSSEY,  
*Legislative Counsel.*

The SPEAKER pro tempore. The Clerk will read the following communication from the Speaker:

The Clerk read as follows:

U.S. HOUSE OF REPRESENTATIVES,  
*Washington, DC, February 21, 1989.*

Mr. WARD M. HUSSEY, ESQ.  
*Legislative Counsel, U.S. House of Representatives,*  
*Washington, D.C.*

DEAR WARD: I have received your letter of February 16, 1989, stating that you shall retire as Legislative

2. For the resignation of Ward M. Hussey as Legislative Counsel, see § 9.3, *supra*.

Counsel to the House of Representatives effective on February 28, 1989. I accept your resignation with profound appreciation for the devoted service you have rendered since 1946 to the House and its Members and, indeed, to the Nation.

The Office of Legislative Counsel has come a long way since its origin as the Legislative Drafting Service in 1919. It has become one of the essential institutions of the House, a truth that is ably demonstrated by the nearly universal reliance of Members and committees on its professional services. Especially under your leadership, the Office has flourished as a reservoir of expertise from which Members of the House can draw the nonpartisan advice and assistance that is indispensable to the clear, faithful, and coherent expression of legislative policy. The example you have set, since 1946 as a consummate legislative draftsman and since 1972 as the foresighted head of the Office, bespeaks a blend of skill and dedication that, in my expertise, is unsurpassed.

I know I speak for the entire House of Representatives when I say that you leave here with our admiration, our respect, our gratitude, and our heartfelt wishes for many years of happiness and much success in your future endeavors.

Sincerely,

JIM WRIGHT,  
*The Speaker.*

EXPRESSING GRATITUDE OF  
THE HOUSE FOR THE SERVICE  
OF WARD M. HUSSEY AND  
LAWRENCE E. FILSON

Mr. [Dan] ROSTENKOWSKI [of Illinois]. Mr. Speaker, I offer a resolution

**Ch. 37 § 10**      DESCHLER-BROWN-JOHNSON PRECEDENTS

(H. Res. 97) expressing the gratitude of the House of Representatives for the service of Ward M. Hussey and Lawrence E. Filson, and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas Ward M. Hussey was appointed to the Office of the Legislative Counsel in November 1946 and Lawrence E. Filson was appointed to that Office in October 1949;

Whereas Ward M. Hussey and Lawrence E. Filson have provided 83 years of service to the House of Representatives as members of the Legislative Counsel;

Whereas Ward M. Hussey has served as the Legislative Counsel for 17 years and Lawrence E. Filson has served as the Deputy Legislative Counsel for 17 years;

Whereas Ward M. Hussey has been the principal draftsman of all the Federal income tax laws beginning before the enactment of the Internal Revenue Code of 1954; and

Whereas Lawrence E. Filson has been the principal draftsman of all major social security laws since 1954, including the original medicare and medicaid and supplementary security income laws, the Congressional Budget Act, and significant housing legislation: Now, therefore, be it

*Resolved*, That the House of Representatives expresses its gratitude to—

(1) Ward M. Hussey and Lawrence E. Filson for their combined service to the House of 83 years, and

(2) the Office of the Legislative Counsel for its 70 years of assistance in the drafting of legislation considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 1 hour.

Mr. ROSTENKOWSKI. Mr. Speaker, for the purposes of debate, I yield 30 minutes to the gentleman from Texas [Mr. ARCHER], and pending that, I yield myself such time as I may consume.

Mr. Speaker, the resolution before the House pays a well-deserved tribute to two men who are leaving one of the least publicized yet most important offices on Capitol Hill. Yesterday, Ward Hussey, the legislative counsel for the House, and Larry Filson, the deputy counsel, retired. Their combined service in the Office of Legislative Counsel amounts to a total of 83 years. Their contribution to the work of the House of Representatives is immeasurable.

The Legislative Counsel Office is one of the most important and respected on Capitol Hill. The House depends on the office at every stage of the legislative process: From the drafting of a bill for introduction to the final version of conference agreements. It is there that our decisions are translated into statutory language. The Office of Legislative Counsel enjoys a reputation for professionalism and fairness that is unrivaled on Capitol Hill. Ward Hussey and Larry Filson helped establish the office's tradition of excellence.

Ward Hussey joined the Office of Legislative Counsel in 1946 after his World War II service in Okinawa. His service experience setting up a postal system for civilians led him to consider

a job with the Government. This in turn led to a lifetime of public service and personal sacrifice.

Ward has often told us how difficult it was in those early days when, as the most junior staff person in the office, he would always get the last carbon copy from the old typewriters: A copy so faint and smeared that it was barely readable. But Ward persevered, and on March 1, 1972, he became only the fourth House Legislative Counsel since the office was established in 1918.

The Committee on Ways and Means has come to know Ward as the country's most knowledgeable expert on the Internal Revenue Code, but when he first joined the staff, he did not work on tax legislation. In fact, early in his career he helped draft the Marshall Plan, and its statement of purposes, which established the framework for the rebuilding of post-war Europe.

In 1952, however, he began to work exclusively on tax legislation. This occurred, in Ward's own words, because no one else in the office wanted to work on tax bills. Knowing of the many frustrations to be encountered in this area, I can understand why no one wanted to draft tax legislation.

Soon after becoming the "tax man" at legislative counsel, Ward began a 9-month effort rewriting the entire Internal Revenue Code. His product became the Internal Revenue Code of 1954. Thirty-two years, and many tax bills later, Ward once again rewrote the entire Tax Code when he directed the drafting of the Tax Reform Act of 1986. The Tax Reform Act of 1986 has a very special meaning for me. Its enactment would have been impossible without the expertise and energy of Ward Hussey and his staff.

Larry Filson, a graduate of Park College and Columbia Law School, joined the Office of Legislative Counsel on October 1, 1949. He became assistant counsel in 1952 and deputy legislative counsel in 1972. Larry has drafted legislation in many areas of Federal law, using in his early days a now antique Royal manual typewriter.

A sampler of the landmark laws that reflect Larry's drafting skill would include—

(1) All of the major Social Security laws since 1954, including the original Medicare, Medicaid, and supplemental security income laws,

(2) The National Aeronautics and Space Act of 1958,

(3) The Congressional Budget Act of 1974,

(4) The Gramm-Rudman-Hollings Acts of both 1985 and 1987, and most recently,

(5) The Family Support Act of 1988.

Over the years, countless members and their legislative assistants have not only been helped, they've been saved because of Larry's expertise. Many a stalled legislative drafting session has been salvaged by Larry taking a draw of his pipe and saying, "I think what you're really trying to do is this." As if by magic, the right words would appear.

Mr. Speaker, it is a rare occasion for the House to adopt a resolution of this sort, but I can think of no more deserving recipients of this honor. The careers of Ward Hussey and Larry Filson are an example of public service at its finest. I know that all of my colleagues join me in thanking them for their service to their country and to this House.

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Ward, Larry, we will miss you and we wish you all the best.

□ 1440

Mr. Speaker, I reserve the balance of my time.

Mr. [Bill] ARCHER [of Texas]. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'm very grateful for this opportunity to join Chairman ROSTENKOWSKI in offering this resolution honoring Ward Hussey and Larry Filson.

Their retirement today from the Office of Legislative Counsel is indeed a reflective occasion for those of us who have worked with these two gentlemen over the years.

Yes, it gives us a great chance to say a heartfelt "thank you" to these men who absolutely epitomize what it means to toil in the background. It also, however, represents a sad moment, when we must witness the passing of an era.

"Ward Hussey" and "Larry Filson" are not household names in this country \* \* \* and, unfortunately, relatively few Americans will ever know about the contributions that they have both made to this Nation during their distinguished careers.

That's the way they wanted it. In fact—in an interview several years ago—Ward commented that one of the specifications for his job is a "passion for anonymity."

That may be a rare commodity in the Nation's Capital, but, in truth, it's one of the noble traits of these two men—which allowed Ward and Larry to be so successful in carrying out their responsibilities.

They are, and have been throughout their long careers, true professionals who epitomize the definition of public service.

Both of them could have shined in careers in the private sector, and enjoyed far greater financial rewards for their labors.

They chose instead to focus their brilliance on helping the Congress put into workable language the ideas we generate that affect the lives of all Americans.

Described by a close friend of mine as the quintessential wise man on the Social Security Act, Larry Filson, Deputy Legislative Counsel, has been known to insiders as Mr. Social Security.

He has drafted all of the major additions to the Social Security Act since the early 1950's.

That includes the Social Security Disability Program, the Medicare Program, the Supplemental Security Income Program, and, of course, the major Social Security Amendments of 1983.

Those who have had the pleasure of working with Larry in the late hours of final drafting sessions appreciate not only his expansive program knowledge and professionalism, but also his affable, accommodating nature and his dry wit.

Larry will be missed by all of us. He is a gentleman and the consummate scholar of the Social Security Act.

Likewise, no one will ever surpass the knowledge of the International Revenue Code possessed by Ward Hussey, House Legislative Counsel.

While one of his greatest achievements was the drafting of the post-

World War II Marshall plan, he is, without a doubt, known now as Mr. Tax Code.

A key writer of the Internal Revenue Code of 1954, he drafted all of the additions to that document, as well as its replacement, the Internal Revenue Code of 1986.

His ability to frame complex tax concepts in simple legislative language is legendary.

Former tax staffers refer, with reverence, to Ward's way of rising from his chair during a heated debate in a drafting session, going to the chalkboard and outlining, in a now silent room, the essential elements of a solution.

A significant part of the lasting contributions of these two men will not be found just in the printed words they drafted.

They also have served as teachers and counselors to other generations of dedicated public servants, who in turn have carried on their commitment to precision in putting legislative action into the written law.

They never lost sight of the importance of that vital step in carrying out the will of the people, through their elected officials in Congress.

Ward and Larry, we hope that this Resolution honoring you on the occasion of your retirements, conveys how grateful we and the Nation are for the service you've rendered.

Neither you, nor your contributions to our Nation, will be forgotten.

Thank you, and God bless you.

Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. THOMAS].

The SPEAKER pro tempore (Mr. HUTTO). Without objection the gen-

tleman from California [Mr. THOMAS] will control the balance of the time.

There was no objection.

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Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. PICKLE].

Mr. [J.J. (Jake)] PICKLE. Mr. Speaker, it is good that we are going to take this time today to pay our respects to these two senior officials. Some of the people who might be listening to any replay of this might wonder, "Why would you single out two people when there are hundreds and hundreds of people up here on the Hill?"

But there are occasions, however, when we should do this, for here are two people who really helped to mold legislation over the years for the betterment of the Republic.

I marvel at times because I wonder how can we get legislation that we vote on for final passage when we have labored for months and months on a particular bill, formulated a policy, and then said conceptually this is what we have agreed to. We go home at midnight and the next day at noon a 200-page bill is prepared for us to vote on in legal form. Now, that sounds like almost an impossibility, and it is. Sometimes there are little flaws made, but can you imagine the years and years of training it takes to be able to master that type of a project. We could not do it if we did not have veteran people like Ward Hussey and Larry Filson.

Larry, I know from personal experience, helped us draft the Social Security reform bill of 1983 and has kept

with it over the years. We can all be proud that the trust fund is solvent. In fact, unfortunately, it is being looked upon as a potential source of funds for other uses. But we have done a good job with the 1983 legislation and Larry Filson is to be commended.

Ward Hussey has been here for 43 years. You must have gone back to even before Jamie Whitten came to the Congress, about the same time, so you are older almost than the Capitol Dome.

Well, it makes us feel good that we have had people who are professional. You two are typical of people who make the Congress look good. You have drafted legislation that has been in the public interest. The Nation is proud of you and those of us who work with you on the committee give you our special thanks.

Mr. [William M.] THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

I consider myself a junior member of the firm, and so in my remarks I will reflect on what I find to be a constant amazement, and that is those of us who are out front, for example on the Ways and Means Committee, and get all the attention, all of the picture time and all of the ink time in producing what people consider the law of the land, have to understand and appreciate that it is very much like making a movie. Those people who are up there on the screen are only up there on the screen performing a very small part of what puts them up on the screen. What we have had in Ward Hussey and Larry Filson are the finest directors, the finest cameramen, the finest sound men, the finest stage men.

They are everything else that makes a motion picture a motion picture.

When we argue the concept in a tax bill and we do argue the general concepts, they have to take what is sometimes a fairly vague message and not only put it into legislative language, not only make sure that the sound is in synchronization with the picture on the screen, but also make sure that what is said fits in with what is becoming a far more complex world than was the case just a few years ago, and that is if a desired change in one area affects something else that is already on the books, do you fit it in while making it a whole? That is if the sound and picture are in sync, is it in focus? Is the color correct? Are there people on the stage making noises that we do not know about that show up on the film? All of that has been their responsibility, without the credit, without the spotlight, but with the dedication to not only make us look good, but somehow beyond what I consider human resources be virtually infallible in doing that job, not in months, not in weeks, not even sometimes in days, but required to perform within hours and always doing it with no complaint and with total accuracy. Those are the kind of people that are in our employment. We do not often put the spotlight on them.

I would like to take this opportunity once again in saluting Ward and Larry to reflect on all the other employees who perhaps have not had as critical a job for as long a time, but perform just as admirably.

So from a junior member of the firm, thank you. I do not know who in the world figured out both of you retiring at the same time, but talk about loss of



institutional memory, I am worried about a work product for a few years until we get some people up to speed. Having said that, I know you have trained people underneath you to perform as admirably as you have.

Thank you for your years, thank you for your contribution, thank you for making us look as good as we are, and as the author says in the book, these folks made it all correct and if there are any mistakes, they are attributable to us, not them.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. GUARINI].

Mr. [Frank J.] GUARINI. Mr. Speaker, let me rise and add my voice to these well-deserved commendations to Ward Hussey and Larry Filson.

For more than 80 years, they have served this House. They have served our country with distinction. For more than eight decades they have embodied the highest ideal of public service. Often under great pressure and always with integrity and skill, they have served in the front lines of democracy, helping the wheels of government turn.

Those on the Ways and Means Committee have a special feeling for Larry and Ward. From the Marshall Plan to the Tax Code, from the space program to Social Security, we can see the helpful hand of these two distinguished gentlemen.

In a free country, it is often the quiet, unheralded voices that give meaning and substance to the ideas of freedom. Others get the credit, while their accomplishments live on in the laws of our land.

Year after year, day after day, and hour after hour, on law after law,

Ward Hussey and Larry Filson have stood on the front lines, and indeed in the trenches.

My friends, wish you both well. We will miss you. The House will miss you. Our Nation will miss you, your talents, your energy and your skills.

Today's commendation is a tribute, a statement of appreciation, a statement of thanks. Because of you, America is a better place and our Nation is grateful for your service.

In a free country that perhaps is the greatest accomplishment and compliment to all or any of our public servants.

Good luck. We wish you success and happiness in your future endeavors and in your retirement. The best to both you two fine splendid gentlemen. . . .

#### GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 97, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. [William] THOMAS of California. Mr. Speaker, I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.



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## CHAPTER 38

# *Death*

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# Death

## § 1. In General

The death of a Member of the House, or of an officer or official of the House, invokes certain well-established procedures for accord-ing respect due to the memory of the deceased. Similar formalities, possibly more elaborate, are fol-lowed upon the death of a Presi-dent, Senator, head of state, or other national or foreign dig-nitary. These procedures are al-most always invoked by unani-mous consent or privileged resolu-tion. The procedures include the formal announcement of death, resolutions of sympathy, adjust-ment of the whole number of the House, appointment of Members to a funeral committee or commit-tees, adjournment as a mark of respect, and lying-in-state cere-monies.

When a Member dies, provision must be made for maintenance of a staff and offices until another Representative is elected to rep-resent the district.<sup>(1)</sup> Arrange-ments are also made for disposi-tion of the Member's papers.<sup>(2)</sup> The House attends to these con-tingencies by unanimous consent or resolution.

The purpose of this chapter is to present both the procedures to

1. See § 4, *infra*.

2. See § 3, *infra*.

which the House traditionally ad-heres following a death and those rare procedures that the House has undertaken on other occa-sions.

The accounts of proceedings fol-lowing upon the deaths of some individuals will be found to be more detailed than others in order to reflect infrequent or anomalous proceedings that the House has undertaken.

The reader may wish to consult other chapters on such subjects as the assembly of Congress,<sup>(3)</sup> Mem-bers' oath of office,<sup>(4)</sup> party organi-zations,<sup>(5)</sup> recesses,<sup>(6)</sup> adjourn-ments,<sup>(7)</sup> and House ceremonies.<sup>(8)</sup>

On the subject of death, for precedents prior to 1936, the read-er is referred to 5 Hinds' Prece-dents §§ 7107–7223, and 8 Can-non's Precedents, §§ 3560–3598.

## § 2. Effect of Death on House Business; Presumptive Death of Mem-ber

The death of a Member is only formally recognized in one place

3. See Ch. 1, *supra*.

4. See Ch. 2, *supra*.

5. See Ch. 3, *supra*.

6. See Ch. 39, *infra*.

7. See Ch. 40, *infra*.

8. See Ch. 36, *supra*.

in the rules of the House.<sup>(1)</sup> Clause 5 of Rule XX provides that upon the death of a Member, the whole number of the House shall be adjusted accordingly.<sup>(2)</sup> The death of the President, a Member, or other national or foreign leader may affect the scheduling of business in the House.<sup>(3)</sup> Those scheduling decisions have varied over time depending on the person who has died and the House schedule at the time of the death. When a Member-elect dies before the House convenes for that Congress<sup>(4)</sup> and the state has submitted his certificate of election, the Member-elect's name will be carried on the roll of Members at the inception of a Congress to establish a quorum.<sup>(5)</sup> The name will be deleted from subsequent roll calls,<sup>(6)</sup> after the new House is officially notified of the vacancy by announcement from the Clerk.

The death of a Member after his introduction of a bill does not preclude subsequent action on it as bills become the property of the

House when introduced.<sup>(7)</sup> The House may authorize another Member to act as first sponsor of a bill or resolution for purposes of adding co-sponsors and requesting reprints of the measure when the actual first sponsor has died.<sup>(8)</sup> The death of a Member does not invalidate his signature on a discharge petition but the signature may be withdrawn by his successor.<sup>(9)</sup>

Pursuant to a rule adopted in the 108th Congress, in the event of a vacancy in the Office of Speaker, including one as the result of death, a designated Member acts as Speaker pro tempore until the election of a Speaker or Speaker pro tempore.<sup>(10)</sup> Pending the election of a Speaker or Speaker pro tempore, the Member acting as Speaker pro tempore may exercise such authorities of the Office of the Speaker as may be necessary and appropriate to that end.<sup>(11)</sup> Prior to the 108th Congress, when a Speaker died during a session of Congress, the Clerk generally called the House to order and presided until a new Speaker was elected.<sup>(12)</sup>

1. Rule XX clause 5, *House Rules and Manual* §1024b (2007). The Clerk has certain responsibilities upon the death of a Member or former Speaker. See *Id.* at Rule II clause 2.

2. See Ch. 4, *supra*.

3. See §§ 2.6, 2.8, *infra*.

4. See Chs. 1, 2, *supra*.

5. See § 2.12, *infra*.

6. See § 2.12, *infra*.

7. See § 2.11, *infra*.

8. See § 2.9, *infra*.

9. See § 2.10 *infra*.

10. See § 2.2, *infra*.

11. *Id.*

12. See §§ 2.2, 2.3, *infra*; Chs. 1, 6, *supra*.

The House may presume the death of a missing Member-elect and declare that Member's seat vacant. The authority for this derives from art. I, § 5 of the Constitution, which declares that each House shall be the judge of the qualifications of its Members. Once the seat is declared vacant, the Governor of the missing Member-elect's state may call a special election (or appoint a representative to serve until the next regular election) as required by art. I, § 2 of the Constitution. The House may declare the seat of a Member-elect vacant where a Member-elect is not able to take the oath or resign due to an incapacitating illness.<sup>(13)</sup>

### *Death of President*

**§ 2.1 Because of the funeral services for President John F. Kennedy, business and special orders scheduled for Monday, Nov. 25, 1963, were, by unanimous consent, transferred to Tuesday.**

On Nov. 25, 1963,<sup>(1)</sup> after the assassination of President John F. Kennedy, Mr. Abraham J. Multer,

13. See *Parliamentarian's Note* at § 2.17, *infra*.

1. 109 CONG. REC. 22694, 88th Cong. 1st Sess.

of New York, asked for a transfer of business to the following day:

Mr. MULTER. Mr. Speaker, I ask unanimous consent that the business in order for today shall be in order on tomorrow, and that special orders in order for today shall be transferred to tomorrow and shall precede those presently scheduled for tomorrow.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from New York?

There was no objection.

*Parliamentarian's Note:* Consideration of a House joint resolution continuing appropriations had been scheduled for that date.

### *Death of Speaker*

**§ 2.2 Rule I clause 8<sup>(1)</sup> provides for a Speaker to designate a Member to act as Speaker pro tempore in a limited capacity in the event of the Speaker's death. It provides that (1) in the event of a vacancy in the Office of Speaker, including one as the result of death, a designated Member acts as Speaker pro tempore until the election of a Speaker or Speaker pro tempore;<sup>(2)</sup> (2) that pending the election of a Speaker or**

2. James C. Wright, Jr. (TX).

1. *House Rules and Manual* § 632 (2007).

2. *Id.*

**Speaker pro tempore, the Member acting as Speaker pro tempore may exercise such authorities of the Office of the Speaker as may be necessary and appropriate to that end;<sup>(3)</sup> and (3) as soon as practicable after the Speaker's election and whenever he deems it appropriate thereafter, the Speaker shall deliver to the Clerk a list of Members in the order in which they should act as Speaker pro tempore.<sup>(4)</sup>**

On Mar. 13, 2003,<sup>(5)</sup> Speaker pro tempore Marsha Blackburn, of Tennessee, made the following announcement:

The Chair announces that on February 10, 2003, the Speaker delivered to the Clerk a letter listing Members in the order in which each shall act as Speaker pro tempore under clause 8(b)(3) of rule I.

*Parliamentarian's Note:* Rule I clause 8(b)(3)(C)<sup>(6)</sup> also provides that for the purposes of appointing a Speaker pro tempore under this rule, a vacancy in the Office of the Speaker may exist by reason of the physical inability of the

3. *Id.*

4. *Id.*

5. 149 CONG. REC. 6118, 108th Cong. 1st Sess.

6. *House Rules and Manual* §632 (2007).

Speaker to discharge the duties of the Office.

**§ 2.3 Prior to the rules change in the 108th Congress, when a Speaker died during a session of Congress, the Clerk called the House to order, announced the death, and presided until a new Speaker was chosen.**

On June 4, 1936,<sup>(1)</sup> the House was called to order at 11 o'clock a.m. by South Trimble, Clerk of the House. He announced the death of Speaker Joseph W. Byrns, of Tennessee, and advised that the selection of a Member to preside as Speaker was in order.

The CLERK. Gentlemen of the House of Representatives, it becomes my sad and painful duty to announce to the House the sudden death of your beloved Speaker, the Honorable JOSEPH W. BYRNS, a Representative from the State of Tennessee.

Speaker BYRNS presided over the House on yesterday, presumably in his accustomed good health, but shortly after his arrival at his apartment he was stricken and soon thereafter passed away. In his death this House has suffered the loss of an able, fair, and impartial presiding officer; the country a legislator of long experience, a statesman of courage and marked ability; and his State of Tennessee a noteworthy citizen.

1. 80 CONG. REC. 9016, 9017, 74th Cong. 2d Sess.



The duty of selecting one to preside over the deliberations of the House now rests upon you.

Following this statement by the Clerk, Mr. John J. O'Connor, of New York, offered a resolution that Majority Leader William B. Bankhead, of Alabama, be elected Speaker, and moved for its adoption. The Clerk read the resolution and it was agreed to by voice vote.

Mr. O'CONNOR. Mr. Clerk, in view of the unfortunate circumstance in which we find ourselves, and with no disrespect to our beloved Speaker who has left us, it becomes necessary, in order that the House may function and the machinery of government may not stop, that the House proceed to the election of a Speaker.

I present the following resolution and move its adoption.

The Clerk read as follows:

House Resolution 543

*Resolved*, That Hon. WILLIAM B. BANKHEAD, a Representative from the State of Alabama, be, and he is hereby, elected Speaker of the House of Representatives.

*Resolved*, That the President and the Senate be notified by the Clerk of the election of Hon. WILLIAM B. BANKHEAD, as Speaker of the House of Representatives.

The CLERK. The question is on agreeing to the resolution.

The resolution was agreed to.

*Parliamentarian's Note:* Speaker Byrns died in his apartment in the Mayflower Hotel in Wash-

ington, D.C., at approximately 12:15 a.m., June 4, 1936. He was the first Speaker to die while Congress was in session, and the third Speaker to die in office. (Speaker Michael C. Kerr [Ind.] died Aug. 19, 1876, between sessions of the 44th Congress. Speaker Henry T. Rainey [Ill.] died Aug. 19, 1934, after the second session of the 73d Congress had adjourned.) When the House adjourned on June 3, 1936, it had agreed to meet at 11 o'clock a.m. the next morning. The Speaker having died the morning of June 4, the House met as scheduled and elected Rep. Bankhead as Speaker.<sup>(2)</sup>

Four years later, Speaker Bankhead died in office. On Sept. 16, 1940,<sup>(3)</sup> the Clerk of the House called the House to order at 12 o'clock noon and announced the death of Speaker Bankhead:

The CLERK. Members of the House of Representatives, it becomes my sad and painful duty, as Clerk of the House of Representatives, to inform you officially that your beloved Speaker passed away yesterday morning at the Naval Hospital in this city.

2. See § 6.10, *infra*, for a resolution of sympathy adopted by the House, and § 11.1, *infra*, for a House resolution inviting distinguished guests to attend the funeral in the Hall of the House.
3. 86 CONG. REC. 12231-34, 76th Cong. 3d Sess.

America has lost one of her greatest statesmen and patriots, the House of Representatives a most able and eloquent Speaker, and the State of Alabama a noble and courageous son.

In accordance with the rules and practice of the House of Representatives, it now becomes the duty of this House to elect a Speaker. What is the pleasure of the House?

Speaker Bankhead died in the Naval Hospital in Washington, D.C., at 1:35 a.m., Sept. 15 and was thus the second Speaker to die while Congress was in session.

Following announcement by the Clerk of the death of Speaker Bankhead, Mr. John W. McCormack, of Massachusetts, offered a resolution that Mr. Sam Rayburn, of Texas, be elected Speaker. The resolution was agreed to by voice vote. The Clerk appointed a committee to escort Mr. Rayburn to the Chair, where the oath was administered by Mr. Adolph J. Sabath, of New York.

Mr. McCORMACK. Mr. Clerk, in view of the unfortunate circumstances in which the House finds itself, and with a feeling of very profound respect for the memory of our beloved Speaker who has left us, it becomes necessary, in order that the House may continue to function and the machinery of Government may go on, that the House proceed to the election of a Speaker.

I therefore offer the following resolution, and move its adoption:

The Clerk read as follows:

HOUSE RESOLUTION 602

*Resolved*, That Hon. SAM RAYBURN, a Representative from the

State of Texas, be, and he is hereby, elected Speaker of the House of Representatives.

*Resolved*, That the President and the Senate be notified by the Clerk of the election of Hon. SAM RAYBURN as Speaker of the House of Representatives.

The resolution was agreed to.

**§ 2.4 The Clerk called the House to order at the beginning of the second session of the 87th Congress and announced that Speaker Rayburn had died during the *sine die* adjournment.**

On Jan. 10, 1962,<sup>(1)</sup> the Clerk of the House, Ralph R. Roberts, called the House to order.

Speaker Sam Rayburn, of Texas, presided over the House for the last time on Aug. 30, 1961. On Aug. 31, he departed from Washington for his home in Texas, and Majority Leader John W. McCormack, of Massachusetts, was elected (by resolution) Speaker pro tempore during the absence of the Speaker.

The first session of the 87th Congress adjourned *sine die* on Sept. 27, 1961. Speaker Rayburn died on Nov. 16, 1961, in Bonham, Texas.

The House met at 12 o'clock noon and was called to order by the Honorable Ralph R. Roberts, Clerk of the House.

1. 108 CONG. REC. 5, 87th Cong. 2d Sess. See also Chs. 1, 2, and 6, *supra*.

The CLERK. Members of the House of Representatives, the time has arrived for the meeting of the 2d session of the 87th Congress. Since the last session of Congress the great and beloved Speaker of the House has departed this life.

The Clerk of the House, in conformity with the rules, has called the House to order for the purpose of electing a Speaker. The roll will be called to ascertain whether a quorum is present.

The Clerk will call the roll. . . .

The CLERK. Four hundred and eleven Members having answered to their names, a quorum is present.

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#### ELECTION OF SPEAKER

The CLERK. Nominations for Speaker of the House of Representatives are now in order. . . .

The CLERK. The tellers agree in their tally. The total number of votes cast was 414, of which the Honorable JOHN W. MCCORMACK received 248, and the Honorable CHARLES A. HALLECK received 166. Two voted "present." Therefore, the Honorable JOHN W. MCCORMACK of Massachusetts is the duly elected Speaker of the House of Representatives for the 87th Congress.

The Clerk appoints the following Members to escort the Speaker-elect to the Chair: The gentleman from Indiana [Mr. HALLECK] and the gentleman from Oklahoma [Mr. ALBERT].

(The Doorkeeper announced the Speaker-elect of the House of Representatives, who was escorted to the Chair by the committee of escort.)

### *Death of Member*

#### § 2.5 The former tradition of the House was to postpone

**scheduled business and immediately adjourn out of respect upon the death of one of its Members. The more recent practice is that the House considers a resolution of sympathy sometime during the legislative day that provides in part that "when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased" and continues with further business.**<sup>(1)</sup>

On Oct. 1, 2002,<sup>(2)</sup> the following resolution was offered by Rep. Neil Abercrombie, of Hawaii. Following its adoption, the House proceeded onto other business, including motions to suspend the rules and later adjourned in memory of the deceased.<sup>(3)</sup>

H. RES. 566

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable PATSY T. MINK, a Representative from the State of Hawaii.

*Resolved*, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be

1. See also Ch. 36, *supra*, for memorial services for former Members.
2. 148 CONG. REC. 18777, 107th Cong. 2d Sess.
3. *Id.* at p. 18815.

necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

**§ 2.6 The former tradition of the House was to postpone scheduled business and immediately adjourn out of respect upon the death of one of its sitting Members.**

On June 23, 1969,<sup>(1)</sup> Mr. H. R. Gross, of Iowa, obtained unanimous consent to transfer a special order (in view of an anticipated early adjournment out of respect for the late Mr. William H. Bates, of Massachusetts).

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the special order I have for this afternoon be transferred to tomorrow.

The SPEAKER.<sup>(2)</sup> Without objection, it is so ordered.

There was no objection.

Immediately after consent to Mr. Gross' request, certain Senate bills and joint and concurrent res-

1. 115 CONG. REC. 16795, 91st Cong. 1st Sess.
2. John W. McCormack (MA).

olutions were referred. The death of Mr. Bates was then announced and the remainder of the day's session was devoted to eulogies, concluding with a resolution (H. Res. 450) of sympathy offered by Mr. Silvio O. Conte, of Massachusetts. The final resolving clause called for the House to adjourn as a further mark of respect.<sup>(3)</sup>

**§ 2.7 The House was not in session on a Wednesday of a legislative week to allow Members to attend funeral services for a deceased colleague.**

Rep. George E. Brown, of California, died on July 15, 1999. On July 22, 1999,<sup>(1)</sup> Rep. Pete Sessions, of Texas, made the following announcement with regard to Wednesday, July 28, 1999, during remarks on the legislative schedule for the following week:

Mr. SESSIONS. . . . [I]t is my understanding the House will be in pro forma session and that no votes will be held in accommodation of Republican and Democrat Members who wish to attend services for our colleague, George Brown.

*Parliamentarian's Note:* The House was not in session on Wednesday, July 28, 1999.

**§ 2.8 By unanimous consent, the vote on final passage of a**

3. 115 CONG. REC. 16801, 91st Cong. 1st Sess.
1. 145 CONG. REC. 17312, 106th Cong. 1st Sess.

**bill in the House was postponed until a later time on that day, due to the absence of a funeral committee that was attending the services for a deceased colleague.**

On Aug. 12, 1970,<sup>(1)</sup> the Committee of the Whole rose and the Chairman reported a bill (H.R. 17570) back to the House. The bill was ordered to be engrossed and read a third time, and Speaker pro tempore Carl Albert, of Oklahoma, put the question on the passage of the bill:

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken, and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mr. [William L.] SPRINGER [of Illinois]. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

I ask unanimous consent in view of the fact that there are Members attending the funeral of our deceased colleague, Mr. G. Robert Watkins, that the vote be taken on this measure at a time not earlier than 4 o'clock.

The SPEAKER pro tempore. Does the gentleman withdraw his point of order?

Mr. SPRINGER. Mr. Speaker, I withdraw the point of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The vote will be put over until not sooner than 4 o'clock.

*Parliamentarian's Note:* In accordance with a provision of House Resolution 1183, a resolution of sympathy was adopted on Aug. 10, 1970.<sup>(2)</sup> Pursuant to the announcement of the death of Mr. G. Robert Watkins, of Pennsylvania, the Speaker pro tempore appointed a committee to attend the funeral of the late Member. This committee consisted of: (1) the senior Member of the Pennsylvania delegation; (2) the Majority and Minority Leaders and Minority Whip; (3) the remainder of the Pennsylvania delegation in order of seniority, and (4) other Members who desired to attend, in order of seniority.

[The absence of these Members who were attending the funeral at the time the vote was called on H.R. 17570, accounted for the absence of a quorum.]

Thus, Mr. Springer continued, after noting the absence of a quorum, to propose that by unanimous consent the vote be postponed.

### **§ 2.9 The House by unanimous consent may authorize a**

1. 116 CONG. REC. 28510, 28511, 91st Cong. 2d Sess.

2. 116 CONG. REC. 28100, 91st Cong. 2d Sess.

**Member to act as first sponsor of a bill for the purposes of adding co-sponsors and requesting reprints pursuant to Rule XII clause 7<sup>(1)</sup> where the actual first sponsor has died.**

Rep. Bruce Vento, of Minnesota, died on Oct. 10, 2000. Rep. Vento was the prime sponsor of H.R. 1239. On Oct. 24, 2000,<sup>(2)</sup> the following unanimous consent agreement was entered into on the floor:

Mr. [Ed] MARKEY [of Massachusetts]. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the primary sponsor of H.R. 1239, a bill originally introduced by Representative Bruce Vento of Minnesota, for the purpose of adding co-sponsors and requesting reprintings under clause 7 of rule XII.

The SPEAKER pro tempore.<sup>(3)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

**§ 2.10 Where a Member signed a discharge motion and subsequently died, his successor obtained unanimous consent that his predecessor's name be removed so that he might sign it.**

1. *House Rules and Manual* § 825 (2007).
2. 146 CONG. REC. 23953, 106th Cong. 2d Sess.
3. Ed Pease (IN).

On Jan. 16, 1950,<sup>(1)</sup> Mr. John F. Shelley, of California, was recognized for a unanimous-consent request.

Mr. SHELLEY. Mr. Speaker, my predecessor, the Honorable Richard J. Welch, signed Discharge Petition No. 15. I desire to have my name entered on this petition. I ask unanimous consent that his name be taken off the petition so that I may sign it.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

**§ 2.11 Bills become the property of the House when introduced and the House may act on a bill following the death of the Member that introduced it.**

On June 24, 1964,<sup>(1)</sup> H.R. 7307, to amend the Internal Revenue Codes, was reported,<sup>(2)</sup> and on June 29, 1964,<sup>(3)</sup> the bill was agreed to. The proceedings were as follows:

Mr. [Wilbur D.] MILLS [of Arkansas]. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7307) to amend

1. 96 CONG. REC. 436, 81st Cong. 2d Sess. See also Ch. 18, § 1.5, *supra*.
2. Sam Rayburn (TX).
1. 110 CONG. REC. 14958, 88th Cong. 2d Sess.
2. H. Rept. No. 88-1516.
3. 110 CONG. REC. 15276, 15277, 88th Cong. 2d Sess.

the Internal Revenue codes of 1939 and 1954. . . .

The Clerk read the title of the bill.

The SPEAKER pro tempore.<sup>(4)</sup> Is there objection to the request of the gentleman from Arkansas [Mr. MILLS]? . . .

Mr. MILLS. Mr. Speaker, I think it is appropriate to point out at this time that this is a bill which was sponsored by and considered in the committee during the lifetime of our distinguished late colleague, Hon. Howard Baker, and also in which there was a great deal of interest expressed by another former late colleague on the committee, the gentleman from Pennsylvania, Hon. William Green. Mr. Baker's name is still carried on the bill as the author of the bill. . . .

*Parliamentarian's Note:* Bills become the property of the House when introduced and the death of the sponsoring Member after introduction does not preclude subsequent action thereon. Thus, on one occasion, a bill was reported in the name of a Member who had been killed in an accident a few days earlier.<sup>(5)</sup> On another occasion, the House has also concurred in the Senate amendment

4. Carl Albert (OK).

5. See 111 CONG. REC. 15698, 89th Cong. 1st Sess., July 6, 1965, where a bill (S. 956) was referred to the Committee of the Whole House on the state of the Union by Rep. T. Ashton Thompson (LA) who had been killed in an automobile accident on July 1, 1965.

to a bill that was introduced by a Member who had died earlier that year.<sup>(6)</sup>

### *Death of Member-elect*

**§ 2.12 When a Member-elect dies before the House convenes, his name is included on the roll call by states to establish a quorum, but is deleted from subsequent calls after the House is officially informed of his death.**

On Jan. 4, 2005,<sup>(1)</sup> at the beginning of the 109th Congress, the Clerk of the 108th Congress called the House to order. Following the opening prayer, he caused the roll to be called by states, the Members-elect responding, in order to establish a quorum. Member-elect Robert T. Matsui, of California, had died on Jan. 1, 2005. His name was included on the roll of Members-elect for the quorum call because his certificate of election was on file with the Clerk. Following the quorum call, the Clerk

6. See 144 CONG. REC. 26456–58, Oct. 15, 1998, where the House concurred in the Senate amendment to H.R. 700 that was introduced by Rep. Sonny Bono (CA) who died on Jan. 5, 1998.

1. 151 CONG. REC. 36–39, 109th Cong. 1st Sess.

announced the vacancy and Member-elect Matsui's name was removed from the rolls.

On Jan. 3, 2001,<sup>(2)</sup> at the beginning of the 107th Congress, the Clerk of the 106th Congress presided over the organization of the House. Member-elect Julian C. Dixon, of California, had died on Dec. 8, 2000, and the House adopted a resolution expressing sorrow over his death on that day while in "lame-duck" session of the 106th Congress. His certificate of election had been received and his name was included on the roll of Members-elect. After the quorum call, the Clerk announced the vacancy and Member-elect Dixon's name was removed from the rolls.

### *Death of an Officer*

**§ 2.13 In the case of a vacancy among the elected officers of the House, the Speaker is authorized by § 208 of the Legislative Reorganization Act of 1946 (2 USC § 75a-1) to appoint a person "to act as, and to exercise temporarily the duties of" the vacant office until a successor is elected.**

*Parliamentarian's Note:* 2 USC § 75a-1 was enacted in response to

2. 147 CONG. REC. 19, 20, 107th Cong. 1st Sess.

the death of the Sergeant at Arms of the House, William F. Russell on July 8, 1953.<sup>(1)</sup> This statutory authority has not yet been used to fill a vacancy following the death of an officer.

### *Death of Sergeant at Arms*

**§ 2.14 The Sergeant at Arms of the House, William F. Russell, having died, the House by resolution elected the Clerk of the House, Lyle O. Snader, to serve temporarily and concurrently as Sergeant at Arms, without additional compensation, until another person should be elected and qualify as Sergeant at Arms. A joint resolution was also adopted and enacted into law to permit the Clerk of the House to serve concurrently as Sergeant at Arms and providing that his salary as Clerk of the House should be in full discharge for his services to the House during such concurrent service.**

On July 8, 1953,<sup>(1)</sup> a resolution was adopted by the House on the death of its Sergeant at Arms,

1. See § 2.14, *infra*.

1. 99 CONG. REC. 8242, 83d Cong. 1st Sess. For further discussion, see Ch. 6, *supra*.



electing the Clerk of the House as Sergeant at Arms of the House, without additional compensation until another person could be chosen and qualify. The proceedings were as follows:

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, I offer a joint resolution (H. J. Res. 292) and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That Lyle O. Snader, of the State of Illinois, be, and he is hereby, authorized, notwithstanding the provisions of any other law, to serve concurrently as Clerk and Sergeant at Arms of the House of Representatives until another person is chosen by the House of Representatives to be and duly qualifies as Sergeant at Arms; and while the said Lyle O. Snader is so serving the compensation received by him as Clerk of the House of Representatives shall be in full discharge for any services rendered by him to the House of Representatives during such period of concurrent service.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER.<sup>(2)</sup> Mr. Snader will present himself at the bar of the House to take the oath of office.

Mr. Snader appeared at the bar of the House and took the oath of office.

*Parliamentarian's Note:* House Joint Resolution 292, enacted into law as Public Law No. 83-106, was passed to resolve conflicting

2. Joseph W. Martin, Jr. (MA).

opinions about whether one person could occupy two elective offices of the House at the same time and the necessity to pay dual compensation, which, if paid or required to be paid, might have made it illegal for one person to occupy two offices under Federal dual compensation laws.

### *Presumptive Death of Member*

**§ 2.15 At the inception of the 93d Congress, the Clerk reported to the House an action he had taken pursuant to the Speaker's instructions regarding the presumptive deaths of two Members-elect.**

On Jan. 3, 1973,<sup>(1)</sup> prior to the election of a Speaker, the Clerk of the House, W. Pat Jennings, made the following announcement explaining action taken with regard to the presumptive deaths on Oct. 16, 1972, of Members-elect Nick Begich, of Alaska, and Hale Boggs, of Louisiana, the Majority Leader in the 92d Congress:

The CLERK. . . .

On December 20, 1972, the Speaker directed a letter to the Clerk of the House which the Clerk will read.

WASHINGTON, D.C.,  
December 20, 1972.

1. 119 CONG. REC. 12, 93d Cong. 1st Sess.

Hon. W. PAT JENNINGS,  
*Clerk, House of Representatives,*  
*Washington D.C.*

DEAR MR. JENNINGS: When the 93rd Congress convenes on January 3, 1973, the House will be confronted with a situation which is unprecedented in our history. I refer, of course, to the probability that the Representatives-elect from the Second Congressional District of Louisiana and from the at-large seat in Alaska will not appear to take the oath of office at noon on that day.

While it is common knowledge that Representatives-elect Hale Boggs and Nick Begich, together with Russell L. Brown and Don Jonz of the State of Alaska, departed by plane from Anchorage, Alaska, on October 16, 1972 on a flight bound for Juneau, Alaska, and have been missing since that date, any action which the House might take to declare their seats vacant, or otherwise pertaining to their status as Representatives-elect, should, I believe, be based upon the most reliable and official documentary evidence available as of January 3, 1973.

I therefore request that you obtain, for transmittal to the House when it convenes on January 3, 1973, certified copies of any judicial determination and other relevant information then available with respect to the status of the persons in question. Such documentary evidence will then enable the House to more properly discharge its constitutional responsibility in this matter.

Sincerely,

CARL ALBERT.

The CLERK. Pursuant to the Speaker's instructions the Clerk has for-

warded to the Speaker a certified copy of the certificate of presumptive death of the Honorable NICK BEGICH, of Alaska.

Also contained in the certified information which the Clerk has forwarded to the Speaker is documentary evidence that the Honorable HALE BOGGS, a Representative-elect from the State of Louisiana, was a passenger on a flight from Anchorage, Alaska, to Juneau, Alaska, on October 16, 1972.

**§ 2.16 At the inception of the 93d Congress, the Speaker laid before the House communications from the Clerk, transmitting documentary evidence of the presumptive death of a Member-elect and the declaration of a vacancy by the Governor; and transmitting documentary evidence indicating that the status of another missing Member-elect had not been officially determined by any state authority.**

On Jan. 3, 1973,<sup>(1)</sup> Speaker Carl Albert, of Oklahoma, laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,  
*January 2, 1973.*

Hon. CARL ALBERT,

1. 119 CONG. REC. 15, 93d Cong. 1st Sess.

*The Speaker,  
U. S. House of Representatives.*

DEAR MR. SPEAKER: This is in further reply to your letter of December 20, 1972, wherein you requested transmittal to the House of Representatives when it convenes on January 3, 1973, certified copies of any "judicial determinations and any other relevant information available" with respect to the status of Representative-elect Nick Begich from the at-Large seat of Alaska and Representative-elect Hale Boggs from the Second Congressional District of Louisiana.

Attached herewith is a certified copy of the Certificate of Presumptive Death, the Presumptive Death Jury Verdict, and Order signed by Alaska District Court Judge Dorothy D. Tyner on December 29, 1972, for the Honorable Nick Begich, at-Large Representative for Alaska, who was one of three passengers in an airplane that departed from Anchorage on a flight bound for Juneau, Alaska on October 16, 1972, and disappeared, together with Judge Tyner's covering letter of December 29, 1972, that was received this date. I have also received this date from the Alaska District Court a certified copy of the transcript of the Presumptive Death Hearing concerning the airplane's October 16, 1972, disappearance with its pilot and passengers, together with 45 color slides depicting the search areas which were shown to the hearing jury. Your attention is respectfully invited to pages 19, 20, 21, 26, 37, 50, 103 and 106 of the hearing transcript that discuss the presence of the Honorable Hale Boggs as a passenger on the October 16, 1972, Anchorage to Juneau flight that

disappeared. Additionally, I received the attached telegram this date from the Honorable William A. Egan, Governor of Alaska, conforming that on December 29, 1972, the day the Order that presumed death of the Honorable Nick Begich was signed by Judge Tyner, Governor Egan declared Alaska's only at-Large House seat vacant. It has been announced that Governor Egan also ordered a special election for March 6, 1973, to fill said vacancy.

Also attached herewith is a Certification executed by the Governor of Louisiana on December 21, 1972, and attested to by the Secretary of the State of Louisiana that contains a certified opinion of the Attorney General of Louisiana that no action has been taken by the Governor and that no action is before the courts of Louisiana that would in any way change the status of the Honorable Hale Boggs or modify the Election Proclamation for the General Election held in Louisiana on November 7, 1972, that was signed and issued by the Governor and countersigned by the Secretary of State under the seal of the State of Louisiana on December 11, 1972, certifying that the Honorable Hale Boggs was elected as Representative for the Second Congressional District of Louisiana and transmitted to the Clerk of the House in the Secretary of State's letter of December 12, 1972. I have this date received the attached telegram from the Secretary of State of Louisiana, advising that the situation in Louisiana has not changed the December 21, 1972, Certification of the Governor of Louisiana. Based on said Louisiana's Congressional Election Proclamation, the Honorable Hale Boggs has been enrolled by the Clerk

of the House as the Representative-elect from the Second Congressional District of Louisiana on the roll of Representatives-elect for the Ninety-Third Congress.

In the event the Clerk of the House receives or learns of any additional information prior to the convening of the Ninety-Third Congress, such information will be transmitted to the House of Representatives promptly.

In accordance with your previous oral directions, I have prepared draft resolutions related to this matter and have separately transmitted them to the Parliamentarian of the House of Representatives.

With kindest regards, I am

Sincerely,

W. PAT JENNINGS,  
*Clerk, U.S. House of Representatives.*

STATE OF LOUISIANA,  
*Baton Rouge.*

*To the U.S. House of Representatives,*

I, Edwin W. Edwards, Governor of Louisiana, do hereby certify to the United States House of Representatives that the Governor of Louisiana has not taken any action nor, according to the certified opinion of William J. Guste, Jr., Attorney General of the State of Louisiana, said certification being attached and made a part hereof, are there any actions before the Courts of Louisiana, nor has any other action been taken that would in any way change the status of the Honorable Hale Boggs or modify the election proclamation for the General Election held in Louisiana on November 7, 1972 that was certified, signed and issued by the Governor and the Secretary of State over the seal of the State of Louisiana

on December 11, 1972 for the Second Congressional District of Louisiana, and transmitted to the Clerk of the United States House of Representatives in the Secretary of State's letter of December 12, 1972.

Sincerely,

EDWIN EDWARDS,  
*Governor of Louisiana.*

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COMMUNICATION FROM THE  
CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,  
*January 2, 1973.*

Hon. CARL ALBERT,  
*The Speaker,*  
*U.S. House of Representatives.*

DEAR MR. SPEAKER: This is an additional response to your letter of December 20, 1972, wherein you requested transmittal to the House of Representatives when it convenes on January 3, 1973, certified copies of any "judicial determinations and any other relevant information available" with respect to the status of Representative-Elect Nick Begich, from the at-large seat of Alaska and Representative-Elect Hale Boggs from the Second Congressional District of Louisiana.

I have this evening received from the Secretary of Defense the attached letter describing the air and sea rescue search efforts conducted by his department for the "aircraft which carried the Honorable Hale Boggs as a passenger . . . missing on a scheduled flight from Anchorage, Alaska to Juneau, Alaska since the sixteenth day of

October 1972." The Secretary of Defense "determined that further search would be of no avail [and] . . . informed the Commander-in-Chief Alaska Command to suspend further active search."

In the event the Clerk of the House receives or learns of any additional information prior to the convening of the Ninety-Third Congress, such information will be transmitted to the House of Representatives promptly.

With kindest regards, I am,

Sincerely,

W. PAT JENNINGS,

*Clerk, House of Representatives.*

**§ 2.17 On the day of its convening for the 93d Congress, the House agreed to a privileged resolution, offered by the Chairman of the Democratic Caucus at the direction of the Caucus declaring vacant the seat of a Member-elect (the Majority Leader of the 92d Congress), based upon the ascertainment of the Clerk that he had been aboard a missing aircraft with another Member-elect whose presumptive death had been certified and whose seat had been declared vacant by state authority.**

On Jan. 3, 1973,<sup>(1)</sup> Mr. Olin E. Teague, of Texas, was recognized

1. 119 CONG. REC. 15, 16, 93d Cong. 1st Sess.

to offer House Resolution 1, which the Clerk read, as follows:

H. RES. 1

Whereas a certificate of election has been received by the Clerk of this House showing the election of Hale Boggs as a Representative in the Ninety-third Congress from the Second Congressional District in the State of Louisiana; and

Whereas Representative-elect Hale Boggs has not appeared to take the oath of office as a Member of this House; and

Whereas the Clerk of the House of Representatives, acting at the direction of the Speaker of this House for the Ninety-second Congress, has ascertained that Representative Nick Begich and Hale Boggs, Members of the Ninety-second Congress, together with Russell L. Brown and Don E. Jonz of the State of Alaska, all of whom departed together by plane from Anchorage, Alaska, on October 16, 1972, on a flight bound for Juneau, Alaska, have been missing since that date and despite repeated and thorough searches have not been located; and

Whereas the District Court for the State of Alaska, Third Judicial District, after hearing witnesses and studying all available evidence relative to the disappearance of Representative Begich, Russell L. Brown and Don E. Jonz, has determined that these three men cannot be found alive after such a lapse of time and are presumed dead; and

Whereas as a result of the findings of the jury in the aforementioned judicial proceeding the judge of the said

court has signed certificates of presumptive death with respect to Representative Begich, Russell L. Brown and Don E. Jonz; and

Whereas no evidence has been presented to this House or is known to it which distinguishes the missing status of Representative-elect Hale Boggs from that of the three men for whom the aforementioned certificates of presumptive death have been issued; Therefore be it

*Resolved*, That based on information provided by its Clerk, this House of Representatives hereby determines that there is a vacancy in the Ninety-third Congress in the representation from the Second Congressional District in the State of Louisiana because of the absence of Representative-elect Hale Boggs.

*Resolved*, That the Speaker of the House is hereby directed to notify the Governor of the State of Louisiana of the existence of this vacancy so that appropriate measures to fill this vacancy may be undertaken by the Governor pursuant to Article I, Section 2 of the Constitution of the United States. . . .

The resolution was agreed to.

*Parliamentarian's Note:* The House may declare the seat of a Member-elect vacant where a Member-elect is not able to take the oath or resign due to an incapacitating illness. Gladys Noon Spellman, of Maryland, was elected to the 97th Congress. At the convening of that Congress, Member-elect Spellman was in a coma and unable to take the oath or re-

sign. During the debate on the resolution declaring her seat vacant, the Majority Leader<sup>(2)</sup> inserted into the *Congressional Record* a letter from the Attending Physician indicating his opinion that she was unable to serve out her term of office.<sup>(3)</sup> The House adopted by voice vote a resolution declaring the seat vacant on Feb. 24, 1981.<sup>(4)</sup> Ms. Spellman died June 19, 1988.

### § 3. Death Benefits; Claims of Survivor's Spouse

When a Member of the House dies after the commencement of the Congress to which he had been elected, any unpaid salary and other sums due him at the date of death, are paid to his survivors in the order of precedence specified by statute.<sup>(1)</sup>

The House Sergeant at Arms is authorized<sup>(2)</sup> to defray the funeral expenses of the deceased Member and to defray the expenses of the surviving spouse, or minor children, or both, of the deceased

2. James C. Wright, Jr. (TX).

3. 127 CONG. REC. 2917, 97th Cong. 1st Sess., Feb. 24, 1981.

4. See *Id.* at pp. 2916, 2917 (H. Res. 80).

1. 2 USC § 38a.

2. See 2 USC § 124.

Member incurred in attending the funeral rites and burial of such Member. A gratuity for surviving spouses of Members—amounting to one full year's pay—is authorized subsequent to a Member's death in an appropriations bill.<sup>(3)</sup> A gratuity for surviving spouses of House employees is also authorized by law.<sup>(4)</sup>

The surviving spouse of a deceased Member is authorized use of the frank for a period of 180 days following the death of a Member for correspondence relating to the death.<sup>(5)</sup> The surviving spouse of a former President is also authorized use of the frank.<sup>(6)</sup>

Death benefits and payment toward funeral expenses have been allotted to the surviving spouses of two Capitol Police officers killed in the line of duty in the Capitol,<sup>(7)</sup> the Sergeant at Arms,<sup>(8)</sup> and the Doorkeeper.<sup>(9)</sup>

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### *Benefits for President's Widow*

#### **§ 3.1 Jacqueline Bouvier Kennedy, widow of the assassinated President, was granted:**

3. See, e.g., H.J. Res. 122 at 148 CONG. REC. 20304, 107th 2d Sess., Oct. 10, 2002; Pub. L. No. 107-240 (Mink).
4. 2 USC § 125.
5. 39 USC § 3218.
6. *Id.* at § 3214.
7. See § 3.5, *infra*.
8. See § 3.6, *infra*.
9. See § 3.7, *infra*.

**inated President, was granted: (1) the franking privilege, (2) office space, (3) secretarial staff for one year, as well as (4) secret service protection for a two-year period. The same bill also appropriated funds to cover expenses incident to the death and burial of President John F. Kennedy.**

On Dec. 2, 1963,<sup>(1)</sup> the House agreed to a motion to suspend the rules and pass a bill providing office space, franking, and other privileges for Mrs. Kennedy. The bill also authorized appropriations for the payment of expenses incidental to the death and burial of the former President.

*Parliamentarian's Note:* Because of the anomalous circumstances pertaining to the death of President Kennedy, privileges granted his widow were broader in scope than would ordinarily be the case for the widow of a President. Anticipating a heavy influx of mail as well as the possibility of

1. 109 CONG. REC. 22978, 22979, 88th Cong. 1st Sess.

H.R. 9291 passed the House on Dec. 2, 1963. The Senate amended it on Dec. 3, 1963. The House agreed to the Senate amendment with an amendment on Dec. 9, 1963. The Senate agreed thereto on Dec. 10, 1963. See Pub. L. No. 88-195 for the complete text.

threats to her life, facilities for attending to correspondence, and secret service protection were granted for the two-year period.

### *Funeral Expenses*

#### **§ 3.2 A resolution was agreed to authorizing and directing the Clerk of the House to pay expenses in connection with the funeral of the late Speaker Sam Rayburn.**

On Jan. 10, 1962,<sup>(1)</sup> the following resolution was offered and agreed to:

Mr. [Omar T.] BURLERSON [of Texas]. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 486

*Resolved*, That the Clerk of the House is hereby authorized and directed to pay all the expenses in connection with the funeral of the late Speaker Sam Rayburn, and such sum as may be found necessary to carry out the purpose of this resolution shall be paid out of the contingent fund of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### **§ 3.3 Payment of expenses incurred by the Clerk and the**

1. 108 CONG. REC. 8, 87th Cong. 2d Sess.

#### **Sergeant at Arms in connection with preparations for memorial services for a former Majority Leader and Member-elect was authorized from the House contingent fund.**

On Jan. 3, 1973,<sup>(1)</sup> a resolution<sup>(2)</sup> offered by Rep. Olin E. Teague, of Texas, concluded with an authorization for payment of certain expenses relating to memorial services for the former Majority Leader of the House, Hale Boggs, of Louisiana:

*Resolved*, That the Speaker be authorized to appoint a delegation of Members of this House, together with such Members of the Senate as may be joined, to attend memorial services to be held for the former Majority Leader in New Orleans, Louisiana, on January 4, 1973.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary to carry out the provisions of these resolutions and that the necessary expenses in connection therewith, as well as any incurred by the Clerk at the Speaker's request, be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate, to the Governor of the State of Louisiana, and transmit a copy to the family of the missing Representative-elect Hale Boggs.

1. 119 CONG. REC. 15, 16, 93d Cong. 1st Sess.

2. H. Res. 1.



The resolution was agreed to.

### ***Survivor's Benefits***

**§ 3.4 *Parliamentarian's Note:*** The gratuity equal to one year's salary traditionally paid by the House to the surviving spouse or closest living relative of a Member who dies in office normally is contained in the legislative branch appropriation bill. However, in the cases of two Members-elect presumed to have died in a plane crash the preceding October, resolutions were, by unanimous consent, offered from the floor and agreed to at the inception of the 93d Congress, making the gratuities immediately available out of the House contingent fund.

On Jan. 3, 1973,<sup>(1)</sup> Rep. F. Edward Hébert, of Louisiana, offered House Resolution 8, authorizing expenditures in connection with a gratuity for the widow of the late Member-elect and Majority Leader Hale Boggs, of Louisiana:

Mr. HÉBERT. Mr. Speaker, I offer a resolution (H. Res. 8) and ask unanimous consent for its immediate consideration.

1. 119 CONG. REC. 27, 93d Cong. 1st Sess.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the resolution as follows:

#### H. RES. 8

*Resolved*, That there shall be paid from the contingent fund of the House a sum equal to the annual compensation of the Majority Leader of the House of Representatives in the 92nd Congress as a gratuity to Corinne C. Boggs (Mrs. Hale Boggs) of Louisiana. . . .

The resolution was agreed to.

On the same day,<sup>(3)</sup> Mr. Thomas P. O'Neill, Jr., of Massachusetts, offered House Resolution 9:

#### H. RES. 9

*Resolved*, That there shall be paid out of the contingent fund of the House a sum equal to the annual compensation of a Representative in Congress as a gratuity to Margaret J. Begich, widow of Nick Begich, late a Representative-elect from the State of Alaska. . . .

The resolution was agreed to.

**§ 3.5 Following the death of two Capitol Police officers killed in the line of duty in the Capitol, a concurrent resolution was adopted authorizing the Sergeant at Arms to make payments in connection with funeral expenses**

2. Carl Albert (OK).

3. 119 CONG. REC. 27, 93d Cong. 1st Sess.

**and authorizing the Chief Administrative Officer to pay a gratuity to their surviving spouses.**

On July 27, 1998,<sup>(1)</sup> the following procedures took place:

Mr. [Tom] DELAY [of Texas]. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the concurrent resolution (H. Con. Res. 310) and I ask for its immediate consideration and adoption by the House.

The SPEAKER pro tempore.<sup>(2)</sup> The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 310

*Resolved by the House of Representatives (the Senate concurring),*

**Section 1. Authorizing Use of the Rotunda of the Capitol for Memorial Service for Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut.**

The rotunda of the Capitol is authorized to be used for a memorial service and proceedings related thereto for Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police on Tuesday, July 28, 1998, under the direction of the United States Capitol Police Board.

**Sec. 2. Placement of Plaque in Capitol in Memory of Detective Gibson and Private First Class Chestnut.**

The Architect of the Capitol shall place a plaque in honor of the memory of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police at an appropriate site in the United States Capitol, with the approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

1. 144 CONG. REC. 14738, 105th Cong. 2d Sess. See also Ch. 36, *supra*.
2. John M. Shimkus (IL).

**Sec. 3. Payment of Funeral Expenses for John Gibson and Jacob Joseph Chestnut.**

(a) In General: The Sergeant at Arms of the House of Representatives is authorized and directed to make such arrangements as may be necessary for funeral services for Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police, including payments for travel expenses of immediate family members, and for the attendance of Members of the House of Representatives at such services, including payments for expenses incurred by Members in attending such services.

(b) Source and Manner of Making Payments: Any payment made under subsection (a) shall be made from the applicable accounts of the House of Representatives, using vouchers approved in a manner directed by the Committee on House Oversight.

**Sec. 4. Payment of Survivor's Gratuity to Widows of John Gibson and Jacob Joseph Chestnut.**

(a) In General: In accordance with the first sentence of the last undesignated paragraph under the center heading "HOUSE OF REPRESENTATIVES" in the first section of the Legislative Branch Appropriation Act, 1955 (2 USC 125), the Chief Administrative Officer of the House of Representatives is authorized and directed to pay, from the applicable accounts of the House of Representatives

(1) a gratuity to the widow of Detective John Michael Gibson of the United States Capitol Police in the amount of \$51,866.00; and

(2) a gratuity to the widow of Private First Class Jacob Joseph Chestnut of the United States Capitol Police in the amount of \$47,280.00.

(b) Treatment as Gift: Each gratuity paid under subsection (a) shall be held to have been a gift.

**Sec. 5. Sense of Congress Regarding Establishment of Capitol Police Memorial Fund.**

It is the sense of Congress that there should be established under law a United States Capitol Police Memorial Fund for the surviving spouse and children of members of the United States Capitol Police who are slain in the line of duty.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Texas?

There was no objection.

**§ 3.6 Following the death of the Sergeant at Arms, a resolution was passed authorizing the contingent fund of**

**the House to pay one year's salary and an additional amount to defray funeral expenses.**

On July 13, 1953,<sup>(1)</sup> the following proceedings took place:

Mr. [Karl M.] LECOMPTE [of Iowa]. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution (H. Res. 335) providing a gratuity for the widow of the late Sergeant at Arms, William F. Russell, which resolution was introduced by the gentleman from Pennsylvania [Mr. GRAHAM].

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the resolution, as follows:

*Resolved*, That there shall be paid out of the contingent fund of the House to Helen W. Russell, widow of William F. Russell, late Sergeant at Arms of the House of Representatives, an amount equal to 1 year's salary at the rate he was receiving at the time of his death, and an additional amount not to exceed \$350 toward defraying the funeral expenses of said William F. Russell.

The resolution was agreed to, and the motion to reconsider was laid on the table.

**§ 3.7 By resolution, the widow of the Doorkeeper was allotted funds equivalent to one**

1. 99 CONG. REC. 8696, 8697, 83d Cong. 1st Sess.
2. Joseph W. Martin, Jr. (MA).

**year's salary and an additional amount for funeral expenses.**

On Feb. 16, 1943,<sup>(1)</sup> Mr. Nat Patton, of Texas, called up House Resolution 100, which provided payment of funeral expenses and salary to the wife of Joseph J. Sinnott, the late Doorkeeper of the House of Representatives:

Mr. PATTON. Mr. Speaker, I call up House Resolution 100, which provides for the payment of funeral expenses and a year's salary to the wife of our deceased Doorkeeper and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That there shall be paid out of the contingent fund of the House to Mrs. Alyce W. Sinnott, widow of Joseph J. Sinnott, late Doorkeeper of the House, an amount equal to 1 year's salary compensation, and an additional amount not to exceed \$250 to defray funeral expenses of the said Joseph J. Sinnott.

The resolution was agreed to.

***Payment of Benefits During Adjournment; Determination of Beneficiary by Clerk***

**§ 3.8 The Clerk was authorized by the House, during the period after the close of the first session of the 80th Congress, until Jan. 3, 1948, to pay out of the contingent**

1. 89 CONG. REC. 1000, 78th Cong. 1st Sess.

**fund an amount equal to six months' salary of any deceased employee and \$250 for funeral expenses to whomever in the judgment of the Clerk would be justly entitled thereto subject to the approval of the Committee on House Administration.**

On July 11, 1947,<sup>(1)</sup> a privileged resolution was introduced and agreed to, as follows:

Mr. [Karl M.] LeCOMPTE [of Iowa]. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 283) and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That during the period of any adjournment or recess of the House after the close of the first session of the Eightieth Congress until January 3, 1948, the Clerk of the House is authorized to pay out of the contingent fund of the House an amount equal to 6 months' salary of any deceased employee of the House at the rate such employee was receiving at the time of his or her death and an additional amount not to exceed \$250 toward defraying the funeral expenses of any such employee to whomsoever in the judgment of the Clerk is justly entitled thereto subject to the approval of the Committee on House Administration.

The resolution was agreed to.

A motion to reconsider was laid on the table.

1. 93 CONG. REC. 8708, 80th Cong. 1st Sess.

**§ 3.9 In the 83d Congress, a resolution was passed providing that during the period of any adjournment of the 83d Congress until Jan. 3, 1954, the Clerk may pay six months' salary of any deceased employee and \$350 for funeral expenses.**

On July 17, 1953,<sup>(1)</sup> the following proceedings took place:

Mr. [Karl M.] LeCOMPTE [of Iowa]. Mr. Speaker, I call up House Resolution 340 approved unanimously by the Committee on House Administration and ask for its immediate consideration.

The Clerk read the House resolution, as follows:

*Resolved*, That during the period of any adjournment or recess of the House of the first session of the 83d Congress until January 3, 1954, the Clerk of the House is authorized to pay out of the contingent fund of the House an amount equal to 6 months' salary of any deceased employee of the House at the rate such employee was receiving at the time of his or her death and an additional amount not to exceed \$350 toward defraying the funeral expenses of any such employee to whomever in the judgment of the Clerk is justly entitled thereto subject to the approval of the Committee on House Administration.

The resolution was agreed to, and a motion to reconsider was laid on the table.

1. 99 CONG. REC. 9072, 83d Cong. 1st Sess.

#### § 4. Administration of Member's Offices Following Death

When a Member of the House dies, staff members are retained on the payroll of the House, under the direction of the Clerk, to carry on the functions of the deceased Member's office until a new Member is elected. This insures continuing congressional service to the Member's District. The Clerk has the authority to terminate staff, and with the approval of the Committee on House Administration, appoint such staff as required to operate the office until a successor is elected.<sup>(1)</sup>

The Washington office of a deceased Member remains open until a new Member is elected to the vacancy. District offices may be kept open until a successor is elected. Any official bills of an office that are unpaid at the time of a Member's death will be processed by the Clerk of the House.

The deceased Member's frank can no longer be used after his death. The staff will use the Clerk's frank in conducting the official business of the office until a new Member is elected.

No staff travel is authorized after a Member's death, except

1. See Rule II clause 2(i)(1), *House Rules and Manual* § 653 (2007).

under special circumstances and as approved by the Clerk.

There is no time limit imposed on the sorting and shipment of a deceased Member's personal official papers. Usually a designated office employee assists the next of kin in the collection and disposition of personal papers.

Prior to the 108th Congress, when a Speaker died during a session of Congress, the Clerk generally called the House to order and presided until a new Speaker was elected.<sup>(2)</sup> Following the presumptive death of two Members-elect (including the Majority Leader in the 93rd Congress), the House adopted several resolutions to address administration of those offices.<sup>(3)</sup>

#### *Death of Speaker*

**§ 4.1 Rule I clause 8<sup>(1)</sup> provides for a Speaker to designate a Member to act as Speaker pro tempore in a limited capacity in the event of his death. It provides that in the event of a vacancy in the Office of Speaker, including**

2. See §§ 4.1–4.3, *infra*; Chs. 1, 6, *supra*.

3. See §§ 4.3–4.5, *infra*.

1. *House Rules and Manual* § 632 (2007).

**one as the result of death, a designated Member acts as Speaker pro tempore until the election of a Speaker or Speaker pro tempore and that pending the election of a Speaker or Speaker pro tempore, the Member acting as Speaker pro tempore may exercise such authorities of the Office of the Speaker as may be necessary and appropriate to that end.**

**§ 4.2 Prior to the 108th Congress, upon the death of the Speaker, the Clerk called the House to order, announced the death of the Speaker, and presided over the House until the election of a new Speaker.**

On Jan. 10, 1962,<sup>(1)</sup> the Clerk of the House<sup>(2)</sup> called the House to order, announced the death of the Speaker,<sup>(3)</sup> and presided over the election of a new Speaker.

*Parliamentarian's Note:* Speaker Rayburn presided over the House for the last time on Aug. 30, 1961. On Aug. 31, 1961,<sup>(4)</sup> Majority Leader John W. McCormack, of

1. 108 CONG. REC. 5, 6, 87th Cong. 2d Sess.
2. Ralph R. Roberts.
3. Sam Rayburn (TX).
4. See 107 CONG. REC. 17765, 17766, 87th Cong. 1st Sess. (H. Res. 445).

Massachusetts, was elected (by resolution) to be Speaker pro tempore during the absence of the Speaker.

The first session of the 87th Congress adjourned *sine die* on Sept. 27, 1961. Speaker Rayburn died on Nov. 16, 1961, in Bonham, Texas.

In response to inquiries during the adjournment period, the Leadership agreed that upon the death of the Speaker the authority of the Speaker pro tempore terminated, and that the Clerk was the proper official to call the House to order on the day appointed for reconvening.<sup>(5)</sup>

On Jan. 10, 1962,<sup>(6)</sup> the Clerk called the House to order:

The House met at 12 o'clock noon and was called to order by the Honorable Ralph R. Roberts, Clerk of the House.

The CLERK. Members of the House of Representatives, the time has arrived for the meeting of the 2d session of the 87th Congress. Since the last session of Congress the great and beloved Speaker of the House has departed this life.

5. For other instances in which the Clerk called the House to order upon the death of a Speaker, see 86 CONG. REC. 12231, 76th Cong. 3d Sess., Sept. 16, 1940 (Speaker Bankhead); 80 CONG. REC. 9016, 74th Cong. 2d Sess., June 4, 1936 (Speaker Byrns); and 79 CONG. REC. 9, 74th Cong. 1st Sess., Jan. 3, 1935 (Speaker Rainey).
6. 108 CONG. REC. 5, 87th Cong. 2d Sess.

The Clerk of the House, in conformity with the rules, has called the House to order for the purpose of electing a Speaker. The roll will be called to ascertain whether a quorum is present.

The Clerk will call the roll.

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#### CALL OF THE HOUSE

The Clerk called the roll. . . .

The CLERK. Four hundred and eleven Members having answered to their names, a quorum is present.

Inasmuch as election of a new Speaker is the first order of business in the House when a vacancy in this office has occurred, Members-elect do not participate either in the alphabetical call of the roll or in the election of the Speaker since they had not yet been sworn into office. Resignations tendered during the adjournment *sine die* were not laid before the House prior to the vote for Speaker, but the names of those who had resigned were stricken from the roll and were not called to establish the quorum or to elect the Speaker.

This corrects an anomaly in 1 Hinds § 224, where, in 1820, several unsworn Members-elect were permitted to vote for Speaker to fill a vacancy in the second session. That instance runs contrary to the precedent cited herein.

#### *Presumptive Death of Members-elect*

**§ 4.3 The House agreed to a resolution offered from the**

**floor which, in part, continued on the clerk-hire rolls the clerical assistants in the employ of the Majority Leader at the close of the preceding Congress until such time as the vacancy caused by his absence (and presumptive death) could be filled by a special election.**

On Jan. 3, 1973,<sup>(1)</sup> House Resolution 8 was offered by Mr. F. Edward Hébert, of Louisiana. The clause pertinent to retention of the late Majority Leader's employees read as follows:

*Resolved*, That there shall be paid from the contingent fund of the House, until otherwise provided by law, such sums as may be necessary to compensate the clerical assistants designated by former Representative Hale Boggs in the 92nd Congress and borne upon the clerk hire pay rolls of the House of Representatives at the close of the 92nd Congress at the rates of compensation then payable to said clerical assistants, until a successor is elected to fill the vacancy in the Second Congressional District of the State of Louisiana caused by the absence of Representative-elect Hale Boggs: *Provided*, that the Clerk is authorized to make, from time to time, such salary adjustments as he deems advisable with respect to all of the aforementioned employees.

**§ 4.4 The House by unanimous consent considered and**

1. 119 CONG. REC. 27, 93d Cong. 1st Sess.

**agreed to a resolution offered from the floor which, in part, directed the Clerk to appoint to the House clerk-hire rolls two designated employees of a former Majority Leader until the vacancy caused by his death could be filled.**

On Jan. 3, 1973,<sup>(1)</sup> House Resolution 8 was offered by Mr. F. Edward Hébert, of Louisiana. The clause pertaining to Majority Hale Boggs' employees is as follows:

*Resolved*, That effective January 3, 1973, the Clerk of the House is authorized and directed to appoint James T. Nickens and Harry D. Debuys, two clerks on the pay roll of the Office of the Majority Leader at the close of the 92nd Congress, to the clerk hire pay rolls of the House of Representatives at the rates of compensation then payable to said clerks, until a successor is elected to fill the vacancy caused by the absence of Representative-elect Hale Boggs; *Provided*, that the Clerk is authorized to make, from time to time, such salary adjustments as he deems advisable with respect to the aforementioned two employees.

The resolution was agreed to.

**§ 4.5 The House considered and agreed to a resolution which provided, in part, that those clerical assistants employed by a deceased Member-elect at the close of the**

1. *Ibid.*

**preceding Congress be carried on the clerk-hire rolls until the vacancy in the new Congress caused by his death could be filled by special election. The resolution also authorized the Clerk to fill two vacancies on the deceased Member's staff and to adjust the salaries of all the employees in that office.**

The relevant paragraph of House Resolution 9, offered by Mr. Thomas P. O'Neill, Jr., of Massachusetts, on Jan. 3, 1973,<sup>(1)</sup> appears below:

*Resolved*, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, such sums as may be necessary to compensate the clerical assistants designated by the late Nick Begich and borne upon the clerk hire payrolls of the House of Representatives at the close of the 92d Congress at the rates of compensation then payable to said clerical assistants, until a successor is elected to fill the vacancy caused by the death of the said Nick Begich; *Provided*, That the Clerk of the House is hereby authorized to employ two additional employees, to fill the vacancy on the staff of the late Nick Begich caused by the death of Russell L. Brown of Alaska and to fill the other vacancy on that staff which has occurred since the death of the late Nick Begich, and there shall be paid from the contingent fund such additional sums as may be required to compensate the employees so designated at a rate to be determined by the Clerk: *Provided further*, that the

1. *Ibid.*



Clerk is authorized to make, from time to time, such salary adjustments as he deems advisable with respect to all of the aforementioned employees. . . .

The resolution was agreed to.

**§ 4.6 By unanimous consent, the House considered a resolution offered from the floor which, in part, provided for payment from the contingent fund of necessary office and travel expenses of a former Member until the vacancy caused by his death was filled.**

On Jan. 3, 1973,<sup>(1)</sup> Mr. Thomas P. O'Neill, Jr., of Massachusetts, rose to offer House Resolution 9, which dealt both with authorizing expenditures in connection with the widow's gratuity and as well with expenses for the office of the late Member-elect Nick Begich, of Alaska. The relevant portion of the resolution stated as follows:

*Resolved*, That there shall be paid from the contingent fund of the House, until a successor is elected to fill the vacancy caused by the death of Representative-elect Nick Begich, such sums as may be required for the Clerk of the House to:

(1) pay all necessary expenses required to maintain in operation the three offices in the State of Alaska, and the one office in the District of Columbia, operated by the late Representative Nick Begich at the close of the 92d Congress;

1. *Ibid.*

(2) provide such office expenses, including telephone allowance, equipment rental, stationery, and postage, as the Clerk deems essential to the operation of these aforementioned offices;

(3) pay the expenses of travel between Washington, D.C., and the State of Alaska, and within the State of Alaska, for such personnel as the Clerk may specifically designate and authorize to travel in connection with their official duties as clerical assistants in the aforementioned offices.

The resolution was agreed to.

*Parliamentarian's Note:* The Speaker received written requests from Mr. Begich's staff for appointment of additional interim staff to handle constituent problems in Alaska pending election of a new Representative. (Mr. Begich had been elected at-large.) In one letter, Mr. Begich's administrative aide requested he be authorized by resolution to hire additional interim staff. The Speaker decided to confer that authority upon the Clerk of the House, who was also empowered to make pay adjustments pursuant to the five percent cost-of-living adjustment available as of Jan. 1, 1973.

**§ 5. Announcement of Death; Accounting for Vacancies**

The death of a Member (including the Speaker) and often of

other House officers or officials, is generally, but not invariably, announced by the Member with the longest continuous service, also known as the dean, of the deceased's State delegation.<sup>(1)</sup> This may be done in a one-minute speech, customarily before the business of the day or in between recorded votes. A Member, again usually the dean of the State delegation, may choose to inform the House of the death of a Senator, in which case, it will be done in the same manner. However, with modern communication devices providing almost immediate notification of death and the varied circumstances of death, the formal announcement of the death on the floor may be bypassed in favor of consideration of a resolution of sympathy. When a Senator or a Member of the House dies, a copy of the resolution of sympathy informing of the death will be messaged to the other body.<sup>(2)</sup>

Pursuant to a rule adopted in the 108th Congress, in the event of a vacancy in the Office of Speaker, including one as the result of death, a designated Mem-

1. See §5.7, *infra*.

See also §5.5, *infra*, where the death of former Speaker Joseph W. Martin, Jr. (MA) was announced by the ranking Republican of the Massachusetts delegation.

2. See §6, *infra*.

ber acts as Speaker pro tempore until the election of a Speaker or Speaker pro tempore.<sup>(3)</sup> Presumably one of this Speaker pro tempore's first acts would be to announce the death of the Speaker. Before the 108th Congress, upon the death of a Speaker, the Clerk would convene the House and announce the Speaker's death, and would preside until a new Speaker was elected.<sup>(4)</sup> The announcement which initiates further procedures as a mark of respect will still be that of a Member, traditionally the senior member of the State delegation of which the Speaker had been a Member.<sup>(5)</sup>

Whenever possible, the death of a Member will be announced at the next convening of the House after the death has occurred, or on the day of the death itself if the House is in session.<sup>(6)</sup>

Upon the death of a President or former President, the House

3. Rule I clause 8(b)(3)(A), *House Rules and Manual* §632 (2007).

4. See §4.2, *supra*.

5. See 6 Cannon's Precedents §265, which reads as follows: "Recently it has been the general, though not the universal practice, to designate as Speaker pro tempore during eulogies on a deceased Member, the dean of the State delegation regardless of party affiliation."

6. 5 Hinds' Precedents §§7123-7128.

will normally be informed by Presidential message,<sup>(7)</sup> although the House has been informed of the death of a former President by proclamation.<sup>(8)</sup> The Acting Chief Justice of the United States will inform the House by letter of the death of the Chief Justice.<sup>(9)</sup> A Member from the home State of an Associate Justice of the Supreme Court will likely be the person to announce such a death to the House.<sup>(10)</sup>

The death of a Cabinet Member may be announced by a Member.<sup>(11)</sup> However, notification of the death of a Cabinet Member or Secretary of one of the branches of the Armed Forces has also on occasion been conveyed by proclamation.<sup>(12)</sup> The deaths of officers and officials of the House are often announced by Members affiliated with their Home states.

The circumstances of a death and the schedule of the Congress are not always such that an orderly and timely announcement is possible. The death by assassination of President John F. Kennedy presents an interesting example.

President Kennedy's death in Dallas, Texas, was announced to

the Nation at 1:30 p.m., CST (2:31 EST) on Friday, Nov. 22, 1963. The House had adjourned from Thursday, Nov. 21, 1963, to Monday, Nov. 25, 1963. On Nov. 22, 1963, notice of the shooting having been informally received in the Senate, that body recessed at 1:55 p.m. (EST) "pending developments" and subject to the call of the Chair. At 2:10 p.m. (EST) the Senate reconvened. On the appearance of a quorum, a prayer for the President was offered and at 2:20 p.m. (EST),<sup>(13)</sup> the Senate adjourned until Monday, Nov. 25, 1963. Thus, neither body was in session when the death of the President was announced to the Nation.<sup>(14)</sup>

13. 109 CONG. REC. 22693, 88th Cong. 1st Sess.

14. After President Kennedy's death, President Lyndon B. Johnson (TX) addressed a joint session of Congress on Nov. 27, 1963, to deliver his tribute to the late President and affirm his intentions to continue the policies set by his predecessor. See 109 CONG. REC. 22838, 22839, 88th Cong. 1st Sess.

When President Franklin Delano Roosevelt died, Rep. Alben W. Barkley (KY) unofficially announced the death to the Senate on Friday, Apr. 13, 1945. The Senate proceeded to agree to a resolution of sympathy, which was messaged to the House and constituted the only official announcement of President Roosevelt's death the House received, prior to

7. See § 5.1, *infra*.

8. See § 5.2, *infra*.

9. See § 5.3, *infra*.

10. See § 6.7, *infra*.

11. See, *e.g.*, § 5.13, *infra*.

12. See § 5.15, *infra*.

The flying of the United States flag at half-staff represents both a symbolic announcement that a death has occurred and a symbolic tribute. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States government and the Governor of a State, territory, or possession, as a mark of respect to their memory.<sup>(15)</sup>

By statute,<sup>(16)</sup> the flag is flown at half-staff 30 days from the death of the President or of a former President; 10 days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a member of the Cabinet, a former Vice President, the President pro tempore of the Senate, the Majority Leader of the Senate, the Minority Leader of the Senate, the Majority Leader of the House of Representatives, or the Minority Leader of the House of

Representatives; and on the day of death and the following day for a Member of Congress. By Presidential proclamation,<sup>(17)</sup> the flag is flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the State, congressional district, territory, or commonwealth of such Senator, Representative, Delegate, or Commissioner, respectively, from the day of death until interment.

In the 108th Congress, clause 5 of Rule XX was changed to codify the long-standing practice that the whole number of the House of Representatives was changed whenever a vacancy by death, resignation, expulsion, disqualification, or removal arose.<sup>(18)</sup> The change provided that the Speaker announce the adjustment to the House and that such an announcement not be subject to appeal.<sup>(19)</sup> The change also provided that in the case of a death, the Speaker may lay before the House such documentation from Federal, State, or local officials as he deems pertinent.<sup>(20)</sup>

The change in the rules was part of a number of recommendations from a bipartisan Continuity

President Truman's message to the House and Senate in joint session on Apr. 16, 1945. See 91 CONG. REC. 3389, 3390, 79th Cong. 1st Sess.

15. 4 USC § 7; see, *e.g.*, death of James Strom Thurmond (SC), former Senator, Proclamation No. 7688, June 30, 2003, 68 Fed. Reg. 127.

16. 4 USC § 7.

17. Proclamation No. 3044, Mar. 1, 1954, 19 Fed. Reg. 1235.

18. See H. Res. 5 § 2(1) at 149 CONG. REC. 13, 108th Cong. 1st Sess., Jan. 7, 2003.

19. *Id.*

20. *Id.*

of Congress Working Group that was formed after the terrorist attacks of Sept. 11, 2001, to study ways to ensure that the legislative branch continued to function in the event that a terrorist attack or other catastrophe killed or incapacitated a large number of Members. The co-chairmen of the Working Group submitted their recommendations for changes to the rules in this area to the Committee on Rules in the 107th Congress for potential inclusion in the opening day rules package for the 108th Congress.<sup>(21)</sup> The rule merely codifies the way the House has tacitly dealt with changes in its whole number in the event of a death of a Member with the addition of a formal announcement by the Speaker. The rule also provides that such an announcement is not subject to appeal and that the Speaker may lay before the House pertinent documentation about the death of a Member. These additional steps were added in hopes of streamlining the process for establishing a quorum in the event that a large number of Members are killed.<sup>(22)</sup>

21. See 148 CONG. REC. 22676, 22677, 107th Cong. 2d Sess., Nov. 14, 2002 (extension of remarks of Rep. Christopher Cox [CA]).

22. *Ibid.*

### ***Death of President or Former President***

#### **§ 5.1 The Speaker laid before the House a message from the President, announcing the death of former President Ronald Wilson Reagan.<sup>(1)</sup>**

On June 8, 2004,<sup>(2)</sup> the following message from President George W. Bush was laid before the House by the Speaker:<sup>(3)</sup>

*To the Congress of the United States:*

By this Message, I officially inform you of the death of Ronald Reagan, the fortieth President of the United States.

Ronald Reagan was a great leader and a good man. He had the confidence that comes with conviction, the strength that comes with character, the grace that comes with humility, and the humor that comes with wisdom.

Through his leadership, spirit, and abiding faith in the American people, President Reagan gave our Nation a renewed optimism. With his courage and moral clarity, he enhanced America's security and advanced the spread of peace, liberty, and democracy to millions of people who had lived in darkness and oppression. As America's President, he helped change the world.

1. For further details on House action in remembrance of former President Reagan, see § 8.3, *infra*.
2. 150 CONG. REC. 11752, 108th Cong. 2d Sess.
3. J. Dennis Hastert (IL).

The sun has now set on Ronald Reagan's extraordinary American life. Just as he told us that our Nation's best days are yet to come, we know that the same is true for him.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 8, 2004.*

**§ 5.2 The Speaker laid before the House a message from the President, announcing the death of former President Richard M. Nixon.**

On Apr. 25, 1994,<sup>(1)</sup> the following message from President William J. Clinton was laid before the House by the Speaker pro tempore:<sup>(2)</sup>

*To the Congress of the United States:*

It is my sad duty to inform you officially of the death of Richard Milhous Nixon, the thirty-seventh President of the United States.

Born in 1913, he was first elected to the Congress in 1946, a member of that historic freshman class of World War II veterans that also included John F. Kennedy. He was elected to the Senate in 1950, and served two terms as Vice President of the United States between 1953 and 1961. His career in the Congress coincided with the great expansion of the American middle class, when men and women from backgrounds as humble as his own secured the triumph of freedom abroad and the promise of economic growth at home.

1. 140 CONG. REC. 8451, 103d Cong. 2d Sess.

2. G. V. (Sonny) Montgomery (MS).

He remained a visible presence in American public life for over half a century. Yet through all those years of service to his country, in the military, in the Congress, in the Presidency, and beyond, he cherished his life as a private man, a family man. He was lovingly devoted to his wife, Pat, to their daughters Patricia Cox and Julie Eisenhower, and to his four grandchildren.

His lifetime and public career were intertwined with America's rise as a world power. His faith in America never wavered, from his famous 'kitchen debate' with Soviet Premier Nikita Khrushchev through all of the debates that followed. We Americans and our neighbors abroad will always owe him a special debt for opening diplomatic doors to Beijing and Moscow during his Presidency, and his influence in world affairs will be felt for years to come.

Richard Milhous Nixon lived the "American Dream." Now, he rests in peace.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 22, 1994.*<sup>(3)</sup>

3. See 119 CONG. REC. 1838, 1839, 93d Cong. 1st Sess., Jan. 23, 1973, where the Speaker laid before the House a message from President Richard M. Nixon announcing the death of former President Lyndon B. Johnson; 115 CONG. REC. 8099, 91st Cong. 1st Sess., Mar. 31, 1969, where the Speaker laid before the House a message from President Nixon announcing the death of former President Dwight D. Eisenhower; and 119 CONG. REC. 28, 93d Cong. 1st Sess., Jan. 3, 1973, where the Speaker laid before the House a communication from the Acting Secretary of State, transmitting a Proclamation of the President announcing the death of former President

### *Supreme Court Justice*

#### **§ 5.3 The Chair laid before the House a communication from an Associate Justice of the Supreme Court informing the House of the death of William H. Rehnquist, Chief Justice of the United States.<sup>(1)</sup> A resolution of sympathy was adopted by the House.**

On Sept. 6, 2005,<sup>(2)</sup> the House adopted a resolution of sympathy

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Harry S Truman during the *sine die* adjournment of the preceding Congress.

1. See also 92 CONG. REC. 4262, 79th Cong. 2d Sess., Apr. 30, 1946, where Speaker Sam Rayburn (TX) laid before the House a communication from the Honorable Hugo L. Black, Senior Associate Justice and Acting Chief Justice of the U.S. Supreme Court regarding the death of Chief Justice Harlan Fiske Stone; and 100 CONG. REC. 10, 83d Cong. 2d Sess., regarding the death of Chief Justice Fred M. Vinson. See also Ch. 36, *supra*.
2. 151 CONG. REC. 19568, 19569, 109th Cong. 1st Sess. See also Ch. 36, § 11, *supra*.

There was no funeral committee appointed for Chief Justice Rehnquist. His body lie in state in the Great Hall of the Supreme Court from Sept. 6, 2005, until his funeral on Sept. 7, 2005, conducted at the Roman Catholic Cathedral of St. Matthew the Apostle in Washington, D.C.

in recognition of the death of the Chief Justice of the United States Supreme Court, William H. Rehnquist:

Mr. [Tom] DELAY [of Texas]. Madam Speaker, I offer a privileged resolution (H. Res. 422) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 422

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable William H. Rehnquist; Chief Justice of the United States.

*Resolved*, That the House tenders its deep sympathy to the members of the family of the late Chief Justice in their bereavement.

*Resolved*, That the Clerk communicate these resolutions to the Senate and to the Supreme Court and transmit a copy of the same to the family of the late Chief Justice.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the late Chief Justice.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### *Speaker*

#### **§ 5.4 Pursuant to a rule adopted in the 108th Congress, in the event of a vacancy in the Office of the Speaker, including one as a result of death,<sup>(1)</sup>**

1. Speakers of the House who have died while in Office: Michael C. Kerr (IN), Speaker from Dec. 6, 1875 until

**a designated Member acts as Speaker pro tempore until the election of a Speaker or Speaker pro tempore.<sup>(2)</sup> The Speaker pro tempore announces the death of the Speaker.**

**§ 5.5 Prior to the 108th Congress, when a Speaker died during his term of office, a Member from the Speaker's home State sometimes informed the House officially of the death, following the Clerk's announcement of a vacancy in the Office of Speaker and the election of a successor.**

A Speaker's term ceases with the end of a Congress, while the Clerk, by tradition, continues in office until the election of new officers. Thus, the function of presiding over a new session of Con-

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his death on Aug. 19, 1876; Henry T. Rainey (IL), Speaker from Mar. 9, 1933 until his death on Aug. 19, 1934; Joseph W. Byrns (TN), Speaker from Jan. 3, 1935 until his death on June 4, 1936; William B. Bankhead (AL), Speaker from Jan. 4, 1936 until his death on Sept. 15, 1940; and Sam Rayburn (TX), from Sept. 16, 1940 through Jan. 3, 1947 and again elected on Jan. 5, 1955 until his death on Nov. 16, 1961.

2. Rule I clause 8, *House Rules and Manual* § 632 (2007).

gress falls to the Clerk until a Speaker is elected.<sup>(1)</sup>

Only after the election of Speaker, swearing-in of Members, and attendance to other initial procedures, was the death of Speaker Henry T. Rainey, of Illinois, announced to the House. The Dean of the House, Adolph J. Sabath, of Illinois, made the announcement and the following resolution was offered and agreed to:<sup>(2)</sup>

HOUSE RESOLUTION 23

*Resolved*, That the House has learned with profound sensibility and sorrow of the death of HENRY T. RAINEY, Speaker of the House of Representatives of the Seventy-third Congress.

*Resolved*, That in the death of the Hon. HENRY T. RAINEY the United States has sustained an irreparable loss.

*Resolved*, That this House, of which he was a distinguished Member and leader, unite in honoring his sterling character, and ability, probity, and patriotic motives which illustrated his public career and the grace and dignity which marked his intercourse with his fellow citizens.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

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1. See Deschler's Precedents Ch. 1 §5; 1 Hinds' Precedents §§ 187, 188, 235, 244.
  2. See 79 CONG. REC. 38, 74th Cong. 1st Sess., Jan. 3, 1935.

Speaker Rainey died in St. Louis, Missouri, on Aug. 19, 1934, following the adjournment of the first session of the 73d Congress on June 18, 1934.



The resolution was agreed to.

### *Former Speaker*

#### **§ 5.6 The death of former Speaker John W. McCormack was announced to the House by the ranking Democrat of the Massachusetts delegation.**

On Dec. 1, 1980,<sup>(1)</sup> the ranking Democrat of the Massachusetts delegation, Mr. Edward P. Boland, announced the death of former Speaker McCormack:

Mr. BOLAND. Mr. Speaker, may I . . . call to the attention of the House the passing of one of our most distinguished Americans, the late Speaker of the House, John W. McCormack.<sup>(2)</sup>

### *Member*

#### **§ 5.7 The announcement of the death of a sitting Member is**

1. 126 CONG. REC. 31202, 96th Cong. 2d Sess.
2. See also 114 CONG. REC. 5728–42, 90th Cong. 2d Sess., Mar. 7, 1968, where the death of former Speaker Joseph W. Martin, Jr. (MA) was announced to the House by the ranking Republican of the Massachusetts delegation, William H. Bates; and 113 CONG. REC. 31393–95, 90th Cong. 1st Sess., Nov. 7, 1967, where the death of former Speaker and former Vice President John Nance Garner (TX), was announced to the House by O. Clark Fisher (TX) the Representative of the district where he resided at the time of his death.

#### **normally the prerogative of the senior member of the deceased's party in his State delegation in the House.**

On Oct. 1, 2002,<sup>(1)</sup> Rep. Neil Abercrombie, the only other Member than the deceased from Hawaii, was recognized to announce the death of Rep. Patsy T. Mink.

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute.)

Mr. ABERCROMBIE. Mr. Speaker, it is very difficult for me to grasp that I would be standing here this evening to announce to the House, with the most profound regret, that our dear friend and colleague PATSY MINK has passed away.

I know there are many Members who wish to express their respects to John Mink and Wendy Mink, PATSY's husband and daughter, and to share with other Members and perhaps those who are observing our proceedings the measure of their feelings for PATSY and about her.

So at the proper time, Mr. Speaker, which I believe is after the votes which will be called, I will call up a resolution expressing the sorrow of the House of Representatives upon her death and offer the opportunity for such Members as would like to speak to indicate to the House their feelings on this most sad, profoundly sad, occasion.

On Oct. 10, 2000,<sup>(2)</sup> Rep. James L. Oberstar, the senior Democrat

1. 148 CONG. REC. 18775, 107th Cong. 2d Sess.
2. 146 CONG. REC. 21902, 21903, 106th Cong. 2d Sess.

of Minnesota, announced the death of Rep. Bruce Vento, of Minnesota.

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute.)

Mr. OBERSTAR. Madam Speaker, with great sadness, a sense of personal loss and loss to this House, I take the well to announce that at 11:20 this morning, our colleague, Congressman BRUCE VENTO, succumbed to mesothelioma, asbestos-induced cancer of the lung and peritoneal cavity.

BRUCE, in his 12th term, served the people of his district nobly, with dignity, with passion, with purpose. He championed the needs of the homeless, the voiceless, the voteless, those who could not do for themselves. He was an advocate for working people. He voted consistently and worked vigorously and strenuously, to champion the cause of organized labor in this body. He brought a balance to all that he undertook, and with a science teacher-like care for fact and detail, he pursued his causes with only the greatest of dignity and of skill.

My prayers go out to his wife Sue, to his children, to his constituents. I thank the Reverend Chaplain for the prayer for BRUCE and for his family. I ask all of our colleagues to join their prayers with those of the Vento family.

On Apr. 12, 1994,<sup>(3)</sup> Rep. Romano L. Mazzoli, the senior Democrat from Kentucky, was recognized to announce the death of Rep. William H. Natcher, of Kentucky.

(Mr. MAZZOLI asked and was given permission to address the House for 1

3. 140 CONG. REC. 7148, 7149, 103d Cong. 2d Sess.

minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, it is my sad duty to officially report to the House the passing of our dear friend and esteemed former colleague, Congressman William H. Natcher, the chairman of our Committee on Appropriations.

Bill died during the recess period, on March 29, in his 84th year. We who served with him, in my case for 24 years, in the delegation, we knew him to be what everyone knew him to be, an esteemed gentleman, a courtly man, a master of the legislative process of the House, and a devoted American and devoted father/husband/grandfather.

When we had the memorial service at the Eastwood Baptist Church in Bowling Green on the 6th of April and when we who were in the congregation—and I thank my colleagues who could attend with us—when we heard the statements rendered by the pastor of the church, Dr. Bridges, by our esteemed Speaker, Mr. FOLEY, by the President of the United States and by a longtime family friend and boyhood pal of Bill's, only then did even I, who had known him for a long time, realize the full dimension of this human being, the full breadth and the full depth of him as a human being.

It is because of that giant reach of this man that his death and his passing leave a tremendous void here in this House and, of course for us in the Kentucky delegation, a particular void.

So, in order to help fill that void, we will have a special order, which will be promulgated and noticed to all the Members who wish to take part in

order that we, each of us, might be able to put in the Record our feelings about this great individual. But suffice it today to say that his like will not soon pass our way again.

**§ 5.8 The death of a Member was announced to the House by a leader of the Member's party.**

On July 16, 1999,<sup>(1)</sup> Richard A. Gephardt, Democrat of Missouri, the Minority Leader, announced the death of Rep. George E. Brown Jr., Democrat of California.

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, it is my sad duty to inform the Members that we have lost this morning our dear friend from California, GEORGE BROWN, who died in Washington, D.C.

Our prayers and our thoughts are with his family and his friends and neighbors and constituents. He has been a constant friend to all of us on both sides of the aisle. He has been a dedicated public servant and he gave a great, great deal of his life to this body and to his constituents.

I would like to ask us now to rise and have a moment of silence in his memory.

On Aug. 2, 1993,<sup>(2)</sup> Robert H. Michel, Republican of Illinois, the

1. 145 CONG. REC. 16483, 16484, 106th Cong. 1st Sess.

2. 139 CONG. REC. 18159, 103d Cong. 1st Sess.

Minority Leader, announced the death of Paul B. Henry, Republican of Michigan.

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I will shortly be offering a resolution with respect to our departed friend, Paul Henry. May I simply, in the Chaplain's presence, thank him for the subject of his prayer as we began today's session.

On Sept. 6, 1989,<sup>(3)</sup> Richard A. Gephardt, the Majority Leader, and Newt Gingrich, of Georgia, the Minority Whip, announced the death of two Members, Rep. Mickey Leland, of Texas, and Rep. Larkin Smith, of Mississippi, each having died during the August recess.

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I would like to yield such time as he may consume to the minority whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, let me thank my colleague for yielding, and just say that I rise for our side of the aisle to say that during the break we lost two colleagues, both in the pursuit of their duty, both seeking to serve mankind, and that all Members will remember the gentleman from Texas

3. 135 CONG. REC. 19507, 101st Cong. 1st Sess.

[Mr. LELAND] and the gentleman from Mississippi [Mr. SMITH] and that we appreciate very much the leadership taking this moment to begin the session by recognizing these two very fine colleagues and Members whose memories will live on for a very long time in this body.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman, and I ask that all Members, with heavy hearts and bowed heads, let Members remember the service and contributions of the gentleman from Texas [Mr. LELAND] and the gentleman from Mississippi [Mr. SMITH] with a moment of silence, and ask on behalf of both parties and all Americans, that we stand and have this moment of silence.

(A moment of silence was had.)

**§ 5.9 The death of a Member was announced to the House by a Member other than a Member of the State delegation.**

On Dec. 8, 2000,<sup>(1)</sup> Rep. James E. Clyburn, of South Carolina, was recognized to announce the death of Rep. Julian C. Dixon, of California.

(Mr. CLYBURN asked and was given permission to address the House for 1 minute.)

Mr. CLYBURN. Mr. Speaker, I wish at this time to make an announcement that is very tough for me to make. We just received word that our colleague JULIAN DIXON of California has passed.

1. 146 CONG. REC. 26545, 106th Cong. 2d Sess.

I wish at this time for the House to stand at ease and for all of us to stand in silence and in our own way pray for him and his family and this body.

*Parliamentarian's Note:* Rep. Clyburn and Rep. Dixon were long-time friends and members of the Congressional Black Caucus.<sup>(2)</sup>

**Former Member**

**§ 5.10 The Speaker recognized a Member from Massachusetts for one minute to announce the death of a former Member of the House from that State.**

On Nov. 6, 2001,<sup>(1)</sup> Rep. Richard Neal, of Massachusetts, was recognized to announce the death of former Member Edward P. Boland, of Massachusetts.

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. NEAL of Massachusetts. Mr. Speaker, I have the sad responsibility this evening of reporting to this Chamber that a very distinguished former Member of this institution, Edward P. Boland, died on Sunday evening.

Ed Boland served in this House for 36 years with distinction as a member

2. See also 142 CONG. REC. 14955, 104th Cong. 2d Sess., June 24, 1966, where the death of Rep. Bill Emerson (MO) was announced to the House by Rep. G. V. (Sonny) Montgomery (MS), on a pro forma day.

1. 147 CONG. REC. 21731, 107th Cong. 1st Sess.

of the Committee on Appropriations and as a chairman of the House Permanent Select Committee on Intelligence. He served in an institution that he revered. He represented the people of western and central Massachusetts with distinction. He was a patriot of the highest order and an individual who loved the notion that politics had meaning in American life.

On Oct. 6, 2000,<sup>(2)</sup> Rep. Janice D. Schakowsky, of Illinois, announced the death of former Member Sidney R. Yates, of Illinois.

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, I rise with a very sad announcement. Congressman Sidney Yates died last night.

Those who loved the arts, who cherish the environment, who struggle for human freedom and dignity lost a hero. Many of us, many of you lost a very dear friend, a true gentleman in this body for 48 years.

There will be an opportunity at a later time for those who are moved to pay tribute to Sid to speak on this floor, and details about arrangements will be provided to all Members as soon as they are available.

### *Senator*

#### **§ 5.11 The death of Senator John H. Chafee, of Rhode Island, was announced to the House by the Majority Leader.**

2. 145 CONG. REC. 21313, 106th Cong. 2d Sess.

On Oct. 25, 1999,<sup>(1)</sup> Richard K. Arme, of Texas, the Majority Leader, announced the death of Senator John H. Chafee.

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, today is a sad day for a great many people, not the least of whom are our colleagues in the other body for their loss of their colleague, Senator JOHN CHAFEE, and I would like to take a moment and just express the sympathies of the House of Representatives to our colleagues in the other body and to Senator CHAFEE's family and his constituents for that loss.

#### **§ 5.12 The death of Senator Robert F. Kennedy, of New York, was announced to the House by the dean of the New York delegation in a one-minute speech before the business of the day.**

On June 6, 1968,<sup>(1)</sup> Mr. Emanuel Celler, of New York, received unanimous consent to address the House for one minute. He officially informed the House of Senator Kennedy's death. The Senator died early that morning of gunshot wounds inflicted by an assassin.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the

1. 146 CONG. REC. 26679, 106th Cong. 1st Sess.
1. 114 CONG. REC. 16226, 90th Cong. 2d Sess.

House for 1 minute and to revise and extend my remarks.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker and ladies and gentleman of the House, it is with a sense of profound shock that I rise to announce the death of Robert Francis Kennedy from the State of New York. Senator Kennedy died at 4:44 a.m. this morning.

Mr. Speaker, this young man, this concerned man, this man of profound peace, this man of grace, of gift, and wisdom was foully murdered.

### *Cabinet Officer*

#### **§ 5.13 The death of the Secretary of Labor was announced by a Member of the House.**

On June 10, 1948,<sup>(1)</sup> Mr. Henry M. Jackson, of Washington, announced the death of the Secretary of Labor, the Honorable Lewis B. Schwellenbach.

Mr. JACKSON of Washington. Mr. Speaker, it is with a heavy heart that I announce the death of the Secretary of Labor, Hon. Lewis B. Schwellenbach. He passed away this morning at 4:40 at Walter Reed Hospital.

2. John W. McCormack (MA).

1. 94 CONG. REC. 7723, 80th Cong. 2d Sess.

### *Director of the Federal Bureau of Investigation*

#### **§ 5.14 The Majority Leader announced to the House the death of the Director of the Federal Bureau of Investigation, J. Edgar Hoover.**

On May 2, 1972,<sup>(1)</sup> Mr. Hale Boggs, of Louisiana, requested and received permission to address the House for one minute and to revise and extend his remarks.

Mr. BOGGS. Mr. Speaker, the Nation is saddened today upon learning of the passing last evening of a great American, J. Edgar Hoover, for over half a century the Director of the Federal Bureau of Investigation. . . .

In behalf of all the Members I extend to all who were associated with him, and to his family, the sympathy which we all feel at this sad moment.

### *Military Officials*

#### **§ 5.15 The death of Admiral Jeremy M. Boorda, Chief of Naval Operations, was announced by a Member of the House.**

On May 16, 1996,<sup>(1)</sup> Rep. John P. Murtha, of Pennsylvania, was recognized to speak out of order in

1. 118 CONG. REC. 15314, 92d Cong. 2d Sess.

1. 142 CONG. REC. 11536, 104th Cong. 2d Sess.

the Committee of the Whole and announced the death of Admiral Jeremy M. Boorda.

(By unanimous consent, Mr. Murtha was allowed to speak out of order.)

MOMENT OF SILENT PRAYER FOR  
CHIEF OF NAVAL OPERATIONS, ADM.  
JEREMY M. BOORDA

Mr. MURTHA. Mr. Chairman, I would ask the House to rise and join me in a moment of silent prayer for Admiral Boorda, who apparently either shot himself accidentally or intentionally.

Admiral Boorda was one of the finest naval officers that I have ever known; a person who came up through the ranks, and all of us had so much admiration for, and who has done so much for this great country over the years. The Navy and the country is a better place because of his fine service, and I would ask that we would bow our heads for a moment of prayer.

Amen.

The CHAIRMAN.<sup>(2)</sup> A final period of general debate is now in order. The gentleman from Ohio [Mr. HOBSON] and the gentleman from Minnesota [Mr. SABO] each will control 20 minutes.

**§ 5.16 The death of the Secretary of the Navy was announced by proclamation of the Secretary of State.**

On July 10, 1939,<sup>(1)</sup> Mr. Alben W. Barkley, of Kentucky, asked

2. Dave Camp (MI).

1. 84 CONG. REC. 8768, 76th Cong. 1st Sess.

unanimous consent to have printed in the *Congressional Record* the proclamation issued by the Secretary of State on July 7, 1939, announcing the death of the Secretary of the Navy, Claude Swanson. The proceedings were as follows:

There being no objection, the proclamation was ordered to be printed in the Record as follows:

*To the people of the United States:*

Claude Augustus Swanson, Secretary of the Navy, died at his camp on the Rapidan River, in the Shenandoah National Forest, on the morning of Friday, July 7, 1939, at 6 minutes after 8 o'clock.

Greatly loved by those who were privileged to know him, and widely honored for his many years of faithful public service, this distinguished member of the President's Cabinet will be mourned throughout the Nation. . . .

As an expression of national mourning, the President directs that the flag of the United States be displayed at half mast until sunset of the day of interment on all public buildings and at all military posts and naval stations and on all vessels of the United States.

By direction of the President.

CORDELL HULL,  
*Secretary of State.*

DEPARTMENT OF STATE.

*Washington, July 7, 1939.*

***House Officers***

**§ 5.17 In the absence of the senior member of the delegation from the State of the deceased, another Member of**

**that State announced the death of the Sergeant at Arms.**

On July 8, 1953,<sup>(1)</sup> Rep. Louis E. Graham, of Pennsylvania, announced the death of the Sergeant at Arms, William F. Russell.

The SPEAKER.<sup>(2)</sup> The Chair recognizes the gentleman from Pennsylvania.

Mr. GRAHAM. Mr. Speaker, in the absence of the dean of the Pennsylvania delegation, Hon. RICHARD M. SIMPSON, it becomes my sad duty to announce the death of our Sergeant-at-Arms, William F. Russell. Mr. Russell entered on his duties here as a member of our official force at the beginning of the 76th Congress. He came here with the late James Wolfenden first as minority Sergeant at Arms and then in the 80th Congress, he was appointed Sergeant at Arms. At the beginning of this Congress, again he was appointed Sergeant at Arms of the House. It so happens one of our colleagues, Hon. BENJAMIN F. JAMES served with him a number of years. I only want to say this, no more kindly, courteous and efficient man ever served in these Halls than William F. Russell. He was solicitous of the Members — of all the Members irrespective of party affiliation. I sometimes wonder if we who are so busily engrossed in our duties and responsibilities here realize and appreciate the fine courtesy and unqualified service that men such as William Russell give to us. He was

always willing and anxious to be of service to Members on both sides of the aisle.

In the passing of this good man, we extend our sympathy to his family, his wife, and his children. May his soul rest in peace.

**§ 5.18 The death of the Chaplain of the House was announced to the House by the Member representing the district where the Chaplain was born.**

On Feb. 23, 1966,<sup>(1)</sup> Mr. Stanley L. Greigg, of Iowa, was recognized by special order to announce the death of Reverend Bernard Braskamp, Chaplain of the House.

Mr. GREIGG. Mr. Speaker and Members of the House, it was with a great deal of sadness that I am called upon today to announce to you the sudden death of our beloved Chaplain, the Reverend Bernard Braskamp. Mr. Speaker, Dr. Braskamp was born in Alton, Iowa, a small farm community in my district of northwest Iowa. . . .

I join with all of the Members of the House of Representatives extending to the immediate family our deepest sympathies.

***Former House Officers and Officials***

**§ 5.19 The death of a former Clerk of the House was announced to the House by the Minority Leader.<sup>(1)</sup>**

1. 112 CONG. REC. 3759, 89th Cong. 2d Sess.

2. Joseph W. Martin, Jr. (MA).

1. 112 CONG. REC. 3759, 3760, 89th Cong. 2d Sess.

1. See Ch. 3, § 21.17, *supra*.



**§ 5.20 The death of the former Chaplain of the House was announced to the House by the Speaker.**

On Sept. 5, 2001,<sup>(1)</sup> the Speaker,<sup>(2)</sup> in a one-minute speech, announced the death of the former Chaplain, James David Ford.

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. . . .

It is . . . my very sad duty to announce to the House the death of our Chaplain Emeritus, James David Ford on August 27, 2001. Jim Ford had been the beloved Chaplain of the House for 21 years, from 1979 until his retirement in the year 2000. A memorial ceremony honoring Chaplain Ford's life and his service to this House will be held on Tuesday, September 11, at 1 p.m. in the Cannon Caucus Room. I extend my personal condolences to Chaplain Ford's family and his many friends during this time of bereavement.<sup>(3)</sup>

On July 29, 2002,<sup>(4)</sup> the remarks in tribute to Dr. Ford, including a transcript of remarks at a memo-

1. 147 CONG. REC. 16381, 107th Cong. 1st Sess.
2. J. Dennis Hastert (IL).
3. The memorial service for Rev. Ford was postponed because of the terrorist attacks of Sept. 11, 2001.
4. 148 CONG. REC. 15215-19, 107th Cong. 2d Sess.

rial service in his honor, were carried in the *Congressional Record*:

A CELEBRATION OF THE LIFE OF  
DR. JAMES DAVID FORD

SPEECH OF

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 2002

Mr. HORN. Mr. Speaker, Chaplain Jim Ford had a positive influence on every member of the House of Representatives, and I was privileged to know him and grateful to have his friendship for nine years. As Chaplain, Jim had the rare quality of being able to relate to everyone regardless of religious affiliation or background. As a friend, he was there for anyone needing help through life's inevitable ups or downs. As a family man, his loving and accomplished wife and children are a testament. As a human being, he had an exuberant zest for living and caring, for adventure, for knowledge, and for jokes.

When I had surgery for prostate cancer, Jim visited me in the hospital. He was a survivor himself, and his humor and his irrepressible positive attitude filled the room. My wife and I were fortunate to have traveled with Jim and Marcy in the Middle East and in Europe, where we had the benefit of Jim's companionship and his vast store of historical anecdotes. He had an impressive understanding of the world's three great religions centered in Jerusalem. Although Jim was modest about his eloquent daily prayers in the House of Representatives, it is the wish of his many colleagues and friends that they should be published. Chaplain Ford's prayers covering 21 years are a powerful commentary on the spirit of the people's House through times of tranquility and turmoil. They are prayers for all people in all seasons and form a rich legacy for generations to come.

PRELUDE:

Mrs. Judy Snopek, Pianist.

INVOCATION:

The Reverend Daniel P. Coughlin, Chaplain, United States House of Representatives.

REVEREND COUGHLIN: Members and staff and friends, today we gather to remember, memorialize and celebrate the life and service of Dr. James David Ford as Chaplain to the House of Representatives for over 21 years. I wish also to acknowledge the Parliamentarian, Charlie Johnson, and Reverend Ron Christian, both very close friends to Dr.

Ford, for their efforts to assure this event would happen after the cancellation of the memorial service first planned for September 11. That tragic event affected all of us and only deepened the pain of our loss of Jim Ford when terrorism robbed us even of the freedom to assemble and grieve as well as thank God for this gifted pastor, counselor and friend of so many here in the House which he loved so much and which was honored by his years of faith-filled service. We are indebted also to the Honorable Jeff Trandahl and the Clerk's office for their detailed arrangements for today.

As the first Lutheran pastor to serve in the House as Chaplain, Dr. Ford was rooted in the Word, and so I thought it only fitting to begin with a short reading from Saint Paul:

If God is for us, who can be against us? He who did not spare his own Son, but handed him over for us all, will he not also give us everything else along with him? Who will bring a charge against God's chosen ones? It is God who acquits us who will condemn. It is Christ Jesus who died, rather was raised, who also is at the right hand of God and indeed intercedes for us all. What will separate us from the love of Christ? Languish or distress or persecution or famine or nakedness or peril or the sword? No, in all these things we conquer overwhelmingly through him who loved us. For I am convinced that neither death nor life, nor angels nor principalities, nor present things nor future things, nor powers, nor height nor depth, nor any creature will be able to separate us from the love of God in Christ Jesus our Lord.

So as we begin, let us call to memory first impressions, wisdom sayings, poignant moments and compassion and joyful laughter which he usually left with us.

Let us pray for Jim Ford.

Lord God, you chose our brother James to serve your people as a minister and so share the joys and burdens of their lives. Look with mercy on him and give him the just reward of his labors. Continue to console his family and all those he loved. Grant him now the fullness of life promised to those who preach your good news, your holy gospel. We ask this through Christ our Lord, Amen. We would like now to hear from a good friend.

REMARKS:

The Honorable Charles W. Johnson III, Parliamentarian, United States House of Representatives

CHARLIE JOHNSON: Mr. Speaker, I am honored to be here today as Jim's friend representing the staff. As Jim used to say, "Johnson, you never were invited to be a public speaker because you couldn't if you were." He said, "All you can do is this." "This" means whisper and "this" means hit the mute button at the same time.

Last year around this time, my beloved predecessor, Bill Brown, passed away. There was a Quaker gathering for Bill in Lincoln,

Virginia. It was a beautiful service. Jim used to commend Quaker prayer hour to the House on occasion, not publicly, but there were long periods of silence and then I felt so inspired to talk about Bill's public service and I said, Bill never lobbied for anything, except for one resolution, and that was on January 15, 1979, the opening of the 96th Congress, when the new Chaplain had just been elected and the new Chaplain was going to be the first full-time Chaplain and he had five children and the word came down, although Bill didn't know and had not met the new Chaplain, that he needed a pay raise. So the Parliamentarian took it upon himself to make sure the floor was clear of all potential objectors and at the appropriate time H. Res. 7 came up, called up by Jim Wright on January 15 and, boom, the Chaplain's salary was tripled. I mentioned that at Bill's Quaker meeting. And some further period of quiet intervened and Chaplain Ford, retired, was in the congregation. He stood up and said, "I was the recipient." It was the spontaneity of it. It was not orchestrated. I don't think he can orchestrate Quaker meetings, at least for that event, but there he was Chaplain in 1979 and befriending people left and right.

He had his own separate chaplaincy right at the rostrum of the House. I will allude to certain little anecdotes as I go along here. But come 1985, 6 years into his chaplaincy, it was his 53rd birthday. Tip O'Neill was proud to sponsor a resolution, we called it House Res. 53, and he handed it to him from the rostrum. The resolution would have amended rule VII to read as follows. Rule VII is now somewhere else as a result of recodification, but don't ask me where. The resolution would have said, "The Chaplain shall attend at the commencement of each day's sitting of the House and shall open the same with prayer, and shall personally attend, without benefit of guest Chaplain, at the adjournment of each day's sitting of the House, including all special orders, and close the same with a benediction."

Here is a photograph of two people a lot younger. Jim Ford, this is H. Res. 53, there is a preamble, a series of "whereas" clauses explaining why it was necessary to require the first full-time Chaplain to stick around full-time. His predecessors, Bernard Braskamp and Ed Latch, were part-time, lovely, wonderful ministers to the House but they weren't full-time. But here was Jim Ford full-time. Tip was lobbying for this. And so this picture was taken. On it, it says, "Charlie, would you buy a used prayer from this man?" Addressed, "Best Wishes, Jim Ford, July 25, 1985."

Jim Ford never wanted his prayers printed as his predecessors' prayers had been in a little document because he felt some of them were used. He would grab a psalm or a hymn, he did hundreds of prayers and so they

weren't always original, but they were always meaningful. That was why he never had his prayers printed.

But then that ministry at the rostrum as I talked about it, we started to lobby for support of House Resolution 53 and that lobbying, and I think some Members past and present, Mr. Speaker, got wind of this, so would Members support this resolution, and it was almost unanimous. Everyone felt that a full-time Chaplain should be there to do a personal benediction. You can't rely on guest chaplains for that, with one exception, and I will never forget when I asked Henry Gonzalez whether he would support it, the champion of special orders, he said, "No, that is my definition of cruel and unusual punishment." I won't forget that.

That banter at the rostrum was not just for the fun of it but it was a ministry in and of itself, and there are folks here today, and I am here as a spokesperson for the people at the rostrum and other employees in the Capitol whose lives were enriched every day by Jim's presence. He was a larger-than-life person in a lot of ways. But the great thing about it, he had this self-deprecating humor about this adventurous part of him and he could laugh at himself. By doing that he would make everyone else's life richer. The power to laugh at yourself was embodied in Jim Ford.

For example, he had this proclivity to jump off ski lifts backwards. There was a Parade, one of those Sunday Parade insertions in the Washington Post that Tip O'Neill happened to notice. The next day the Chaplain offered the prayer. No sooner was that prayer over but the Chaplain was walking off, "Hey, Monsignor, come over here." "Monsignor" was Chaplain Ford. He said, "I never knew you were such a wacko." Direct quote from Tip O'Neill. The microphone was on. So from that day on, he was Wacko to some of us.

And then his trans-Atlantic sail. You have all heard about his adventures to sail the Atlantic. He said, "Johnson, are you a sailor?" I said, "No." He said, "Well, let me take you out on the Chesapeake and I'll show you how to sail." So he and Bill Brown and myself went out. It was a windy day. He got on his boat. He put on this engineer's cap. Peter, you remember, who he sailed the Atlantic with. Suddenly this gust of wind comes up, boom, the hat is gone forever and the sail is ripped. It was in our first half-hour. He spent the rest of the day getting his sail sewn up. It could have been very humiliating for him, but he saw the humor in it. It just was the way he could laugh at himself during this adventurous part of his life.

Then in his later years, he flew ultralight airplanes, as some of you know. He would always brag, "I'm the only one in our group who hasn't crashed yet." And one day 2 years ago, Bill Brown and I and our wives would

celebrate New Year's Eve at Bill's log cabin. I said, "Jim, why don't you fly over, and I'll just kind of tell people that you're going to do a flyover of Bill's farm on New Year's Day." He said, "All right." So we went out. I said, "Let's go out for a walk." It's New Year's morning, we are out there, I don't hear anything. It's a beautiful 1st of January. Someone said, "Charlie, forget it. He's not coming. The dream is over." Just then this sound of an ultralight. He had to come across Dulles airspace to get to Bill's farm. He had said he didn't want to land because it would disturb the neighbors. Bill had 300 acres. He didn't know how to land. But he showed up. He showed up and he dipped his wings as a token of friendship.

And then there were these civility retreats to which some of you Members, Ray and others, have attended. He would come in on a motorcycle or on horseback, and there was this one video that he showed of himself emerging from the statuary in Statuary Hall, as if he were one of the statues, intoning the history of the House of Representatives. He showed me this video. He knew I was just going to laugh and laugh at it, that he would subject himself to this kind of thing. And I said, "What would Will Rogers have said to you, Jim, in Statuary Hall?" He thought that was very funny.

In a more serious way, he was a listener. He used to say, "Text without context is pretext." He would come up and sit on the floor of the House during 1-minute and guest chaplains by the hundreds would come and he would be with them. Then he would spend a lot of time with them after they had preached. And then he would come back after listening to some very provocative 1-minute and he would come back and sit on the rostrum with me day in and day out, and we would just kind of try to pull together the thoughts that these guest chaplains might have had, what their impressions were of the House, and then the theme of the day and the personalities involved in the 1-minute. He could bring to me a context of the humanity of the House viewed from his own eyes and from the eyes of visiting clergy. It was a tremendous sense of inspiration when he did that for me.

But what I really want to honor today, and I think we all do, is really the way Jim brought a modern chaplaincy to the House. As the first full-time Chaplain, he was available. He may not have always been here for a benediction, but he was here into the evenings, and he would come onto the floor and he would be available to Members. He always said, "You know, Johnson, you'll never get that resolution through on the benediction." I said, "Why?" "Because I have 218 votes." I said, "Well, how do you know that?" And he pulled out a red book and that book had the names of his appointments, past, present and future. There were a lot of Members' names

in that book. He said, "I've got names. I've got enough on these various names in this book that they will never support this resolution."

Chaplain, you saw that red book. Every time he held it up, I got the message. But his pastoral, his being a pastor to Members and staff was the modern chaplaincy, full-time, in confidence, a priest-penitent relationship, the full confidentiality of it where he could say things to me that wouldn't reveal a confidence but would give me a better perspective.

His notion of inclusiveness. He loved to have people from other faiths or from no particular faith be part of a dialogue with himself. Not many people know this. I see a couple. He did pretty well on the honorarium circuit. Every one of those honorarium checks as far as I know went to the Luther Place homeless shelter. Thousands of dollars. Thousands of dollars. Very generous. He never mentioned it.

In a very personal way, obviously you can tell we were friends, but he at my behest went to a place called Camp Dudley in Westport, New York, 13 summers to preach. It is the oldest boys camp in the country. He would go up and do a great sermon for young boys on the shores of Lake Champlain in an outdoor chapel. His recurring theme, he would talk about adventure and all this, was the attitude of gratitude. I remember that little saying that he would use, and when he used it with young people it was especially impressive, but the fact that he went 13 years, and one time he came in on a motorcycle cross-country with Peter just to be there. He knew he had to be there. He started in Washington State, came across country, but he was there, bearded and all. Just wonderful.

And so let me just close by remembering his final days, days of obvious distress for him, but there was a tree planting on the Capitol grounds in August of last year.

Speaker Hastert arranged it. It was a hot day. It was about 98 degrees. His whole family was there. It was wonderful.

There was a little reception afterwards. Then I went away for a couple of weeks, and while we were away, we learned that he passed away. I got back, and on my desk was the most beautiful letter of thanks from Jim.

And so on behalf of all the employees, rostrum, police force, the folks whom he counseled during that terrible shooting, I am here as a staffer to honor Jim and the way he brought a true chaplaincy which lives to this day to the House of Representatives.

REMARKS:

The Honorable Martin Olav Sabo, United States House of Representatives

MR. SABO. Mr. Speaker, Mr. Leader, family and friends of Chaplain Ford, wasn't that beautiful?

The rest of us, I think, should really sit down, because that really captured Jim Ford.

I came here as a freshman in 1979. I immediately read someplace that there was a new Chaplain being appointed. He was from Minneapolis. I didn't recognize the name. I wondered, who knows? It's great. I've never heard of him, I don't know anything about him, but pretty soon I got to meet this wonderful person.

He had some flaws. He was a Swede. I'm Norwegian. He went to college with his Swedish background. I went to college with a Norwegian background. But everything that Charlie said about him, that ski jump really does exist. The park is still there. I discovered he grew up in Northeast Minneapolis. His name, family name, originally was Anderson and sometime along the way it changed to Ford. He always told me if his ancestors would have kept Anderson, he would have been a Member of Congress, not I. He came from Northeast. I always reminded him he came from up on the hill, not down in the valley where the real Democrats were.

But I got to know just this wonderful person. Charlie really captured that zest of life that he had. It was unique. I think that is what caught the attention of all of us. He was clergy but he most certainly wasn't pompous or self-righteous. He related to all of us. I suppose in some ways for me, despite the fact that he was a Swede, we were both still Midwestern Lutherans, and it was rather easy and simple to do. On the other hand, I watched in amazement his relationship with the totality and the diversity of the House. He was there. From the minute he walked in he was probably the most beloved member around the House, and I think that is accurate. I think the membership just had tremendous respect for him as an individual, but also as a clergy and knowing that they could visit and talk to him about whatever might be bothering them in life and they knew that with this exuberant, zesty person, that whatever that relationship was, it was very professional. He was a pro who really enjoyed life. I suppose for most of us when it simply came down to it, he was most fundamentally a friend.

So today, to the family, to everyone, I would simply say we remember Jim Ford as somebody who was the ultimate pro, somebody who had a life of public service, who thoroughly enjoyed life but ultimately, most important, was simply a friend to all of us.

REMARKS:  
The Honorable Lois Capps, United States House of Representatives

Mrs. CAPPS. Mr. Speaker, Mr. Leader, Peter, Sarah, family and friends, today as we celebrate the life of Chaplain Jim Ford, we are thankful to God and to his family for sharing him with us, with our beloved House, with a grateful Nation. There are many family connections that have made Chaplain

Jim Ford a very special person to the Capps family and these connections go back to 1959.

Reverend Sodergren, Marcy Ford's father, was the pastor of a Lutheran church in Portland, Oregon. One September morning over 40 years ago, Walter and I arrived at his doorstep. The good reverend was exasperated because we were late even though the hour was very early. We were tardy in picking up his son, Marcy's brother Jack. He and Walter were to drive together across the country to Augustana Lutheran Seminary in Rock Island, Illinois. Only when we explained that we had just that very morning, only a few minutes earlier, become engaged did Reverend Sodergren's countenance soften into a congratulatory smile. And when my husband came to Washington with the 105th Congress and met Marcy's husband, the two became fast friends.

Walter loved Jim, as I did and do, as one does a brother or a lifelong friend. And when Sarah called me with the sad news of Jim's death, I confessed that my first thought was that he and Walter are now having a fine time telling Lars and Oley jokes. They are livening the proceedings in heaven just as they did on the House floor. In fact, Jim told several of those corny jokes when he spoke at Walter's memorial service in 1997. And so it goes without saying that following the death of my husband and then my daughter, Chaplain Ford ministered to me and to my family, to Walter's and my staff with utmost compassion, strength and sensitivity. I learned in a very personal way the importance of the Chaplain to the House of Representatives, and thus I was honored to serve on the Speaker's search committee with my colleagues who are here to find a new Chaplain and was reminded time and time again during that process of the incredible skills that Jim Ford brought to his job.

On November 10, 1999, it was my privilege to help manage H.Res. 373 to appoint Reverend James David Ford as Chaplain Emeritus of the House of Representatives. I described him with these words: "He has infused this House with spiritual strength in times of triumph and in times of tragedy. He has spent countless thousands of hours providing pastoral care to Members and staff who desperately need his guidance. He has taught us to respect and to nurture the diversity of our own religious faiths and in doing so has reminded us that one of our Nation's greatest strengths is our religious pluralism."

Looking back, it is somewhat unsettling to realize that I intended to use this quotation on September 11, the original date of that service. Oh, well. I know how we all wished that we had Jim Ford to shepherd us through that horrible day and its aftermath. He would have calmed our fears, he would have made us strong so that we could confront our Nation's challenges, and he would have en-

sured that our justifiable rage did not turn into hatred and intolerance.

I will also never forget what Jim said at Walter's memorial service. He quoted Martin Luther who said, "Send your good men into the ministry but send your best men into politics." Our Chaplain was both. He was a good man. He was the best of men. He walked the delicate and yet vital line between faith and public life, between religion and politics. He did this with unparalleled skill and devotion.

I have wanted to reach out to Marcy as one widow to another to share with her some of Jim's words of remembrance and prayer which he shared at Walter's memorial service. He wrote them about Walter, and so I am going to give them back with a heart full of sadness and respect and love, and I will insert Jim's name where he put Walter's. I very vividly remember the Chaplain saying these words on that day at the Old Mission in Santa Barbara:

"Ceremonies such as we have today are for the living and the lessons we can learn from our friends. God has already given to James David all of the good gifts of everlasting life. He is in good hands. There is a Bible verse from Psalm 90, verse 12: 'So teach us to number our days that we may gain a heart of wisdom.' Jim did so much with his days, his time here on Earth and in this Congress. He was so at home here in the House, so enthusiastic about doing the work of being a Chaplain. No one knows how many days or years we will be given but we can heed the words of scripture and make the best use of our time. 'So teach us to number our days that we may gain a heart of wisdom.' James David Ford gained a heart of wisdom and we all benefited from his great and wise and loving heart."

And then Jim prayed this prayer, so I will now pray it for him:

"We commend our friend and colleague to you, O gracious God, and we do so in thanksgiving. We are grateful for his presence in our lives and for the light that he gave us as a father, a husband, a grandfather, as a teacher, and as our beloved Chaplain. We saw the light of his spirit and we were drawn to him in such a special way. How blessed we have been and how grateful we are. Amen."

Thank you.  
MUSICAL INTERLUDE:

Mrs. Judy Snopek, Pianist  
REMARKS:

The Honorable Richard A Gephardt, Democratic Leader United States House of Representatives

Mr. GEPHARDT: On behalf of all the Members, we want to say to the Ford family how sorry we are that Reverend Ford has died and passed from our presence and that you have lost him. We also want to celebrate his life, because we think that is what today is really about. I enjoyed all of the speeches;

they were wonderful. I expected good speeches from Members of Congress; I didn't quite expect what we got from the Parliamentarian. When he did it, I realized I had never heard him speak in public, other than "say this, do that." It has been a while since I have been able to get that from him, but we are working on it. But I thought he caught the essence of Reverend Ford as well as it can be done. I would note, Charlie, that that speech is well over 5 minutes; but nobody stood up, and there was no Parliamentarian to call you into order.

We are here today as the family of the House of Representatives. We have not only the present Speaker of the House, but two illustrious former Speakers of the House who are here, and lots of others who have a myriad of connections with this place. I have been here a quarter of a century now. Time flies when you are having fun. And I must tell you, I am more in awe of the institution every day than the first day I got here, and I know every Member here feels the same way. This is a place where the hopes and dreams, expectations, grievances of 260 million-or-so people get channeled on a daily basis, for us to sort all of that out and make decisions on their behalf.

I am often saying that politics is a substitute for violence. I used to get snickers at that and even some laughing; and in recent days, as we see suicide bombers blowing themselves up, people being assassinated around the world, we know better, that that really is what it is. That is the magic ingredient of this place. It takes a lot of human effort to allow this institution to do what it is supposed to do.

Jim Ford was an important part of that mix that allows the House to do its work and to do it as successfully as it is done. First of all, he obviously had this wonderful sense of humor. It was kind of what I always recognized was the sparkle in his eyes when he would come up to you on the floor and tell you some kind of silly joke that he had that he thought was pretty funny. Sometimes it was, usually it wasn't, but what the heck. It was the glistening in his eyes and the way he got tickled himself about what he was saying that made it fun. And humor can lubricate and get you over any tough place that you are in, and he used it as well as I have ever seen it done.

He also understood that we all got elected by half a million or so people, but that we are just people, the same kind of people you would find anywhere in the United States; the same problems, the same difficulties, the same failures, the same high moments that anybody else has; and that we need spiritual help and guidance and counseling and to have a friend as much as anybody else. He provided that friendship, that advice, that council, that help, that human caring that Members often desperately need. He may

have had a book, Charlie, and he may have even had names in it; but he did this for 21 years, and I don't know of a time ever that any of the information that he was entrusted with got out anywhere. He was totally in your confidence. He was there to help you, not to do anything else.

Finally, he, in every day of his life, I think exuded what I have come to believe day by day as the most important power in life, and that is simple human love. He really cared about other people and, in truth, loved people, all people. He exuded that and demonstrated that every day.

Probably the most important thing any of us leave behind are our children, and probably there is no greater reflection of who we are and how we live our lives than the way our children live their lives. In the last years, we in the House, a lot of us, got to know Peter Ford because as part of the diplomatic security service, he wound up on some of our trips to foreign countries providing security as we went into sometimes some difficult places. He was there on a number of trips that Speaker Gingrich and I got to take together, and we both got to know him pretty well. And if our children are a guide to how we lived our lives, Jim Ford lived his life as well as it can be done, because Peter Ford, in my view, exemplifies all of the values that Jim Ford was really about.

We were going to do this on September 11. I am glad we got to do it. If we face grave difficulties since September 11, and we do, then it is right for us to remember Jim Ford, because it is going to take the kind of behavior and the kind of values that he represented for us to meet the challenges for America that are represented by September 11. We are sorry. We celebrate his life with you, and we thank God that we were given Jim Ford for such a long time.

**REMARKS:**

The Honorable J. Dennis Hastert, Speaker, United States House of Representatives

Mr. HASTERT: Well, you learn a lot of things sometimes at these memorials. As a matter of fact, I didn't know that the Parliamentarian and the Chaplain assessed people's 1-minutes every day. Mr. Leader, I think it is probably—what were they saying about the leadership's antics on both sides of the aisle? So I am sure that they had a great deal of enjoyment with that.

You know, Reverend Ford opened the House every day with a prayer. He was a man that you would find in the hallways telling a story, commiserating with Members and staff, more staff than I thought. But anyway, every day you would see him on the House floor at all hours of the day and night when we were there, and you saw him every Thursday morning in the prayer breakfast that the Congress has. He was a participant. That is where I probably got to know him best, because he would tell me stories about being in

the Fox Valley and being in Illinois in my district, and he knew the places and some of the people; and he even knew my old uncle who was a Norwegian Lutheran minister in Illinois. But he was always telling those stories too, stories about Norwegians and Swedes, and the Norwegians never won. I am not sure why.

He would also love to talk about Minnesota; and he talked about West Point, a place that he loved and the men and women that served there and the people that he got to know, and the young chaplains that came up underneath him and who he brought along the way and now have churches and ministries of their own.

But I remember his prayers on the House floor. His prayers were like poetry. They were lyrical. They touched the soul. And they made all of us think about what our duties were and responsibilities as citizens and as leaders.

When Jim told me that he was going to retire, I knew that the opening of each session wouldn't be quite the same. Jim Ford was an institution in an institution. He was part of the family, and he was an important part of that family.

We all know about Jim Ford's sense of adventure, of sailing and flying and motorcycling and all of these things that, as a matter of fact, he entranced a lot of Members in his stories about these things; and he actually did them. We know about his love of sailing and motorcycle riding, and we also know that Jim was also a compassionate soul who worked hard to minister to the Capitol Hill family. Really, when it comes down to it, his friendship and his antics and the things that he did and the stories he told endeared himself to Members of this Congress, to people that he worked with every day. He broke down those barriers that sometimes you find in these political places, sometimes the things that stop us from really talking about how we really feel about things and our real appreciation for people.

Through his many years of service, he touched many lives, providing spiritual guidance to Members and staff of all religions and political persuasions. I remember first as a Speaker and in leadership, one thing that happens, you get to go to a lot of funerals; and Jim was always there, and he always had a kind word and a special story. He knew every Member of this Congress. He knew their strengths, and he knew their weaknesses.

Jim Ford was a Lutheran minister, and he had an amazing gift of delivering a positive message that resonated with people of all faiths. He often told me the story over and over again of how Tip O'Neill used to call him Monsignor just because he wore the collar, and he thought that maybe Tip really didn't know. I think maybe Tip really did know.

We will always remember Jim Ford as a charming and an honest man who dedicated himself to God, and he dedicated himself to this Congress and its work with people. He served this body with the utmost distinction. His loving spirit will live in the hearts of all of our lives that he touched.

I think it is fitting and, Peter, I would like to ask you to come up here for a second; and I would like to present to you a flag that was flown over this Capitol in honor of your father and a letter to your mother.

WORDS OF APPRECIATION FROM THE FAMILY  
AND BENEDICTION

REVEREND CHRISTIAN: Mr. Speaker and Mr. Leader, first, on behalf of the family, I too wish to thank you and certainly Charlie, as has been mentioned, for providing this opportunity. I think it is the case that all of you, all of us, needed a time where we could just be together, think here, repeat here. I suspect that each one of you could tell a story or two; and the biggest, hardest task of this whole event probably for you, Charlie, as well as some of the rest of us who had time for conversation, Jeff, to be sure as well, was how many speeches of course to make.

You have heard the stories, and there are many more that could be said. But I am here as a representative, which I surely cannot do and I understand that, but I am here as a representative of the family just to bring a few closing remarks on behalf of them to all of you.

Mr. Leader, you did speak very kindly and strongly about Peter as the son of Jim Ford, and I only wanted to add to that that each one of the members of the family is an equal to Peter. I have had the great opportunity to be a friend of the family for 25 years and indeed have had a chance to share frequently with Jim Ford, even on the House floor, as I have participated with the opening prayers periodically.

So on behalf of the Ford family, let me say that I know they appreciate and offer to all of you their deep and abiding thanks for your love and for your concern which you have shown during these last months in many different ways, each one appropriate and each one received gratefully. But also, they want to thank you, and I know that is certainly true from Mrs. Ford, Marcy, one and all, to thank you for the joy and the happiness and the laughter and the fun that you all and so many others provided Jim through the years, and through Jim and, therefore, to the family.

Speaking of the family, isn't it wonderful to have Hannah here, sitting on the floor who will, one day, undoubtedly in the great oral tradition of our own family lives, bring forth the stories of the man we gather here to remember and to honor and to give thanks.

The family was all here on September 11, and you need to know that. They came from all over the country and all over really from many parts of the world; and of course many, almost all, of course, are not here today for many obvious reasons. But two of the family, direct family members, are Peter and Sarah; and I know you carry with you the thoughts, the spirit in your hearts of your sisters, spouses, grandchildren, and certainly your mother who is visiting one of those children and grandchildren this very day in Brussels.

So they thank you; and on behalf of them, I wish to bring those thanks to you. Peter is here and Peter did receive the honor of the flag and the letter; but maybe, is there anything you would like to add or just say to the group?

MR. PETER FORD: Yes. I do want to say thank you all for coming. You loved my father, and he loved you all. My father was a giver. He loved a couple of things about this place. He loved religion, of course. You were his flock. He didn't have a church. He always talked to Pastor Steinbrook, because he had a church. He said he was always down there for churches. He felt like he was in a command post here. You were his flock, and also the fact that he loved democracy. When he would go out and speak, I would try to come along with him as often as possible, because he was gone a lot at night. I loved to hear him when he talked about religion, and then afterward he would talk about democracy and talk about the rancor of this place and the debate, and he would talk about loudness. And he thought this was a very honorable profession to be up here.

If you are ever up at West Point, Rear Admiral Carrigan up at West Point, and he is buried 30 feet, 30 yards—the many people he buried in the 1960s during the Vietnam War. So it was sort of interesting to see that. If you see the 2-hour special on West Point, they interviewed him and he talks about MacArthur coming up; and at the beginning, they show my father's face, and they go into the West Point cemetery, and he is buried in plot 34. So if you are ever up there, that is interesting.

He loved you all. Thank you for being very nice to him. This is closure, and we do appreciate it as a family. After September 11, we didn't feel that it was appropriate, so we are glad this happened. I did learn something myself today. My father always told me he didn't want to print his prayers because he wanted to save taxpayer money. But I wish he would have printed them, because right now they are going through the whole house, and my mother saved every prayer. Every day he would bring home the Congressional Record and she would tear it out, and she would put them all in one place. I wish he would have printed them.

I want to say thank you very much. You were his flock. If my father came back right

now, my family, we are a totally loving family, and we wouldn't have one question for him. We would just be happy that he was back, but we will see him some day. So thank you from him.

MRS. SARAH FORD STRIKE: I am Sarah Ford Strike, and I just got married just 4 weeks ago, so I am still getting used to my last name. But I am the youngest of the five kids, and again I want to say thank you very much for putting this together. You have all been so honorable to us and to our family, because after September 11, we thought since there are so many other tragedies in this world, let us not do this, we will honor our dad in our own special way; and you all are very nice to continue this, and we appreciate that.

My mom is in Brussels visiting our sister Marie and her family, so she is not here today. But I want to say that we are his family; but you are also his family, because you made his past 21 years here so happy. He didn't tell us about his counseling and his times of need with people, but he did tell us about the friendships; and that is what made us happy. He would come home, and it was just great.

Being five kids, almost all of us working in the District, we were able to come and visit Dad from time to time, and we would just laugh because you could not get five feet in the hallway without him stopping and talking to somebody. It didn't matter who you were or what you did. He knew everybody by name, and that is what I just hope that I have that gift, because he would just say, just remember something about that person; and it just was so special and such an intimate conversation, and then we would walk five more feet and we would get stopped again. So we cherish that.

We miss his bad jokes and we miss his humor, and we love him very much; but we are very happy because who we are is because of our dad. And we are happy that he is healthy and happy. I know he is up there. I got married, and at our wedding his spirit was with us. If you ever saw him at the White House balls or somewhere, he danced very badly, and he would do this; and I know he was up there doing the same thing, and I know he is doing it now; and I know he is happy as can be. So thank you from our family.

REVEREND CHRISTENSEN: Just to bring this then to a close, Mr. Speaker, you did talk about the fact that you remember Jim Ford's prayers. I would like to ask us now to stand, and I am going to read the last prayer that Jim Ford gave at the House of Representatives. These are those words of his final prayer, and then I will conclude with the benediction. Let us pray:

"We are grateful, O merciful God, that you are with us wherever we are and whatever we do. We know that Your spirit gives us forgiveness for the ways of our past, direction



for the path ahead, and the comforting assurance that we are never alone. We gain strength from the words of the Psalmist: be still and know that I am God. I am exalted among the nations; I am exalted in the earth, the Lord of hosts is with us, the God of Jacob is our refuge. May Your good word, O God, be with all Your people and give them the peace and confidence that You alone can give. In Your name we pray. Amen.”

The Lord bless you and keep you. The Lord make His face shine upon you and be gracious unto you. The Lord give up His countenance upon you and give you peace.

Amen.

A WONDERFUL MAN

(By Stephen Horn)

*Thursday, May 9, 2002*

Mr. HORN. Mr. Speaker, this afternoon we honored a Celebration of the Life of Dr. James D. Ford, the Chaplain Emeritus of the House of Representatives.

When we traveled to meeting with the delegations of the European Parliament, we found that Jim was a very fine companion. Jim Ford was a great teacher. When we met diplomats and officers, Jim was able to lighten up some of us who were stressed from negotiations and differences among various factions.

Jim was a fine scholar of the Bible. When we were in Israel, Jim was well versed in three of the great religions which are in Jerusalem. Before Chaplain Ford came to the House, he had been for 18 years as the Chaplain of the United States Military Academy at West Point. As a result of his experiences at West Point, he knew about youth and how they grow to be leaders for our country. When a delegation of the House met with General Wesley Clark, the Supreme Commander of the North Atlantic Treaty Organization [NATO]. When the General met the Chaplain there was a warm hug. We saw a four star General, but, Dr. Ford remembered him as the very bright senior who was President of the Bible Society during Clark’s senior year at West Point.

Dr. Ford was an effective counselor of members that work hard and often needed to be working with people under stress.

One of Jim’s great adventures was when he and three volunteer cadets from West Point navigated a boat with sails, guided by the stars. The waves tossed the small boat in the North Atlantic Ocean. It was a great experience.

Jim was a people-person. When colleagues had medical operations at the Walter Reed Army Medical Center, Jim would come out to see us. He brought us cheer. His humor was delightful.

He will not be forgotten. Our condolences to Marcie, his wife, and Peter his eldest son, and the Ford family.

**§ 5.21 The death of the former Parliamentarian of the House was announced to the House by the Member who represented the district of the deceased.**

On June 5, 2001,<sup>(1)</sup> Rep. Frank R. Wolf, of Virginia, announced the death of William H. Brown, former Parliamentarian, a resident of his district.

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WOLF. Madam Speaker, I am saddened today to announce to our colleagues the passing on May 27 of William Holmes Brown, who served as parliamentarian of the House from 1974 to 1994. He was 71 years of age. Not only did I have the pleasure of working with Bill Brown in the House, but I was also privileged to be his Congressman. He lived at Oakland Green Farm in Lincoln in Loudoun County, Virginia, property which had been in the family for more than eight generations.

Bill began his service in the Parliamentarian’s Office in 1958 when he was appointed Assistant Parliamentarian by Speaker Sam Rayburn. In 1974, he was named to the position of Parliamentarian by Speaker Carl Albert. He succeeded the legendary Lewis Deschler, with whom he had collaborated in volumes of “Precedents of

1. 147 CONG. REC. 9893, 107th Cong. 1st Sess.

the House of Representatives,” referred to in the House as the Deschler-Brown Precedents. During his years in the House, he served under six Speakers. Besides Speaker Sam Rayburn and Carl Albert, he served under John McCormack, Tip O’Neill, Jim Wright, and Tom Foley. He retired from the House in 1994.

During his service in the House, he worked to develop parliamentary projects in newly emerging democratic republics in Eastern Europe, participating in seminars and training programs for representatives of other national legislative bodies. After he retired as Parliamentarian in 1994, he worked for the Agency of International Development on a parliamentary development project in the Ukraine.

Members today can thank Bill Brown and thank his staff, many here today, for organizing the Office of the Parliamentarian, moving it into the Computer Age and making the House precedents available online for all to access.

Bill was the ultimate professional and dedicated public servant. He was held in the highest regard by Members on both sides of the aisle because his work reflected his dedication to the proposition that the rules of the House should be applied and enforced without political considerations.

Bill was born in Huntington, West Virginia. He was a 1951 graduate of Swarthmore College and received his law degree from the University of Chicago. He served on active duty in the Navy from 1954 to 1957 and then served in the Naval Reserve from 1954 to 1974, retiring as a lieutenant commander.

He was director of the Conversations at Oatlands organization and the Loudoun Museum and a member of the Catoctin Farmers Club and Goose Creek Friends Meeting.

On behalf of the House, and on behalf of Members on both sides of the aisle, and on behalf of Members who served here many, many years ago, Madam Speaker, we send our deepest sympathies to Bill’s wife of 30 years, Jean Smith Brown, and their daughter, Sara Holmes Brown.<sup>(2)</sup>

### *Foreign Dignitaries*

#### **§ 5.22 The death of Mother Teresa was announced to the House by the Majority Whip.**

On Sept. 5, 1997,<sup>(1)</sup> Tom DeLay, of Texas, the Majority Whip, yielded the floor to announce the death of Mother Teresa, humanitarian and Nobel Prize winner.

Mr. [Vic] FAZIO of California. Reclaiming my time, I yield to the gentleman from Texas, the majority whip, [Mr. DELAY].

#### ANNOUNCEMENT OF THE PASSING OF MOTHER TERESA

MR. DELAY. I was just informed that Mother Teresa passed away. I would ask that we suspend for a moment of silence in the memory of Mother Teresa, who has done so much for so many people around the world.

2. Rep. Wolf also inserted letters in the *Congressional Record* regarding Mr. Brown’s retirement from former Minority Leader Robert H. Michel (IL) and Speaker Thomas S. Foley (WA). *Id.* at pp. 9894, 9895.
1. 143 CONG. REC. 17919, 105th Cong. 1st Sess.

The SPEAKER pro tempore.<sup>(2)</sup> Members will rise. The House will recognize the passing of Mother Teresa with a moment of silence.

**§ 5.23 The Chairman of the Asian and Pacific Affairs Subcommittee of the Committee on Foreign Affairs addressed the Committee of the Whole out of order to announce to the House the assassination of Rajiv Gandhi, the former Prime Minister of India.**

On May 21, 1991,<sup>(1)</sup> Stephen J. Solarz, of New York, chairman of the Asian and Pacific Affairs Subcommittee of the Committee on Foreign Affairs, by unanimous consent received permission to speak out of order and announced the death of former Prime Minister Rajiv Gandhi of India.

(By unanimous consent Mr. SOLARZ was allowed to speak out of order.)

Mr. SOLARZ. Mr. Chairman, I regret to report to the House that Rajiv Gandhi, the former Prime Minister of India, was just assassinated in a bomb explosion that went off as he was emerging from his car at a campaign rally about 25 miles south of Madras.

We do not know at the present time how many other people were killed or who was behind this dastardly deed.

But I did want to say, as someone who has gotten to know Mr. Gandhi

well over the years and who considered him a personal friend, that this is a truly tragic development. . . .

Mr. [Newt] GINGRICH [of Georgia]. Mr. Chairman, I just want to ask, if it is possible, if we might have a moment of silence on behalf of all Members, for Rajiv Gandhi's family, and for the principles of democracy, which have been so sadly shattered this afternoon.

I ask for a moment of silence, if this is possible.

(Moment of silence observed.)

**§ 6. Resolutions of Sympathy**

It is the practice of the House to adopt resolutions expressing sympathy and sorrow upon learning of the death of a Member of Congress or other public figure. By custom, a resolution of sympathy on the death of a Member has been treated as privileged and debated under the hour rule. A copy of the resolution adopted upon the death of a Member will be transmitted to the other House and one to the family of the deceased. Sometimes, authorization for a committee to make arrangements for a funeral will be included in the resolution.

A sampling of resolutions of sympathy for noted Americans include those offered for a deceased President,<sup>(1)</sup> for a deceased Chief

2. Edward A. Pease (IN).

1. 137 CONG. REC. 11632, 102d Cong. 1st Sess.

1. See §§ 6.1–6.3, *infra*.

Justice,<sup>(2)</sup> for an Associate Justice of the Supreme Court on his death,<sup>(3)</sup> for a deceased Secretary of Labor,<sup>(4)</sup> on the death of a Speaker<sup>(5)</sup> or former Speaker,<sup>(6)</sup> for a former Vice President,<sup>(7)</sup> on the death of a Secretary of the Navy,<sup>(8)</sup> and of a House employee.<sup>(9)</sup> The death of a minority employee<sup>(10)</sup> and various House officers<sup>(11)</sup> have been similarly noted.

The Member who has announced the death of a colleague will usually, although not invariably, be the person who offers the resolution of sympathy.<sup>(12)</sup>

### ***Death of President or Former President***

#### **§ 6.1 A resolution was adopted by the House on the death of President John F. Kennedy.**

On Nov. 25, 1963,<sup>(1)</sup> Mr. Abraham J. Multer, of New York, of-

2. See § 6.6, *infra*.
  3. See §§ 6.7, 6.8, *infra*.
  4. See § 6.22, *infra*.
  5. See §§ 6.10–6.12, *infra*.
  6. See §§ 6.9, 6.13, 6.14, *infra*.
  7. See §§ 6.5, 6.13, *infra*.
  8. See § 6.23, *infra*.
  9. See §§ 6.19–6.21, *infra*.
  10. See § 6.21, *infra*.
  11. See §§ 6.19–6.21, *infra*.
  12. See § 5, *supra*, and § 10, *infra*.
1. 109 CONG. REC. 22695, 22696, 88th Cong. 1st Sess.

ferred House Resolution 571. The Clerk read the resolution, as follows:

*Resolved*, That the House of Representatives has learned with profound regret and sorrow of the tragic death of the late President of the United States, John Fitzgerald Kennedy, illustrious statesman and leader in the Nation and in the world.

*Resolved*, That as a token of honor and in recognition of his eminent and distinguished public services to the Nation and to the world the Speaker of the House shall appoint a committee of one hundred Members of the House to join a similar committee appointed on the part of the Senate to attend the funeral services of the late President.

*Resolved*, That the House tenders its deep sympathy to the members of the family of the late President in their sad bereavement.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the late President.

The SPEAKER pro tempore.<sup>(2)</sup> Without objection, the several resolving clauses are agreed to.

There was no objection.

*Parliamentarian's Note:* The House was not in session on Nov.

2. James C. Wright, Jr. (TX).

22, 1963, the date of President Kennedy's assassination.

**§ 6.2 A resolution of sympathy was adopted by the House on the death of President Franklin Delano Roosevelt.**

On Apr. 14, 1945,<sup>(1)</sup> the following resolution was offered and agreed to:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I offer a resolution (H. Res. 216) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That the House of Representatives has learned with profound regret and sorrow of the death of the late President of the United States, Hon. Franklin Delano Roosevelt, illustrious statesman and leader in the Nation and in the world.

*Resolved*, That as a token of honor and in recognition of his eminent and distinguished public services to the Nation and to the world the Speaker of the House shall appoint a committee of 15 Members of the House to join a similar committee appointed on the part of the Senate to attend the funeral services of the late President.

*Resolved*, That the House tenders its deep sympathy to the members of the family of the late President in their sad bereavement.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the late President.

The resolution was agreed to.

1. 91 CONG. REC. 3356, 79th Cong. 1st Sess.

**§ 6.3 A resolution of sympathy was adopted by the House on the death of former President Ronald Wilson Reagan.**

On June 8, 2004,<sup>(1)</sup> Tom DeLay of Texas, the Majority Leader, offered the following privileged resolution.

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 663) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 663

*Resolved*, That the House of Representatives has learned with profound regret and sorrow of the death of Ronald Wilson Reagan, former President of the United States of America.

*Resolved*, That the House tenders its deep sympathy to the members of the family of the former President in their bereavement.

*Resolved*, That in recognition of the many virtues, public and private, of one who served with distinction as President, the Speaker shall appoint a committee of the House to join with such Members of the Senate as may be designated, to attend the funeral services of the former President.

*Resolved*, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the applicable accounts of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the former President.

1. 150 CONG. REC. 11752, 11754, 108th Cong. 2d Sess.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the former President. . . .

The SPEAKER pro tempore.<sup>(2)</sup> The question is on the resolution. . . .

So the resolution was agreed.

#### **§ 6.4 A resolution of sympathy was adopted by the House on the death of former President Richard M. Nixon.**

On Apr. 25, 1994,<sup>(1)</sup> Robert H. Michel, of Illinois, the Minority Leader, offered the following privileged resolution:<sup>(2)</sup>

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 411) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 411

*Resolved*, That the House of Representatives has learned with profound regret and sorrow of the death of Richard Milhous Nixon, former

2. Ray LaHood (IL).

1. 140 CONG. REC. 8451, 8452, 103d Cong. 2d Sess.

2. See also resolutions of sympathy for former President Lyndon Baines Johnson at 119 CONG. REC. 1839, 93d Cong. 1st Sess., Jan. 23, 1973 (H. Res. 152); for former President Harry S Truman at 119 CONG. REC. 31, 93d Cong. 1st Sess., Jan. 3, 1973 (H. Res. 14); and for former President Dwight David Eisenhower at 115 CONG. REC. 8127, 8128, 91st Cong. 1st Sess., Mar. 31, 1969 (H. Res. 351).

President of the United States of America.

*Resolved*, That in recognition of the many virtues, public and private, of one who served with distinction as Representative, Senator, Vice President, and President, the Speaker shall appoint committees of the House to join with such Members of the Senate as may be designated, to attend the funeral services of the former President.

*Resolved*, That the House tenders its deep sympathy to the members of the family of the former President in their sad bereavement.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out of the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the former President.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the former President.

#### **Former Vice President**

#### **§ 6.5 A resolution was adopted by the House upon the death of a former Vice President.**

On Jan. 29, 1979,<sup>(1)</sup> Samuel S. Stratton, of New York, dean of the delegation, offered the following resolution upon the death of former Vice President Nelson A. Rockefeller:

Mr. STRATTON. Mr. Speaker, as dean of the New York delegation and

1. 125 CONG. REC. 1354, 1355, 96th Cong. 1st Sess.

on behalf of the majority leader of the House and of the minority leader of the House, I offer a resolution (H. Res. 74) on the death of the Honorable Nelson A. Rockefeller.

The Clerk read the resolution, as follows:

H. RES. 74

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Nelson A. Rockefeller, former Vice President of the United States.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the memorial service.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That as a further mark of respect to the memory of the deceased the House do now adjourn. . . .

Mr. STRATTON. . . .

Mr. Speaker, I move the previous question on the adoption of the resolution.

The previous question was ordered.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 32 minutes p.m.), under its previous order

and pursuant to House Resolution 74, the House adjourned until Wednesday, January 31, 1979, at 3 p.m.

*Parliamentarian's Note:* This was the first instance of a House resolution authorizing the appointment of a funeral committee for a former Vice President.<sup>(2)</sup>

**Chief Justice**

**§ 6.6 A resolution of sympathy was adopted by the House on the death of the Chief Justice of the United States.**

On Sept. 6, 2005,<sup>(1)</sup> the House adopted a resolution of sympathy

2. See also 124 CONG. REC. 112, 95th Cong. 2d Sess., Jan. 19, 1978 (H. Res. 951 on the death of sitting Senator and former Vice President Hubert H. Humphrey [MN]); 102 CONG. REC. 7322, 84th Cong. 2d Sess., May 1, 1956 (H. Res. 491, on the death of sitting Senator, former Vice President, and former Member of the House, Alben W. Barkley [KY]); and 80 CONG. REC. 1759, 74th Cong. 2d Sess., Feb. 10, 1936 (H. Res. 416 on the death of former Vice President Charles Curtis [KS]).

1. 151 CONG. REC. 19568, 109th Cong. 1st Sess.

There was no funeral committee appointed for Chief Justice Rehnquist. His body lie in state in the Great Hall of the Supreme Court from Sept. 6, 2005, until his funeral on Sept. 7, 2005, conducted at the Roman Catholic Cathedral of St. Matthew the Apostle in Washington, D.C.

in recognition of the death of the Chief Justice of the United States Supreme Court, William H. Rehnquist:

Mr. [Tom] DELAY [of Texas]. Madam Speaker, I offer a privileged resolution (H. Res. 422) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 422

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable William H. Rehnquist; Chief Justice of the United States.

*Resolved*, That the House tenders its deep sympathy to the members of the family of the late Chief Justice in their bereavement.

*Resolved*, That the Clerk communicate these resolutions to the Senate and to the Supreme Court and transmit a copy of the same to the family of the late Chief Justice.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the late Chief Justice.

The resolution was agreed to.

A motion to reconsider was laid on the table.<sup>(2)</sup>

### ***Associate Justice***

#### **§ 6.7 Upon the death of an Associate Justice of the Su-**

2. See also 100 CONG. REC. 10-12, 83d Cong. 2d Sess., Jan. 6, 1954 (H. Res. 397, on the death of Chief Justice of the United States Fred M. Vinson); and 92 CONG. REC. 4263, 79th Cong. 2d Sess., Apr. 30, 1946 (H. Res. 607, on the death of Chief Justice of the United States Harlan Fiske Stone).

**preme Court, the House adopted a resolution expressing sorrow, appointed a committee to attend the funeral, and adjourned as a further mark of respect.**

On July 19, 1949,<sup>(1)</sup> House Resolution 287 was offered by Mr. John D. Dingell, of Michigan, who had been recognized to speak about the late Justice Frank Murphy, formerly of Michigan:

Mr. DINGELL. Mr. Speaker, I offer the following resolution (H. Res. 287). The Clerk read as follows:

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Frank Murphy, Associate Justice of the Supreme Court of the United States.

*Resolved*, That a committee of four Members of the House be appointed to attend the funeral and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and to the Supreme Court and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER.<sup>(2)</sup> The Chair appoints as members of the funeral committee the gentleman from Michigan, Mr. DINGELL; the gentleman from Michigan, Mr. RABAUT; the gentleman from Michigan, Mr. WOODRUFF; and the gentleman from Michigan, Mr. SHAFER.

The SPEAKER. The Clerk will report the remainder of the resolution.

1. 95 CONG. REC. 9740, 81st Cong. 1st Sess.
2. Sam Rayburn (TX).



The Clerk read as follows:

*Resolved*, That as a further mark of respect the House do now adjourn. The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 36 minutes p. m.) the House, pursuant to its previous order, adjourned until tomorrow, Wednesday, July 20, 1949, at 10 o'clock a.m.

**§ 6.8 A resolution was adopted by the House upon the death of the Honorable Wiley Rutledge, an Associate Justice of the U.S. Supreme Court.**

On Sept. 13, 1949,<sup>(1)</sup> Mr. Harry R. Sheppard, of California, offered House Resolution 356 and asked for its immediate consideration. It was read and agreed to, as follows:

Mr. SHEPPARD. Mr. Speaker, I offer a resolution (H. Res. 356) and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Wiley Rutledge, Associate Justice of the Supreme Court of the United States.

*Resolved*, That the Clerk communicate these resolutions to the Senate and to the Supreme Court and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

1. 95 CONG. REC. 12813, 81st Cong. 1st Sess.

***Former Speaker of the House***

**§ 6.9 Upon the reconvening of Congress, a resolution expressing sorrow was adopted for former Speaker Henry T. Rainey, of Illinois.**

On Jan. 3, 1935,<sup>(1)</sup> Mr. Adolph J. Sabath, of Illinois, offered, and the House agreed to, the following resolution:

Mr. SABATH. Mr. Speaker, within a very few days after the Seventy-third Congress adjourned the Nation learned with sorrow of the death of a most beloved citizen of the State of Illinois. He was a great statesman and the Speaker of the House of Representatives. I therefore offer a resolution, which I send to the Clerk's desk and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 23

*Resolved*, That the House has learned with profound sensibility and sorrow of the death of HENRY T. RAINEY, Speaker of the House of Representatives of the Seventy-third Congress.

*Resolved*, That in the death of the Hon. HENRY T. RAINEY the United States has sustained an irreparable loss.

*Resolved*, That this House, of which he was a distinguished Member and leader, unite in honoring his sterling character, the ability, probity, and patriotic motives which illustrated his public career and the grace and dignity which marked his intercourse with his fellow citizens.

1. 79 CONG. REC. 38, 74th Cong. 1st Sess.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

RECESS

Mr. [Edward T.] TAYLOR of Colorado. Mr. Speaker, I move that the House stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and accordingly (at 4 o'clock and 32 minutes p. m.), pursuant to the order heretofore made, the House stood in recess until tomorrow, Friday, January 4, 1935, at 12 o'clock noon.

*Parliamentarian's Note:* Speaker Rainey died in St. Louis, Missouri, on Aug. 19, 1934, following the adjournment of the first session of the 73d Congress on June 18, 1934. This is the second instance where a Speaker died while in office. Speaker Michael C. Kerr, of Indiana, died on Aug. 19, 1876, after the adjournment of the first session of the 44th Congress.

*Speaker of the House*

**§ 6.10 A resolution of sorrow was adopted upon the death of Speaker Joseph W. Byrns, of Tennessee.**

On June 4, 1936,<sup>(1)</sup> a resolution was adopted upon the death of

1. 80 CONG. REC. 9017, 74th Cong. 2d Sess.

Speaker Byrns. The resolution read as follows:

House Resolution 544

*Resolved*, That the House has learned with profound sensibility and sorrow of the death of Hon. JOSEPH W. BYRNS, Speaker of the House of Representatives for the Seventy-fourth Congress.

*Resolved*, That a committee of four Members of the House be appointed to take order for superintending the funeral of Mr. BYRNS in the House of Representatives at such time as the said committee shall fix.

*Resolved*, That as a further mark of respect the remains of Mr. BYRNS be removed from Washington to Nashville, Tenn., in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That a committee of 60 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral at Nashville, Tenn. . . .

*Resolved*, That as a further mark of respect, this House do now adjourn to such time on tomorrow, June 5, 1936, as the Speaker shall fix.

*Parliamentarian's Note:* Speaker Byrns died suddenly shortly after midnight on June 4, 1936.<sup>(2)</sup>

**§ 6.11 A single House resolution, adopted upon the death of Speaker William B.**

2. See § 12.1, *infra*, for the resolution inviting distinguished guests to the late Speaker's funeral in the Hall of the House.

**Bankhead, of Alabama, expressed sorrow at the loss, provided for two funeral committees, authorized payment of certain funeral-related expenses, directed the Clerk to transmit copies of the resolution to the appropriate parties; and invited the President, Cabinet, Vice President, Senate, Supreme Court, and other dignitaries to attend the funeral in the House Chamber. This was a departure from the usual practice in the past, whereby invitations would be transmitted in a separate resolution.**

On Sept. 16, 1940,<sup>(1)</sup> after the death of Speaker Bankhead was announced, House Resolution 603 was offered by Mr. Henry B. Steagall, of Alabama:

*Resolved*, That the House has learned with profound sensibility and sorrow of the death of Hon. WILLIAM B. BANKHEAD, Speaker of the House of Representatives for the Seventy-sixth Congress.

*Resolved*, That a committee of four Members of the House be appointed to take order for superintending the funeral of Mr. BANKHEAD in the Chamber of the House of Representatives at 12:30 o'clock p.m. on Monday, September 16, 1940, and that the House of Representatives attend the same.

*Resolved*, That as a further mark of respect the remains of Mr. BANKHEAD be removed from Washington to Jasper, Ala., in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That a committee of 63 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral at Jasper, Ala.

*Resolved*, That the Clerk of the House communicate these resolutions to the Senate, transmit a copy thereof to the family of the deceased, and invite the Senate to attend the funeral in the House Chamber and appoint a committee to act with the committee of the House.

*Resolved*, That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the diplomatic corps (through the Secretary of State), the Chief of Staff of the Army, the Chief of Naval Operations of the Navy, the Major General Commandant of the Marine Corps, and the Commandant of the Coast Guard to attend the funeral in the Hall of the House of Representatives.

The resolution was agreed to.

**§ 6.12 Upon reconvening, the House adopted a resolution expressing its sorrow at the loss suffered by the Nation and the House on the death**

1. 86 CONG. REC. 12232, 76th Cong. 3d Sess.

**of Speaker Sam Rayburn, of Texas.**

On Jan. 10, 1962,<sup>(1)</sup> the first day of the second session of the 87th Congress, the House adopted resolutions expressing condolences upon the deaths of two Representatives,<sup>(2)</sup> a Senator,<sup>(3)</sup> and Speaker Rayburn. The resolutions of sympathy were offered and adopted in the following order: (1) to Members of the House in order of death (except the Speaker); (2) the Senator; and (3) the Speaker.

The following proceedings took place:

Mr. [Wright] PATMAN [of Texas]. Mr. Speaker, I offer a resolution, and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 491

*Resolved*, That the House has learned with profound sensibility and sorrow of the death of SAM RAYBURN, Speaker of the House of Representatives of the Seventy-sixth through the Seventy-ninth, Eighty-first and Eighty-second, and Eighty-fourth through the first session of the Eighty-seventh Congress, having served as Speaker more than twice as long as any Speaker in the history of the Congress.

*Resolved*, That in the death of the Honorable SAM RAYBURN the United States has sustained an irreparable loss.

1. 108 CONG. REC. 9, 87th Cong. 2d Sess.
2. Louis C. Rabaut (MI) and John J. Riley (SC).
3. Styles Bridges (NH).

*Resolved*, That this House, of which he was a distinguished Member and leader, unite in honoring his sterling character, the ability, probity, and patriotic motives which illustrated his public career, and the grace and dignity which marked his intercourse with his fellow citizens.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

ADJOURNMENT

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, as a further mark of respect to the memory of the deceased, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, January 11, 1962, at 12 o'clock noon.

**§ 6.13 A resolution was adopted by the House on the death of John Nance Garner, of Texas, who served as Speaker of the House during the 72d Congress and as Vice President during the first two Presidential terms of Franklin D. Roosevelt.**

On Nov. 7, 1967,<sup>(1)</sup> after the death of former Speaker of the House and former Vice President

1. 113 CONG. REC. 31499, 90th Cong. 1st Sess.

Garner was announced, a resolution was offered and agreed to as follows:

Mr. [Wright] PATMAN [of Texas].  
Mr. Speaker, I offer a resolution.

The Clerk read the resolution, as follows:

H. RES. 969

*Resolved*, That the House has learned with profound sorrow of the death of the Honorable John Nance Garner, formerly Speaker of the House of Representatives and Vice President of the United States.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

The Senate adopted a similar resolution at the close of its business for the day.<sup>(2)</sup>

**§ 6.14 A resolution adopted by the House on the death of former Speaker Martin provided for adjournment out of respect but did not provide for appointment of a funeral delegation.**

On Mar. 7, 1968,<sup>(1)</sup> following tributes to the late Joseph W. Martin, Jr., of Massachusetts, former Speaker of the House of

2. *Id.* at p. 31605 (S. Res. 183).

1. 114 CONG. REC. 5742, 90th Cong. 2d Sess.

Representatives, the following resolution was offered:

Mr. [William H.] BATES [of Massachusetts]. Mr. Speaker, I offer a resolution.

The Clerk read the resolutions as follows:

H. RES. 1087

*Resolved*, That the House has learned with profound sorrow of the death of the Honorable Joseph W. Martin, Jr., former Member of the House for twenty-one consecutive terms, and Speaker of the House of Representatives of the Eightieth and Eighty-third Congresses.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER.<sup>(2)</sup> The Clerk will report the remaining resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

*Member of the House*

**§ 6.15 The announcement of the death of a sitting Member was made by the senior member of the party of the deceased in his State delegation in the House, while the resolution adjourning the House out of respect was offered by the senior member of that entire State delegation at the request of the**

2. John W. McCormack (MA).

**Member who had announced the death.**

On Feb. 2, 1970,<sup>(1)</sup> after the House had conducted its scheduled business, Chet Holifield, senior Democratic member of the California delegation, offered House Resolution 811 at the request of H. Allen Smith, senior Republican member of the California delegation, who departed the Chamber immediately following his announcement to be with the family of the late Glenard P. Lipscomb. The proceedings were as follows:

Mr. HOLIFIELD. Mr. Speaker, I offer a privileged resolution.

The Clerk read the resolution, as follows:

H. RES. 811

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Glenard P. Lipscomb, a Representative from the State of California.

*Resolved*, That a committee of 50 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Sen-

ate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to. . . .

The SPEAKER.<sup>(2)</sup> . . .

The Clerk will report the remaining resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 1 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 3, 1970, at 12 o'clock noon.

**§ 6.16 At the conclusion of a special-order speech eulogizing a Member whose death had been announced earlier that day in the House, a resolution of sympathy was agreed to and immediately upon passage thereof, the House, pursuant to the final provision of the resolution, adjourned as a sign of respect for the deceased Member.**

On Aug. 23, 1965,<sup>(1)</sup> following eulogies to the late Mr. Clarence J. Brown, of Ohio, and just prior to adjournment out of respect,

2. John W. McCormack (MA).

1. 116 CONG. REC. 2065, 2066, 91st Cong. 2d Sess.

1. 111 CONG. REC. 21264, 89th Cong. 1st Sess.

Mrs. Frances P. Bolton, of Ohio, offered the following resolution:

The Clerk read the resolution as follows:

H. RES. 539

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable CLARENCE J. BROWN, a Representative from the State of Ohio.

*Resolved*, That a committee of sixty Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER.<sup>(2)</sup> The Chair desires to state that the Chair will announce tomorrow the names of members of the funeral committee on the part of the House.

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 1 o'clock and 35 minutes p.m.), the House adjourned until

2. John W. McCormack (MA).

tomorrow, Tuesday, August 24, 1965, at 12 o'clock noon.

***Member-elect***

**§ 6.17 A resolution of sympathy was adopted by the House upon the death of Member-elect<sup>(1)</sup> Robert T. Matsui.**

On Jan. 4, 2005,<sup>(2)</sup> the following resolution was offered and agreed to by voice vote:

Mr. [Forney Pete] STARK [of California]. Mr. Speaker, I offer a privileged resolution (H. Res. 11) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 11

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Robert T. Matsui, a Representative from the State of California.

*Resolved*, That a committee of such Members of the House as the Speaker may designate, together

1. For other House responses to deaths of Member-elects, see § 2.12, *supra*, and § 8.13, *infra*. See also 125 CONG. REC. 20, 96th Cong. 1st Sess., Jan. 15, 1979 (H. Res. 11, announcing the death of Member-elect Leo J. Ryan [CA] and H. Res. 12, announcing the death of Member-elect William Steiger [WI]); and 135 CONG. REC. 85, 86, 101st Cong. 1st Sess., Jan. 3, 1989 (announcing the death of Member-elect Bill Nichols [AL]).
2. 151 CONG. REC. 84, 106, 107, 109th Cong. 1st Sess.

with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore.<sup>(3)</sup> The gentleman from California (Mr. STARK) is recognized for 1 hour.

Mr. STARK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DREIER), pending which I yield myself such time as I may consume. . . .

#### ADJOURNMENT

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to House Resolution 11, I move that the House do now adjourn in memory of the late Honorable ROBERT T. MATSUI.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until Thursday, January 6, 2005, at 11 a.m., in memory of the late Honorable ROBERT T. MATSUI of California.

3. Rick Renzi (AZ).

#### Senator

#### § 6.18 A resolution of sympathy was adopted by the House upon the death of Senate Majority Leader Everett McKinley Dirksen.

On Sept. 8, 1969,<sup>(1)</sup> Mr. Leslie C. Arends, of Illinois, offered House Resolution 532,<sup>(2)</sup> which the Clerk read as follows:

Mr. ARENDS. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

#### H. RES. 532

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Everett McKinley Dirksen, a Senator of the United States from the State of Illinois.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

*Resolved*, That a committee of thirty-two Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolutions were agreed.

The SPEAKER.<sup>(3)</sup> The Chair appoints as members of the funeral committee the following Members on the part of the House: . . .

1. 115 CONG. REC. 24695, 91st Cong. 1st Sess.
2. A message from the Senate informed the House the Senate passed S. Res. 253 upon the death of Senator Dirksen (IL). See *Id.* at p. 24634.
3. John W. McCormack (MA).



The Clerk will report the remaining resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

The resolution was agreed to.

#### ADJOURNMENT

Accordingly (at 5 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until tomorrow, September 9, 1969, at 11:45 o'clock a.m.

#### *House Doorkeeper*

#### § 6.19 When the Doorkeeper of the House died, a resolution of sympathy was adopted by the House.

On Jan. 28, 1943,<sup>(1)</sup> following remarks commending the career and personality of the late Honorable Joseph J. Sinnott, Doorkeeper of the House of Representatives for 23 years, a resolution of condolence was read and agreed to as follows:

Mr. [Dave E.] SATTERFIELD, [Jr., of Virginia]. Mr. Speaker, I offer a resolution.

The Clerk read as follows:

*Resolved*, That the House has heard with profound sorrow of the death of Hon. Joseph J. Sinnott,

1. 89 CONG. REC. 422, 78th Cong. 1st Sess.

Doorkeeper of the House, and an employee for nearly 55 years.

*Resolved*, That as a mark of respect to his memory the Speaker appoint a committee of four Members to attend the funeral services.

*Resolved*, That the Clerk transmit a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

#### *House Chaplain*

#### § 6.20 The death of the Chaplain of the House, Bernard Braskamp, was announced to the House and a resolution was adopted.

On Feb. 23, 1966,<sup>(1)</sup> the death of the Chaplain was announced to the House by the Member representing the Chaplain's place of birth:

Mr. [Stanley L.] GREIGG [of Iowa]. Mr. Speaker, I send a resolution to the desk and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 745

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Bernard Braskamp, D.D., Chaplain of the House.

*Resolved*, That as a mark of respect to his memory the Speaker appoint a committee of seven Members to attend the funeral services.

*Resolved*, That the necessary expenses in connection with the funeral services be paid out of the contingent fund of the House.

1. 112 CONG. REC. 3766, 89th Cong. 2d Sess.

*Resolved*, That the Clerk transmit a copy of these resolutions to the family of the deceased.

The resolutions were agreed to. . . .

#### ADJOURNMENT

The SPEAKER.<sup>(2)</sup> The Clerk will report the remainder of the resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect to the memory of the deceased the House do now adjourn.

The resolution was agreed to.

The SPEAKER. The House stands adjourned in memory of our late beloved Chaplain.

Accordingly (at 6 o'clock and 21 minutes p.m.) the House adjourned until tomorrow, February 24, 1966, at 12 o'clock noon.

### *Former Clerk of the House*

#### **§ 6.21 The House adopted a resolution on the death of a former Clerk of the House and appointed a committee to attend his funeral.**

On Oct. 20, 1942,<sup>(1)</sup> the following resolution was offered:

Mr. [Joseph W.] MARTIN [Jr., of Massachusetts]. Mr. Speaker, I offer a resolution (H. Res. 861) and ask for its adoption.

The Clerk read as follows:

*Resolved*, That the House has heard with profound sorrow of the death of Hon. William Tyler Page,

an employee and officer of the House for nearly 62 years.

*Resolved*, That as a mark of respect to his memory the Speaker appoint a committee of four Members to attend the funeral services.

*Resolved*, That the Clerk transmit a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

The SPEAKER.<sup>(2)</sup> The Chair appoints the following committee of Members to attend the funeral: Messrs. CANNON of Missouri, ENGLEBRIGHT, EATON, and ROBSION of Kentucky.

Likewise, on May 23, 1950,<sup>(3)</sup> Speaker pro tempore John W. McCormack, of Massachusetts, recognized Mr. Joseph W. Martin, Jr., of Massachusetts, who announced the death of John Andrews, a minority employee and former Clerk of the House. Mr. Martin then offered the following resolution:

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a resolution (H. Res. 609) and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That the House has heard with profound sorrow of the death of Hon. John Andrews, an employee and officer of the House for more than 30 years.

*Resolved*, That as a mark of respect to his memory the Speaker appoint a committee of 10 Members to attend the funeral services.

2. John W. McCormack (MA).

1. 88 CONG. REC. 8486, 77th Cong. 2d Sess.

2. Sam Rayburn (TX).

3. 96 CONG. REC. 7517, 81st Cong. 2d Sess.

*Resolved*, That the Clerk transmit a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

### ***Cabinet Officers***

#### **§ 6.22 A resolution was adopted by the House on the death of the Secretary of Labor.**

On June 10, 1948,<sup>(1)</sup> Mr. Henry M. Jackson, of Washington, announced the death of the Secretary of Labor, Lewis B. Schwellenbach:

Mr. JACKSON of Washington. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JACKSON of Washington. Mr. Speaker, it is with a heavy heart that I announce the death of the Secretary of Labor, Hon. Lewis B. Schwellenbach. He passed away this morning at 4:40 a.m. at Walter Reed Hospital. . . .

Lewis Schwellenbach was a distinguished public servant, a man of sterling integrity and principle. He served his Nation well. The people of my State mourn his loss as do the people of our country as a whole. I personally have lost a good and staunch friend.

1. 94 CONG. REC. 7723, 80th Cong. 2d Sess.

2. Joseph W. Martin, Jr. (MA).

We join in extending our deepest sympathy to his beloved wife and family.

Following tributes and intervening business in the House, the following resolution was offered:<sup>(3)</sup>

Mr. JACKSON of Washington. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read the resolution (H. Res. 661), as follows:

*Resolved*, That the House has heard with profound sorrow the announcement of the death of Hon. Lewis B. Schwellenbach, late the Secretary of Labor.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect this House do now adjourn.

The resolution was agreed to.

#### ADJOURNMENT

Accordingly (at 5 o'clock and 46 minutes p. m.), under its previous order, the House adjourned until tomorrow, Friday, June 11, 1948, at 11 o'clock a. m.

#### **§ 6.23 A resolution was adopted by the House on the death of the Secretary of the Navy.**

On May 1, 1944,<sup>(1)</sup> the following proceedings occurred:

Mr. [Adolph J.] SABATH [of Illinois]. Mr. Speaker, I offer a resolution (H.

3. See 94 CONG. REC. 7784, 80th Cong. 2d Sess.

1. 90 CONG. REC. 3805, 78th Cong. 2d Sess.

Res. 523), and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Frank Knox, late Secretary of the Navy.

*Resolved*, That a committee of seven Members of the House be appointed to join a committee of the Senate in attending the funeral of the late Secretary of the Navy on behalf of Congress and to take such other action as may be proper in honor of the memory of the deceased and to manifest the respect and appreciation of Congress for his public service.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER.<sup>(2)</sup> . . .

The occupant of the chair has received an invitation and will attend the funeral in addition to the committee just named.

#### ADJOURNMENT

The SPEAKER. The Clerk will report the remainder of the resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect this House do now adjourn.

The resolution was agreed to; accordingly (at 12 o'clock and 7 minutes p.

m.) the House adjourned until Tuesday, May 2, 1944, at 12 o'clock noon.

### *Israeli Olympic Athletes*

**§ 6.24 By unanimous consent, the House considered, and then adopted by a unanimous record vote, a resolution mourning the deaths of members of the Israeli Olympic team.**

On Sept. 6, 1972,<sup>(1)</sup> following a 30-minute recess called as a mark of respect for the 11 Israeli athletes murdered by terrorists, the following resolution was offered:

Mr. [Emanuel] CELLER [of New York]. Mr. Speaker, I offer a resolution (H. Res. 1106) and ask for its immediate consideration.

The Clerk read the resolution as follows:

#### H. RES. 1106

Whereas with profound sorrow and deep alarm the House is informed of the events surrounding the killing of eleven members of the Israeli Olympic team participating in the Twentieth Olympiad at Munich, and

Whereas such actions are to be condemned as inimical to the interests and aspirations of the civilized world, be it hereby

*Resolved*, That the United States joins with the world in mourning the loss of Israel's athletes and extends its deepest sympathy to the people of Israel and to the families of those so tragically lost, and be it,

1. 118 CONG. REC. 29544, 29565, 29566, 92d Cong. 2d Sess.

2. Sam Rayburn (TX).

*Further resolved*, That all means be sought by which the civilized world may cut off from contact with civilized mankind any peoples or any nation giving sanctuary, support, sympathy, aid, or comfort to acts of murder and barbarism such as those just witnessed at Munich and that the Clerk of the House be directed to communicate these sentiments and expressions to the Secretary of State for appropriate transmittal.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The gentleman from New York (Mr. CELLER) is recognized. . . .

Mr. CELLER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. [Sidney R.] YATES [of Illinois]. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 346, nays 0, not voting 85. . . .

So the resolution was agreed to.

### *President's Mother*

#### § 6.25 The House adopted a resolution upon the death of

2. Carl Albert (OK).

#### **the mother of President Truman.**

On July 26, 1947,<sup>(1)</sup> the following occurred in the House:

Mr. [Sam] RAYBURN [of Texas]. Mr. Speaker, I offer a resolution (H. Res. 347) and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That the House has heard with profound sorrow of the death of the mother of the President of the United States, Mrs. Martha E. Truman, whose life exemplified in the highest degree the finest qualities of American womanhood.

*Resolved*, That the House extends to the President and to the members of his family its deepest sympathy in their hour of personal grief.

The resolution was agreed to.

Mr. [Dewey] SHORT [of Missouri]. Mr. Speaker, I think it is altogether fitting and proper that the membership should rise for 30 seconds in silent tribute and respect for the sainted mother of the President of the United States.

(Whereupon the Members rose.)

#### **§ 7. Deaths of Foreign Dignitaries**

Resolutions of sympathy upon the death of a foreign dignitary are occasionally considered in the House. Simple resolutions are most commonly used for expressions of sympathy, but in some instances concurrent resolutions

1. 93 CONG. REC. 10474, 80th Cong. 1st Sess.

have been used to express the sentiment of Congress.<sup>(1)</sup> The practice of adjourning as a mark of respect to the memory of an international leader is no longer followed. The deaths of internationally renowned figures have also been recognized by adoption of resolutions.<sup>(2)</sup> Such resolutions are sometimes transmitted by the President of the United States to the government of the country of the deceased. The former practice was to lay before the House correspondence from foreign governments in response to resolutions of sympathy.<sup>(3)</sup>

### *On the Deaths of Heads of State*

**§ 7.1 A resolution was adopted expressing the sympathy of the House of Representatives to the Government of Israel and adjourning out of respect on the occasion of the death of the President of Israel.**

On Apr. 24, 1963,<sup>(1)</sup> before the House adjourned out of respect to the memory of the late President

1. See, e.g., § 7.4, § 7.10, *infra*.

2. See §§ 7.8–7.12, *infra*.

3. See §§ 7.14–7.17, *infra*.

1. 109 CONG. REC. 6929, 88th Cong. 1st Sess.

of Israel, the following occurred in the House:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I offer a resolution (H. Res. 324), and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

*Resolved*, That the House of Representatives of the United States of America has learned with profound sorrow of the death of His Excellency Yitzchak Ben-Zvi, and sympathizes with the people of the State of Israel in the loss of their beloved President.

*Resolved*, That the President of the United States be requested to communicate this expression of sentiment of the House of Representatives to the Government of the State of Israel.

*Resolved*, That as a further mark of respect to the memory of President Ben-Zvi the House do now adjourn.

The SPEAKER.<sup>(2)</sup> Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on the adoption of the resolution.

The resolution is agreed to unanimously.

A motion to reconsider was laid on the table.<sup>(3)</sup>

**§ 7.2 By concurrent resolution, the Congress expressed the**

2. John W. McCormack (MA).

3. For other examples of the House adjourning out of respect for a head of state, see 98 CONG. REC. 892, 82d Cong. 2d Sess., Feb. 6, 1952, (King George VI of England); and 80 CONG. REC. 773, 74th Cong. 2d Sess. Jan. 21, 1936 (King George V of England).

**sympathy of the United States on the death of President Anwar el-Sadat of the Arab Republic of Egypt.**

*Parliamentarian's Note:* This may have been the first occasion that the House and Senate utilized a concurrent resolution to concurrently express sympathy over the death of a foreign head of state. Normally separate resolutions are adopted.

On Oct. 6, 1981,<sup>(1)</sup> Mr. Clement J. Zablocki, of Wisconsin, offered House Concurrent Resolution 200. The following proceedings occurred:

Mr. ZABLOCKI. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 20) to express the deep regret of the Congress of the United States over the assassination of President Anwar el-Sadat of the Arab Republic of Egypt, and ask unanimous consent for its immediate consideration in the House.

The SPEAKER.<sup>(2)</sup> The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 200

Whereas, the Congress of the United States has learned with profound sorrow and deep regret of the tragic death of President Anwar el-Sadat of the Arab Republic of Egypt; and

Whereas, President Sadat has been a true friend of the United

States and a true partner in the search for peace in the Middle East; and

Whereas, President Sadat has earned the affection and respect of the people of the United States for his historic leadership and statesmanship in the cause of international peace; and

Whereas, the Congress has confidence that Egypt's leaders and institutions will carry on the responsibilities of government with full competence and dedication, including moving forward in the search for an enduring peace settlement in the Middle East and in promoting the economic well being of all Egyptians; and

Whereas, the leaders of Egypt have today reaffirmed their intent to follow the policies of President Sadat: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That:*

(1) the United States expresses its deep sympathies to the family of President Sadat and the people of Egypt for their tragic loss; and

(2) the United States reaffirms its friendship with and full support for the Government and people of Egypt. . . .

So the concurrent resolution was agreed to.<sup>(3)</sup>

**§ 7.3 The House passed a resolution expressing sorrow and sympathy upon the death of the President of the Republic of Guatemala.**

3. 127 CONG. REC. 23428, 97th Cong. 1st Sess., Oct. 6, 1981.

A concurrent resolution was also used for the death of His Majesty, King Paul of Greece. See 110 CONG. REC. 4862, 88th Cong. 2d Sess., Mar. 10, 1964 (S. Con. Res. 72).

1. 127 CONG. REC. 23417, 23418, 97th Cong. 1st Sess.

2. Thomas P. O'Neill, Jr. (MA).

On July 29, 1957,<sup>(1)</sup> upon learning of the death of His Excellency Carlos Castillo Armas, President of the Republic of Guatemala, the following occurred in the House:

Mr. [Thomas S.] GORDON [of Illinois]. Mr. Speaker, I offer a resolution (H. Res. 379) and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That the House of Representatives of the United States of America has learned with profound sorrow of the death of His Excellency Carlos Castillo Armas, and sympathizes with the people of the Republic of Guatemala in the loss of their beloved President.

*Resolved*, That the President of the United States be requested to communicate this expression of sentiment of the House of Representatives to the Government of the Republic of Guatemala.

*Resolved*, That as a further mark of respect to the memory of President Carlos Castillo Armas the House do now adjourn.

The resolution was agreed to.<sup>(2)</sup>

#### § 7.4 Objection was heard to a unanimous-consent request

1. 103 CONG. REC. 12957, 85th Cong. 1st Sess.
2. Other resolutions expressing the sympathy of the House upon the death of a head of state include the President of the Republic of the Philippines (see 103 CONG. REC. 3848, 85th Cong. 1st Sess., Mar. 18, 1957 [H. Res. 201]), and the King of Denmark (see 93 CONG. REC. 3756, 80th Cong. 1st Sess., Apr. 21, 1947 [H. Res. 188]).

#### to consider a resolution in the House on the death of George II, King of Greece.

On Apr. 1, 1947,<sup>(1)</sup> consideration of a resolution of sympathy on the death of the King of Greece was objected to. The following proceedings took place:

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, I offer a resolution (H. Res. 169) and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

*Resolved*, That the House of Representatives of the United States has learned with profound sorrow of the death of His Majesty, George II, King of the Hellenes, and sympathizes with his people in the loss of their beloved King.

*Resolved*, That the President be requested to communicate this expression of sentiment of the House of Representatives to the Government of Greece.

*Resolved*, That as a further mark of respect to the memory of King George the House do now adjourn.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, I object.

The SPEAKER.<sup>(2)</sup> Objection is heard to the consideration of the resolution.

#### *Former Prime Minister*

#### § 7.5 A resolution was adopted by the House on the death of the former Prime Minister of Great Britain.

1. 93 CONG. REC. 2998, 80th Cong. 1st Sess.
2. Joseph W. Martin, Jr. (MA).



On Jan. 25, 1965,<sup>(1)</sup> before the House adjourned out of respect to the memory of the late Sir Winston Churchill, former Prime Minister of Great Britain and an honorary citizen of the United States, the following occurred:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 136

*Resolved*, That the House of Representatives has learned with profound sorrow of the death of Sir Winston Churchill, former Prime Minister of the United Kingdom, honorary citizen of the United States, beloved elder statesman of the world.

*Resolved*, That the House of Representatives tenders its deep sympathy to the members of the family of the late Sir Winston Churchill, and to his countrymen, and expresses the hope that the burden of their personal loss will be diminished by the knowledge that it is shared by his fellow citizens on this side of the Atlantic who were sustained by his eloquent words and courageous deeds when lesser men despaired and by all those throughout the world who are the beneficiaries of his dauntless defense of freemen.

*Resolved*, That the Secretary of State be requested to communicate these expressions of sentiment to the family of the deceased and to the Parliament of the United Kingdom of Great Britain and Northern Ireland.

*Resolved*, That as a further mark of respect to the memory of the late Sir Winston Churchill the House do now adjourn.

1. 111 CONG. REC. 1162, 1163, 89th Cong. 1st Sess.

The resolution was unanimously agreed to.

***Former Chancellor***

**§ 7.6 A resolution was adopted by the House upon the death of a prominent foreign leader.**

On Apr. 20, 1967,<sup>(1)</sup> the House adopted a resolution of sympathy on the death of former Chancellor of West Germany, His Excellency Konrad Adenauer. The following proceedings occurred:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I offer a resolution (H. Res. 443) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That the House of Representatives of the United States of America has learned with profound sorrow of the death of His Excellency Konrad Adenauer, former Chancellor of the Federal Republic of Germany, and sympathizes with the people of the Federal Republic of Germany in their loss.

*Resolved*, That the President of the United States be requested to communicate this expression of sentiment of the House of Representatives to the Government of the Federal Republic of Germany.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Oklahoma? . . .

So the resolution was agreed to.

1. 113 CONG. REC. 10321-26, 90th Cong. 1st Sess.

2. John W. McCormack (MA).

*Pope***§ 7.7 The House adopted a resolution on the death of Pope John Paul II.**

On Apr. 6, 2005,<sup>(1)</sup> a resolution honoring the life and achievements of His Holiness Pope John Paul II was offered for immediate consideration in the House:

Mr. [Henry J.] HYDE [of Illinois]. Madam Speaker, pursuant to the order of the House of April 5, 2005, and as the designee of the majority leader, I call up the resolution (H. Res. 190) honoring the life and achievements of His Holiness Pope John Paul II and expressing profound sorrow on his death, and ask for its immediate consideration in the House.

The Clerk read the resolution, as follows:

**H. RES. 190**

Whereas His Holiness Pope John Paul II was born Karol Jozef Wojtyla in Wadowice, Poland, on May 18, 1920, and on October 16, 1978, was elected the 264th Pope of the Catholic Church, making history by becoming the first Pope from Poland and the first non-Italian Pope in more than 400 years;

Whereas Pope John Paul II dedicated his long life to the peace and well-being of mankind;

Whereas Pope John Paul II risked his own life by defying the Nazi forces which occupied Poland during World War II and protecting its Jewish population, while trying to inspire faith in the oppressed;

Whereas Pope John Paul II returned to his native Poland in June 1979, unleashing a patriotic and religious force that would ultimately lead to the peaceful toppling of the Communist regime in Poland;

Whereas Pope John Paul II was a unique, substantial, and historic catalyst in the demise of Soviet communism and the emancipation of hundreds of millions of people from totalitarian rule;

Whereas Pope John Paul II used public and private diplomacy and the power of moral suasion to encourage world leaders to respect the inalienable rights of the human person;

Whereas Pope John Paul II articulated the importance of individual liberty being undergirded by a "moral order", embraced the poor and oppressed masses of the world, and encouraged governments and the faithful to attend to the needs of those who are less fortunate;

Whereas Pope John Paul II ministered to Catholic and non-Catholic alike, providing a personal example of grace, endurance, compassion, courage, sacrifice, and foresight;

Whereas Pope John Paul II was an articulate and outspoken advocate for religious freedom and Christian humanism, asserting that the Catholic Church could not claim religious liberty for itself unless it was willing to concede it to others;

Whereas Pope John Paul II sought to heal divisions between the Catholic Church and other Christian faiths, expressing sadness and regret for the acts of individual past and present Catholics who persecuted others on account of their faith, and promoting reconciliation through dialogue with Jews and Muslims and through visits to areas of historic conflict, including Ireland and the Holy Land;

Whereas Pope John Paul II traveled more extensively than any other Pope, traversing nearly three-quarters of a million miles, visiting more

1. 151 CONG. REC. 5736, 109th Cong. 1st Sess.

than 125 countries, being seen by more people than any person in human history, and ministering to more than six million people at once in the closing mass of World Youth Day 1995 in the Philippines;

Whereas on January 8, 2001, the Speaker of the House of Representatives, J. Dennis Hastert, presented Pope John Paul II with the Congressional Gold Medal, the highest award that Congress can bestow upon any individual;

Whereas in November 2003 the House of Representatives and the Senate unanimously agreed to House Concurrent Resolution 313, which called upon the President, on behalf of the United States, to present the Presidential Medal of Freedom to Pope John Paul II;

Whereas on June 4, 2004, President George W. Bush traveled to the Vatican and presented Pope John Paul II with the Presidential Medal of Freedom, the highest civilian award of the United States Government;

Whereas, even as Pope John Paul II struggled to regain his physical strength after suffering failings in his physical condition in early 2005, he continued to minister to the faithful, while suffering with grace and in silence; and

Whereas up until the moment of his death on April 2, 2005, Pope John Paul II remained faithful and principled, inspiring a continuing defense of the unique dignity of every human life: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) has learned with profound sorrow of the death of His Holiness Pope John Paul II;

(2) expresses gratitude for the life of Pope John Paul II and the innumerable blessings manifested through his service;

(3) commends the life's work of Pope John Paul II, recognizing his enduring and historic contributions

to the causes of freedom, human dignity, and peace in the world;

(4) expresses condolences to the people of Poland for the loss of such an inspirational figure in Poland's transformation from a totalitarian regime to democratic government;

(5) extends its heartfelt sympathy to the more than one billion Catholics around the world, including more than sixty-six million Catholics in the United States, who looked to Pope John Paul II as Supreme Pontiff; and

(6) calls upon the people of the United States to reflect on the life of Pope John Paul II during the worldwide period of remembrance following his death.

SEC. 2. The Clerk of the House of Representatives shall transmit an enrolled copy of this resolution to the Secretary of State with a request that the Secretary transmit it to the Papal Secretary of State at the Vatican.

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to the order of the House of Tuesday, April 5, 2005, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).<sup>(3)</sup>

2. Candice Miller (MI).
3. For other instances of examples of resolutions expressing sorrow upon the deaths of pontiffs, see 124 CONG. REC. 24738, 95th Cong. 2d Sess., Aug. 7, 1978 (H. Res. 1299); 109 CONG. REC. 10049, 88th Cong. 1st Sess., June 4, 1963 (H. Res. 385); and 84 CONG. REC. 1357, 76th Cong. 1st Sess., Feb. 13, 1939 (H. Res. 91). See also § 9.16, *infra*.

*Other Foreign Dignitaries*

**§ 7.8 The Chairman of the Asian and Pacific Affairs Subcommittee of the Committee on Foreign Affairs addressed the Committee of the Whole out of order to announce to the House the assassination of Rajiv Gandhi, the former Prime Minister of India.**

On May 21, 1991,<sup>(1)</sup> Stephen J. Solarz, of New York, chairman of the Asian and Pacific Affairs Subcommittee of the Committee on Foreign Affairs, by unanimous consent received permission to speak out of order and announced the death of former Prime Minister Rajiv Gandhi of India.

(By unanimous consent Mr. SOLARZ was allowed to speak out of order.)

Mr. SOLARZ. Mr. Chairman, I regret to report to the House that Rajiv Gandhi, the former Prime Minister of India, was just assassinated in a bomb explosion that went off as he was emerging from his car at a campaign rally about 25 miles south of Madras.

We do not know at the present time how many other people were killed or who was behind this dastardly deed.

But I did want to say, as someone who has gotten to know Mr. Gandhi well over the years and who considered him a personal friend, that this is a truly tragic development. . . .

1. 137 CONG. REC. 11632, 102d Cong. 1st Sess.

Mr. [Newt] GINGRICH [of Georgia]. Mr. Chairman, I just want to ask, if it is possible, if we might have a moment of silence on behalf of all Members, for Rajiv Gandhi's family, and for the principles of democracy, which have been so sadly shattered this afternoon.

I ask for a moment of silence, if this is possible.

(Moment of silence observed.)

**§ 7.9 A resolution was adopted in the House on the death of Diana, Princess of Wales.**

On Sept. 4, 1997,<sup>(1)</sup> the following resolution was offered:

Mr. [Benjamin A.] GILMAN [of New York]. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 219) expressing the condolences of the House of Representatives on the tragic death of Diana, Princess of Wales, and ask for its immediate consideration in the House.

The SPEAKER pro tempore.<sup>(2)</sup> The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 219

Whereas the House of Representatives has heard with great sadness of the death of Diana, Princess of Wales, in a tragic automobile accident;

Whereas Diana, Princess of Wales, touched the hearts of the British and American people with her unflagging humanitarian and charitable efforts, her grace, and her good humor;

1. 143 CONG. REC. 17808-813, 105th Cong. 1st Sess.
2. Jay Dickey (AR).

Whereas Diana, Princess of Wales, was a leader in such causes as the struggles against HIV/AIDS, breast cancer, and homelessness, and in efforts on behalf of the innocent victims of antipersonnel land mines;

Whereas many of the more than 100 humanitarian and charitable causes championed by Diana, Princess of Wales, operated within the United States and involved matters important to the American people; and

Whereas the outpouring of sympathy by the American people has underscored the ties between the British and American peoples, who are at this moment united with people around the world in their sadness at the passing of Diana, Princess of Wales: Now, therefore, be it

*Resolved*, That the House of Representatives expresses its deep and heartfelt condolences to the British people and government and to the family, especially the children, of Diana, Princess of Wales, on their tragic loss.

SEC. 2. The Clerk of the House of Representatives shall transmit copies of this resolution to the Ambassador of the United Kingdom of Great Britain and Northern Ireland to the United States for transmittal to the British government and to the family of Diana, Princess of Wales.

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] is recognized for 1 hour. . . .

The SPEAKER pro tempore (Mr. DICKEY). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### § 7.10 A resolution was adopted in the House on the death of Mother Teresa of Calcutta.

On Sept. 11, 1997,<sup>(1)</sup> the following resolution was offered:

Mr. [Benjamin A.] GILMAN [of New York]. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 227), expressing the condolences of the House of Representatives on the death of Mother Teresa of Calcutta, to the end that that resolution be considered immediately in the House; and that after debate not to exceed 1 hour, controlled by the chairman of the Committee on International Relations, the resolution be considered as agreed to and the motion to reconsider laid on the table.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from New York?

There was no objection.

1. 143 CONG. REC. 18512-17, 105th Cong. 1st Sess.

2. John A. Boehner (OH).

The Clerk read the resolution, as follows:

H. RES. 227

Whereas the House of Representatives has heard with great sorrow of the death of Mother Teresa of Calcutta;

Whereas Mother Teresa of Calcutta dedicated her life to helping the sick, the dying, the unborn, and the poorest of the poor for a half century;

Whereas Mother Teresa founded the Missionaries of Charity, which now comprises over 3,000 members in 25 countries who are engaged in caring for the sick, dying, and poor;

Whereas Mother Teresa's humanitarian work and the inspiration she provided to others has been recognized by the award of the first Pope John XXIII Peace Prize in 1971, the Jawaharal Nehru Award for International Understanding in 1972, the Nobel Peace Prize in 1979, and the Presidential Medal of Freedom in 1985;

Whereas in 1997, pursuant to Public Law 105-16, Mother Teresa was awarded the Congressional Gold Medal; and

Whereas Mother Teresa's life-long example of selfless dedication to humanitarian work has inspired millions of people around the world: Now, therefore, be it

*Resolved*, That the House of Representatives expresses its admiration and respect for the life and work of Mother Teresa, and its sympathy to the Missionaries of Charity on their loss.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the General Mother House of the Missionaries of Charity in Calcutta, India.

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as

having been read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] is recognized for 1 hour. . . .

The SPEAKER pro tempore (Mr. BOEHNER). Pursuant to the previous order of the House, the resolution is considered as adopted.

A motion to reconsider was laid on the table.

**§ 7.11 A resolution was adopted in the House on the death of the Chairman of the National Council of the Republic of Poland.**

On July 9, 1941,<sup>(1)</sup> the following resolution was offered:

Mr. [Alfred F.] BEITER [of New York]. Mr. Speaker, I offer a resolution and ask unanimous consent for its immediate consideration.

The Clerk read the resolution (H. Res. 269), as follows:

*Resolved*, That the House of Representatives of the United States of America has learned with profound sorrow of the death of Ignace Jan Paderewski, chairman of the National Council of the Republic of Poland, former President of the Council of Ministers of Poland, and world renowned pianist; a foremost champion of freedom and democratic ideals, restorer of Polish independence, spiritual leader and champion of the oppressed.

1. 87 CONG. REC. 5914, 77th Cong. 1st Sess.

*Resolved*, That the House of Representatives sympathizes with the millions of Poles throughout the world on the loss of this outstanding leader of Polish freedom and independence who effected superlative gains in his own patriotic endeavors, who pleaded for the afflicted of all nations, and who manifested the greatest humanitarianism to the point of self-deprivation.

*Resolved*, That the Secretary of State be requested to communicate this expression of sentiment to the Honorable Jan Ciechanowski, Polish Ambassador at Washington.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from New York?

There was no objection.

**§ 7.12 A concurrent resolution was adopted by the House extending condolences to the family of the deceased, to the Swedish Government, and to the United Nations on the death of the Secretary General of the United Nations.**

On Sept. 18, 1961,<sup>(1)</sup> Mr. Carl Albert, of Oklahoma, called up for consideration Senate Concurrent Resolution 49, expressing condolences upon the death of Dag Hammarskjold, Secretary General of the United Nations. The following proceedings took place:

Mr. [Carl] ALBERT [of Oklahoma].  
Mr. Speaker, I ask unanimous consent

2. Sam Rayburn (TX).

1. 107 CONG. REC. 20110, 87th Cong. 1st Sess.

for the immediate consideration of Senate Concurrent Resolution 49.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Oklahoma?

There being no objection, the Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 49

Whereas, Dag Hammarskjold, of Sweden, served as Secretary General of the United Nations since April 1953; and

Whereas Mr. Hammarskjold worked tirelessly to strengthen the United Nations as a force for world peace and justice; and

Whereas he served the cause of peace with patience, determination, and courage; and

Whereas his wisdom and leadership for peace won the admiration and respect of peoples throughout the world; and

Whereas Secretary General Dag Hammarskjold gave his life in the service of the United Nations and for the cause of peace: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That our deep and sincere regrets are expressed to Mr. Hammarskjold's family, to the Swedish Government, and to the United Nations for the loss of a great man and a great soldier for peace.

The Senate concurrent resolution was agreed to.

***Foreign Citizen***

**§ 7.13 A resolution was adopted in the House upon the death of an eminent foreign citizen.**

2. John W. McCormack (MA).

On July 21, 1937,<sup>(1)</sup> the House acknowledged the death of Guglielmo Marconi and directed the Clerk to transmit a copy of its resolutions to the family of the deceased.

Mr. [John E.] RANKIN [of Mississippi]. Mr. Speaker, I send to the Clerk's desk a House resolution and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

HOUSE RESOLUTION 283

*Resolved*, That the House of Representatives has heard with profound regret of the death at his home in Rome, Italy, of Guglielmo Marconi, one of the world's greatest scientists, and one who contributed inestimably to the progress and happiness of mankind.

*Resolved*, That the House of Representatives join with the peoples of the entire civilized world in paying tribute to the memory of this great man, whose influence was felt and whose passing will be mourned in every corner of the globe.

*Resolved*, That the Clerk transmit a copy of these resolutions to the family of the deceased.

The SPEAKER.<sup>(2)</sup> Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

### ***Responses to Resolutions of Sympathy***

#### **§ 7.14 The Secretary of State communicated to the House**

1. 81 CONG. REC. 7339, 75th Cong. 1st Sess.
2. William B. Bankhead (AL).

### **the reply of the Government of Great Britain to the resolutions adopted by the House upon the death of King George V.**

On Apr. 7, 1936,<sup>(1)</sup> Speaker Joseph W. Byrns, of Tennessee, laid before the House the following communication:

DEPARTMENT OF STATE,  
*Washington, April 7, 1936.*

The Honorable JOSEPH W. BYRNS,  
*Speaker of the House of Representatives.*

MY DEAR MR. SPEAKER: The engrossed resolution of sorrow of the House of Representatives upon the death of His Majesty King George V, which the President sent to me for transmission to the Government of Great Britain, was on February 13 sent to the American Charge d'Affaires at London for delivery to its high destination, and I now take pleasure in enclosing copy of a dispatch which has been received from Mr. Atherton transmitting copy of a note received by him from the Secretary of State for Foreign Affairs requesting that the House of Representatives be informed of the deep appreciation of Mr. Eden and his colleagues of this token of sympathy in the profound sorrow which the death of His Majesty has brought to the British people.

His Britannic Majesty's Ambassador at Washington states in a note recently received from His Excellency that he

1. 80 CONG. REC. 5070, 74th Cong. 2d Sess.



has been commanded by His Majesty to express his deep appreciation of the very kind sympathy manifested by the President and the House of Representatives in the irreparable loss which His Majesty, the royal family, and the British people have sustained.

Sincerely yours,

CORDELL HULL.

**§ 7.15 The Speaker laid before the House a letter from the King of Greece, expressing appreciation for the resolution adopted by Congress on the death of his father.**

On May 26, 1946,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, laid before the House the following communication:

THE ROYAL PALACE,  
*Athens, April 25, 1964.*

Mr. Speaker:

Mr. Speaker, I was deeply moved by the unanimous resolution of the U.S. Congress of March 9, 1964, on the occasion of the death of the late King Paul, my beloved father.

The generous words of praise for my beloved father coming from such a noble and representative body were greatly heartening to us all.

Please accept and convey to the honorable Members of the House of Representatives the heartfelt thanks of Queen Frederika and myself, as well as those of my people.

CONSTANTINE R.

1. 110 CONG. REC. 11950, 88th Cong. 2d Sess.

**§ 7.16 The Speaker laid before the House a communication from the Vatican, acknowledging receipt of the resolution passed by the House on the death of Pope John XXIII.**

On July 16, 1963,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, laid before the House the following communication:

DAL VATICANO, LI, *July 6, 1963.*

The Honorable JOHN W. MCCORMACK,  
*Speaker of the House of Representatives,  
House of Representatives,  
Washington, D.C.*

HONORABLE SIR: The House of Representatives of the United States of America, over whose proceedings you preside, has passed, on June 4, 1963, a "resolution of sorrow . . . upon the death of His Holiness Pope John XXIII," copy of which I have received through the good offices of the Department of State.

It has been my honored duty to submit this resolution to His Holiness Pope Paul VI who, warmly appreciative of the sentiments which prompted its proposal and approval, directs me to assure you, sir, and to request that you kindly inform the honorable Members of the House, that he is sincerely grateful for this kind expression of sorrow on the death of his

1. 109 CONG. REC. 12679, 12680, 88th Cong. 1st Sess.

predecessor, and would convey his cordial thanks to each Representative of the House.

I willingly seize the opportunity to assure you of my sentiments of high esteem and regard, and I remain

Sincerely yours,

A. G. CARDINAL CICOGNANI.

## § 8. Funeral Committees

A resolution of sympathy on the death of a sitting Member or Senator will typically empower the Speaker to appoint Members to a funeral committee. The House will also authorize funeral committees for other noted persons. Funeral committees often are composed of a delegation representing the home state of the deceased and members of the leadership. However, a funeral committee for a President or a former President may include the entire House.<sup>(1)</sup> Traditionally, the Speaker will order the appointment of a funeral committee for a Member or a Senator as follows: dean of the delegation of the deceased; members of the leadership; other members of the state delegation; and other Members of the House by seniority.<sup>(2)</sup> In the case of the death of an Officer of the House—the Member from the deceased's

1. See §§ 8.3, 8.5, *infra*.

2. See §§ 8.10, 8.11, *infra*.

home district is named first, and the remainder of the delegation in order of seniority.<sup>(3)</sup> When a funeral committee is needed during a period of adjournment, the Speaker may use existing authority to appoint Members to such a committee and advise the House of his actions when it reconvenes.<sup>(4)</sup> Statute provides that the Sergeant-at-Arms of the House is authorized and funds are made available to make such arrangements as may be necessary for any duly-appointed committee of Members of the Senate and House to attend the funeral of a deceased Member of the House.<sup>(5)</sup>

### *President*

#### § 8.1 The Speaker pro tempore, by direction of the Speaker and by unanimous consent, appointed a committee of 100 to attend the funeral of President Kennedy.<sup>(1)</sup>

On Nov. 25, 1963,<sup>(2)</sup> the House adjourned out of respect to the

3. See § 8.14, *infra*.

4. See § 8.12, *infra*.

5. 2 USC § 124.

1. For further details on President Kennedy's death, see § 5, *supra*.

2. 109 CONG. REC. 22695, 22696, 88th Cong. 1st Sess.

memory of the deceased President, after adopting the following resolution:

Mr. [Abraham J.] MULTER [of New York]. Mr. Speaker, I offer a resolution.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 571

IN THE HOUSE OF REPRESENTATIVES,  
U.S.,

*Resolved*, That the House of Representatives has learned with profound regret and sorrow of the tragic death of the late President of the United States, John Fitzgerald Kennedy, illustrious statesman and leader in the Nation and in the world.

*Resolved*, That as a token of honor and in recognition of his eminent and distinguished public services to the Nation and to the world the Speaker of the House shall appoint a committee of one hundred Members of the House to join a similar committee appointed on the part of the Senate to attend the funeral services of the late President.

*Resolved*, That the House tenders its deep sympathy to the members of the family of the late President in their sad bereavement.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the late President.

The SPEAKER pro tempore.<sup>(3)</sup> Without objection, the several resolving clauses are agreed to.

3. James C. Wright, Jr. (TX).

There was no objection.

The SPEAKER pro tempore. By direction of the Speaker, and by unanimous consent, the Chair appoints the following Members of the House to attend the funeral services:<sup>(4)</sup> . . .

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect to the memory of the late President the House do now adjourn.

The SPEAKER pro tempore. Without objection, the resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the foregoing resolution and as a further mark of respect to the deceased President, the House stands adjourned until 12 o'clock noon tomorrow.

Accordingly (at 12 o'clock and 7 minutes p.m.) the House adjourned until tomorrow, Tuesday, November 26, 1963, at 12 o'clock noon.

**§ 8.2 The House appointed two committees to attend the funeral of President Franklin Delano Roosevelt.**

On Apr. 14, 1945,<sup>(1)</sup> following the adoption of House Resolution 216, Speaker Sam Rayburn, of Texas, appointed a committee of

4. See 109 CONG. REC. 22696, 88th Cong. 1st Sess., Nov. 25, 1963, for a complete list of Members who attended the services.

1. 91 CONG. REC. 3356, 79th Cong. 1st Sess.

Members to attend funeral services for President Roosevelt to be held at the White House and also appointed a second committee of Members to attend the funeral services to be held in New York. The appointments were as follows:

The SPEAKER. The Chair appoints the following Members of the House to attend the funeral services at the White House: Mr. RAYBURN, Mr. DOUGHTON of North Carolina, Mr. VINSON, Mr. BLAND, Mr. BLOOM, Mr. CANNON of Missouri, Mr. COCHRAN, Mr. RAMSPECK, Mr. SNYDER, Mr. CURLEY, Mr. MARTIN of Massachusetts, Mr. WOODRUFF of Michigan, Mrs. ROGERS of Massachusetts, Mr. JENKINS, and Mr. AUCHINCLOSS; and the following Members of the House to attend the funeral at Hyde Park: Mr. RAYBURN, Mr. MCCORMACK, Mr. SABATH, Mr. LEA, Mrs. NORTON, Mr. COOPER, Mr. BULWINKLE, Mr. MAY, Mr. PETERSON of Florida, Mr. QUINN of New York, Mr. MARTIN of Massachusetts, Mr. HALLECK, Mr. ARENDS, Mr. LEFEVRE, and Mr. BALDWIN of New York.

*Parliamentarian's Note:* President Roosevelt died in Warm Springs, Georgia, on Thursday, Apr. 12, 1945. His body was escorted to the White House by members of the armed services on Apr. 14, where funeral services were held that afternoon. Funeral services were again held at Hyde Park, New York, on Apr. 15. President Roosevelt did not lie in state in the Rotunda of the Capitol.

### *Former President*

#### **§ 8.3 The Speaker appointed the entire membership of the House to attend funeral services in the Rotunda and at the National Cathedral for former President Ronald Wilson Reagan.**

On June 14, 2004,<sup>(1)</sup> the Speaker pro tempore made the following announcement:

The SPEAKER pro tempore.<sup>(2)</sup> Pursuant to House Resolution 663,<sup>(3)</sup> and the order of the House of December 8, 2003, the Speaker appointed himself and the entire membership of the House to attend the funeral services for former President Ronald Wilson Reagan held Wednesday, June 9, 2004, in the Rotunda of the Capitol and Friday, June 11, 2004, at the Washington National Cathedral.

*Parliamentarian's Note:* Former President Reagan died in Bel Air, California on Saturday, June 5, 2004 at 1:09 p.m. His body was transferred to the Ronald Reagan Presidential Library in Simi Valley, California, on Monday, June 7, 2004, where it lay in repose on Monday and Tuesday, June 8, 2004. His body was transferred to Washington, D.C. on Wednesday,

1. 150 CONG. REC. 11980, 108th Cong. 2d Sess.
2. Mac Thornberry (TX).
3. See 150 CONG. REC. 11752, 108th Cong. 2d Sess., June 8, 2004.

June 9, 2004, and proceeded to the Capitol via horse-drawn caisson. His body lie in state in the Capitol Rotunda from 8:30 p.m. Wednesday to 10:45 a.m., Friday, June 11. A national funeral service was held at 11:30 a.m. at the National Cathedral on Friday, June 11, 2004. The body was then transferred back to California for a private internment ceremony on the evening of June 11 on the grounds of the Ronald Reagan Presidential Library.

**§ 8.4 The Speaker appointed a funeral committee of 62 Members to attend services for former President Richard Milhous Nixon.**

On Apr. 28, 1994,<sup>(1)</sup> the following announcement was made:

The SPEAKER.<sup>(2)</sup> Pursuant to the provisions of House Resolution 411,<sup>(3)</sup> the Chair on Wednesday, April 27, 1994, announced his appointment of the following Members of the House to join with a committee of the Senate to attend the funeral services of the late Honorable Richard Milhous Nixon, 37th President of the United States, in Yorba Linda, CA:

Mr. FOLEY of Washington;  
Mr. MICHEL of Illinois;

1. 140 CONG. REC. 8775, 103d Cong. 2d Sess.
2. Thomas F. Foley (WA).
3. See 140 CONG. REC. 8451, 8452, 103d Cong. 2d Sess.

Mr. GINGRICH of Georgia;  
Mr. MOORHEAD of California;  
Mr. THOMAS of California;  
Mr. DREIER of California;  
Mr. HUNTER of California;  
Mr. DORNAN of California;  
Mr. GALLEGLY of California;  
Mr. HERGER of California;  
Mr. COX of California;  
Mr. CONDIT of California;  
Mr. CALVERT of California;  
Mr. KIM of California;  
Mr. McKEON of California;  
Mr. ROYCE of California;  
Mr. PICKLE of Texas;  
Mr. DE LA GARZA of Texas;  
Mr. BEVILL of Alabama;  
Mr. MYERS of Indiana;  
Mr. MAZZOLI of Kentucky;  
Mr. SPENCE of South Carolina;  
Mr. GILMAN of New York;  
Mr. REGULA of Ohio;  
Mr. SHUSTER of Pennsylvania;  
Mr. WALKER of Pennsylvania;  
Mr. ROTH of Wisconsin;  
Mr. PETRI of Wisconsin;  
Mr. EMERSON of Missouri;  
Mr. McCOLLUM of Florida;  
Mr. ROBERTS of Kansas;  
Mrs. ROUKEMA of New Jersey;  
Mr. SKEEN of New Mexico;  
Mr. KENNELLY of Connecticut;  
Mr. BOEHLERT of New York;  
Mrs. VUCANOVICH of Nevada;  
Mr. BENTLEY of Maryland;  
Mr. CALLAHAN of Alabama;  
Mr. KOLBE of Arizona;  
Mr. McMILLAN of North Carolina;  
Mr. UPTON of Michigan;  
Mr. SHAYS of Connecticut;  
Mr. DUNCAN of Tennessee;

Mr. McNULTY of New York;  
 Mr. SCHIFF of New Mexico;  
 Mr. STEARNS of Florida;  
 Mr. CAMP of Michigan;  
 Mr. PETERSON of Florida;  
 Mr. TAYLOR of North Carolina;  
 Mr. CANADY of Florida;  
 Mr. CLYBURN of South Carolina;  
 Mr. COLLINS of Georgia;  
 Mr. DICKEY of Arkansas;  
 Mr. HUTCHINSON of Arkansas;  
 Mr. JOHNSON of Georgia;  
 Mr. KING of New York;  
 Mr. LINDER of Georgia;  
 Mr. MICA of Florida;  
 Mr. MILLER of Florida;  
 Mr. SMITH of Michigan;  
 Mr. TORKILDSEN of Massachusetts;  
 and  
 Mr. UNDERWOOD of Guam.

*Parliamentarian's Note:* Former President Nixon died in New York, New York on Apr. 22, 1994. His funeral was held at the Richard Nixon Presidential Library and Birthplace in Yorba Linda, California, on June 25, 1994. President Nixon did not lie in state in the Rotunda of the Capitol.

**§ 8.5 The Speaker appointed the entire membership of the House to attend funeral services for former President Lyndon Baines Johnson and a separate committee to attend funeral services to be held in Texas.**

On Jan. 23, 1973,<sup>(1)</sup> the House adopted House Concurrent Resolution 90, authorizing the body of former President Johnson to lie in state in the Rotunda of the Capitol. Mr. Wright Patman, of Texas, then offered House Resolution 152, which was read and agreed to as follows:

*Resolved,* That the House of Representatives has learned with profound regret and sorrow of the death of Lyndon Baines Johnson, former President of the United States of America.

*Resolved,* That in recognition of the many virtues, public and private, of one who served with distinction as a Representative, Senator, Vice President, and President, the Speaker shall appoint committees of the House to join with such Members of the Senate as may be designated, to attend the funeral services of the former President.

*Resolved,* That the House tenders its deep sympathy to the members of the family of the former President in their sad bereavement.

*Resolved,* That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved,* That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

*Resolved,* That as a further mark of respect to the memory of the former President, this House do now adjourn.

1. 119 CONG. REC. 1839, 93d Cong. 1st Sess.

The resolution was agreed to.

On Jan. 24, 1973,<sup>(2)</sup> Speaker Carl Albert, of Oklahoma, appointed the delegation to attend the funeral:

The SPEAKER. The Chair appoints himself and the entire membership of the House to attend the funeral services for former President Lyndon Baines Johnson which are to be held this afternoon, at 2:30 p.m., in the rotunda of the Capitol. . . .

The Chair appoints the entire membership of the House to attend the funeral services for former President Lyndon Baines Johnson which are to be held in the National City Christian Church, Washington, D.C., on Thursday morning, at 10 a.m. . . .

The Chair appoints the following Members of the House to attend the funeral services for former President Lyndon Baines Johnson which are to be held in Texas on Thursday afternoon: The Speaker, Mr. MCFALL, Mr. GERALD R. FORD, Mr. ARENDS, Mr. PATMAN, Mr. MAHON, Mr. POAGE, Mr. FISHER, Mr. TEAGUE of Texas, Mr. BURLESON of Texas, Mr. BROOKS, Mr. WRIGHT, Mr. YOUNG of Texas, Mr. CASEY of Texas, Mr. GONZALEZ, Mr. ROBERTS, Mr. PICKLE, Mr. E DE LA GARZA, Mr. WHITE, Mr. ECKHARDT, Mr. KAZEN, Mr. PRICE of Texas, Mr. COLLINS, Mr. ARCHER, Miss JORDAN, Mr. MILFORD, Mr. STEELMAN, Mr. CHARLES WILSON of Texas, Mr. ROONEY of New York, Mr. HAYS, Mr. STEED, Mr. DORN, Mr. FOUNTAIN, Mr. LANDRUM, Mr. SISK, Mr. BRADEMAS, Mr. RANDALL, Mr. TAYLOR of North Carolina, Mr. AN-

DERSON of Illinois, Mr. PEPPER, Mr. ROONEY of Pennsylvania, Mr. FOLEY, Mr. HANLEY, Mr. STOKES, and Mr. JONES of Oklahoma.

**§ 8.6 The Speaker appointed the entire membership of the House to attend the funeral services for former President Eisenhower.**

On Mar. 31, 1969,<sup>(1)</sup> the House adopted a resolution and adjourned out of respect following eulogies to the former President and General of the Army, Dwight D. Eisenhower. The proceedings were as follows:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. RES. 351

*Resolved*, That the House of Representatives has learned with profound regret and sorrow of the death of General of the Army Dwight David Eisenhower, beloved former President of the United States of America.

*Resolved*, That in recognition of the many virtues, public and private, of the illustrious soldier and statesman, and as a mark of respect to one who has held such eminent public stations, the Speaker shall appoint a committee of the House to join with such Members of the Senate as may be designated, to attend the funeral services of the former President.

*Resolved*, That the House tenders its deep sympathy to the members of

2. *Id.* at p. 2106.

1. 115 CONG. REC. 8127, 8128, 91st Cong. 1st Sess.

the family of the former President in their sad bereavement.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

The resolutions were agreed to.

The SPEAKER.<sup>(2)</sup> The Chair appoints the Speaker and the entire membership of the House to attend the funeral services for former President Dwight D. Eisenhower this afternoon at the Washington National Cathedral. . . .

The Chair appoints as members of the committee on the part of the House to attend the funeral services in Abilene, KS, the gentleman from Texas, Mr. FISHER, and the gentleman from Kansas, Mr. MIZE. . . .

The Clerk will report the remaining resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect to the memory of the former President, this House do now adjourn.

The resolution was agreed to.

*Parliamentarian's Note:* Former President Eisenhower died at Walter Reed Hospital in Washington, D.C., on Friday, Mar. 28, 1969. Since both the House and the Senate had adjourned from

2. John W. McCormack (MA).

Thursday to Monday, arrangements for funeral services in the Rotunda of the Capitol on Sunday, Mar. 30, were made pursuant to verbal authorization by the Speaker and the Vice President.

### *Justice of the Supreme Court*

#### **§ 8.7 When a Chief Justice of the United States died during an adjournment of the House, the Speaker appointed a funeral committee and notified the House of the appointment when the House reconvened.**

On Apr. 30, 1946,<sup>(1)</sup> the Senior Associate Justice and Acting Chief Justice of the United States notified the House of the death of Chief Justice Harlan Fiske Stone. Speaker Sam Rayburn, of Texas, then made the following announcement:

The Chair desires to announce that during the recess of the House the Speaker designated the following Members to attend the funeral of the late Chief Justice Stone: Mr. TOLAN, Mr. CRAVENS, Mr. KEFAUVER, Mr. HANCOCK, Mr. MICHENER, and Mr. GWYNNE of Iowa.

#### **§ 8.8 A funeral committee was appointed to attend the funeral of an Associate Justice**

1. 92 CONG. REC. 4262, 79th Cong. 2d Sess.



### of the United States Supreme Court.

On July 19, 1949,<sup>(1)</sup> the House adopted House Resolution 287 expressing sorrow of the death of the Honorable Frank Murphy, Associate Justice of the Supreme Court of the United States, appointing a committee to attend the funeral, and adjourning as a further mark of respect. After adoption of the resolution and before adjournment, Speaker Sam Rayburn, of Texas, stated:

The Chair appoints as members of the funeral committee the gentleman from Michigan, Mr. DINGELL; the gentleman from Michigan, Mr. RABAUT; the gentleman from Michigan, Mr. WOODRUFF, and the gentleman from Michigan, Mr. SHAFER.

### *Speaker of the House*

#### § 8.9 A resolution of sympathy adopted by the House authorized two funeral committees for a sitting Speaker.<sup>(1)</sup>

On Sept. 16, 1940,<sup>(2)</sup> a resolution was passed providing the appointment of funeral committees and invitations to the funeral of Speaker William B. Bankhead, of

Alabama. In the usual past practice, the House passed two resolutions for this purpose. The resolution read as follows:

#### House Resolution 603

IN THE HOUSE OF REPRESENTATIVES,  
UNITED STATES.

*Resolved*, That the House has learned with profound sensibility and sorrow of the death of Hon. WILLIAM B. BANKHEAD, Speaker of the House of Representatives for the Seventy-sixth Congress.

*Resolved*, That a committee of four Members of the House be appointed to take order for superintending the funeral of Mr. Bankhead in the Chamber of the House of Representatives at 12:30 o'clock p.m. on Monday, September 16, 1940, and that the House of Representatives attend the same.

*Resolved*, That as a further mark of respect the remains of Mr. BANKHEAD be removed from Washington to Jasper, Ala., in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That a committee of 63 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral at Jasper, Ala.

*Resolved*, That the Clerk of the House communicate these resolutions to the Senate, transmit a copy thereof to the family of the deceased, and invite the Senate to attend the funeral in the House Chamber and appoint a committee to act with the committee of the House.

1. 95 CONG. REC. 9740, 81st Cong. 1st Sess.

1. For a list of Speakers who have died in office, see § 5, *supra*.

2. 86 CONG. REC. 12232, 76th Cong. 3d Sess.

*Resolved*, That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the diplomatic corps (through the Secretary of State), the Chief of Staff of the Army, the Chief of Naval Operations of the Navy, the Major General Commandant of the Marine Corps, and the Commandant of the Coast Guard to attend the funeral in the Hall of the House of Representatives.

The resolution was agreed to.

The SPEAKER appointed the following committee of four, under the resolution, to superintend the order for the arrangement of the funeral: Hon. HENRY B. STEAGALL, of Alabama; Hon. EDWARD T. TAYLOR, of Colorado; Hon. CLIFTON A. WOODRUM, of Virginia; and Hon. JOSEPH W. MARTIN, Jr., of Massachusetts.

The SPEAKER appointed as members of the committee to attend the funeral of the late Speaker at Jasper, Ala., the following Members of the House: Hon. SAM RAYBURN, of Texas; Hon. JOSEPH W. MARTIN, Jr., of Massachusetts; Hon. HENRY B. STEAGALL, of Alabama; Hon. FRANK W. BOYKIN, of Alabama; Hon. SAM HOBBS, of Alabama; Hon. JOE STARNES, of Alabama; Hon. PETE JARMAN, of Alabama; Hon. LUTHER PATRICK, of Alabama; Hon. JOHN J. SPARKMAN, of Alabama; Hon. GEORGE M. GRANT, of Alabama; Hon. ADOLPH J. SABATH, of Illinois; Hon. EDWARD T. TAYLOR, of Colorado; Hon. ROBERT L. DOUGHTON, of North Carolina; Hon. HATTON W. SUMNERS, of Texas; Hon. CARL VINSON, of Georgia; Hon. SCHUYLER OTIS BLAND, of Virginia; Hon. MARVIN JONES, of Texas;

Hon. HAROLD KNUTSON, of Minnesota; Hon. CLARENCE F. LEA, of California; Hon. ROBERT CROSSER, of Ohio; Hon. FRANK CROWTHER, of New York; Hon. THOMAS H. CULLEN, of New York; Hon. PATRICK H. DREWRY, of Virginia; Hon. MILTON A. ROMJUE, of Missouri; Hon. JOHN E. RANKIN, of Mississippi; Hon. SOL BLOOM, of New York; Hon. CLARENCE CANNON, of Missouri; Hon. CLIFTON A. WOODRUM, of Virginia; Hon. JOHN TABER, of New York; Hon. B. CARROLL REECE, of Tennessee; Hon. JOHN M. ROBSION, of Kentucky; Hon. JAMES MCANDREWS, of Illinois; Hon. JOHN J. COCHRAN, of Missouri; Hon. E. E. COX, of Georgia; Hon. CHARLES A. EATON, of New Jersey; Hon. MARY T. NORTON, of New Jersey; Hon. LINDSAY C. WARREN, of North Carolina; Hon. U. S. GUYER, of Kansas; Hon. JED JOHNSON, of Oklahoma; Hon. JOHN W. MCCORMACK, of Massachusetts; Hon. JERE COOPER, of Tennessee; Hon. JOE L. SMITH, of West Virginia; Hon. WILLIAM P. COLE, Jr., of Maryland; Hon. PATRICK J. BOLAND, of Pennsylvania; Hon. ANDREW J. MAY, of Kentucky; Hon. BRENT SPENCE, of Kentucky; Hon. JESSE P. WOLCOTT, of Michigan; Hon. MILLARD F. CALDWELL, of Florida; Hon. JOHN D. DINGELL, of Michigan; Hon. J. WILL ROBINSON, of Utah; Hon. JAMES G. SCRUGHAM, of Nevada; Hon. MARTIN F. SMITH, of Washington; Hon. DAVID D. TERRY, of Arkansas; Hon. FRANK CARLSON, of Kansas; Hon. FRED L. CRAWFORD, of Michigan; Hon. BERTRAND W. GEARHART, of California; Hon. JOHN M. HOUSTON, of Kansas; Hon. CHARLES F. McLAUGHLIN, of Nebraska; Hon. FRANCIS H. CASE, of South Dakota; Hon. VINCENT F. HARRINGTON, of Iowa; Hon. HARRY R. SHEPPARD, of California; Hon. ROBERT

F. JONES, of Ohio; Hon. EARL R. LEWIS, of Ohio.

### ***Member or Senator***

#### **§ 8.10 Form of traditional appointment of funeral committee for a Member of the House.**

On Oct. 12, 2000,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> made the following announcement:

The SPEAKER pro tempore. Pursuant to House Resolution 618,<sup>(3)</sup> the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Bruce F. Vento:

Mr. OBERSTAR, Minnesota.  
 Mr. HASTERT, Illinois.  
 Mr. GEPHARDT, Missouri.  
 Mr. BONIOR, Michigan.  
 Mr. SABO, Minnesota.  
 Mr. PETERSON, Minnesota.  
 Mr. RAMSTAD, Minnesota.  
 Mr. MINGE, Minnesota.  
 Mr. GUTKNECHT, Minnesota.  
 Mr. LUTHER, Minnesota.  
 Mr. OBEY, Wisconsin.  
 Mr. LAFALCE, New York.  
 Mr. MARKEY, Massachusetts.  
 Mr. KILDEE, Michigan.  
 Mr. RAHALL, West Virginia.  
 Mr. FROST, Texas.  
 Mr. COYNE, Pennsylvania.

1. 146 CONG. REC. 22396, 106th Cong. 2d Sess.
2. Bill Barrett (NE).
3. See 146 CONG. REC. 21966, 106th Cong. 2d Sess., Oct. 10, 2000.

Mr. HOYER, Maryland.  
 Mr. KLECZKA, Wisconsin.  
 Mr. KANJORSKI, Pennsylvania.  
 Mr. LEWIS, Georgia.  
 Mr. SAWYER, Ohio.  
 Mr. MCDERMOTT, Washington.  
 Mr. BARRETT, Wisconsin.  
 Mr. HINCHEY, New York.  
 Ms. EDDIE BERNICE JOHNSON, Texas.  
 Mr. POMEROY, North Dakota.  
 Mr. WATT, North Carolina.  
 Ms. WOOLSEY, California.  
 Mr. FARR, California.  
 Mr. UNDERWOOD, Guam.  
 Mr. BENTSEN, Texas.  
 Ms. JACKSON-LEE, Texas.  
 Mr. CUMMINGS, Maryland.  
 Mr. KIND, Wisconsin.  
 Ms. LEE, California.  
 Mr. GONZALEZ, Texas.  
 Mr. GARY MILLER, California.  
 Mr. THOMPSON, California.  
 Mr. UDALL, Colorado.  
 Mr. UDALL, New Mexico.

#### **§ 8.11 Form of traditional appointment of funeral committee for a Senator.**

On July 24, 2000,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> made the following announcement:

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 558,<sup>(3)</sup> the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Paul Coverdell:

Mr. LEWIS, Georgia;

1. *Id.* at p. 15876.
2. Judy Biggert (IL).
3. See 146 CONG. REC. 15325, 106th Cong. 2d Sess., July 19, 2000.

Mr. HASTERT, Illinois;  
Mr. BISHOP, Georgia;  
Mr. COLLINS, Georgia;  
Mr. DEAL, Georgia;  
Mr. KINGSTON, Georgia;  
Mr. LINDER, Georgia;  
Ms. MCKINNEY, Georgia;  
Mr. BARR, Georgia;  
Mr. CHAMBLISS, Georgia;  
Mr. NORWOOD, Georgia;  
Mr. ISAKSON, Georgia; and  
Mr. GRAHAM, South Carolina.

**§ 8.12 When a Member dies during a period of adjournment, the Speaker may use appointment authority granted to him by the House to make appointments during that period and then advise the House of his appointment when the House reconvenes.**

On Aug. 2, 2001,<sup>(1)</sup> the following authority was granted by unanimous consent:

Mr. [Dick] ARMEY [of Texas]. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, September 5, 2001, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Texas?

- 1. 147 CONG. REC. 15759, 107th Cong. 1st Sess.
- 2. J. Dennis Hastert (IL).

There was no objection.

On Sept. 5, 2001,<sup>(3)</sup> the Speaker pro tempore made the following announcement:

The SPEAKER pro tempore (Mr. KIRK)<sup>(4)</sup>. Pursuant to the order of the House of Thursday, August 2, 2001, the Speaker on Tuesday, August 21, 2001, appointed the following Members to attend the funeral of the late Honorable FLOYD SPENCE:

Mr. SPRATT of South Carolina;  
Mr. HASTERT OF ILLINOIS;  
Mr. WATTS of Oklahoma;  
Mr. CLYBURN of South Carolina;  
Mr. GRAHAM of South Carolina;  
Mr. DEMINT of South Carolina;  
Mr. BROWN of South Carolina;  
Mr. YOUNG of Florida;  
Mr. HUNTER of California;  
Mr. SAXTON of New Jersey;  
Mr. HEFLEY of Colorado;  
Mr. McNULTY of New York;  
Mr. BARTLETT of Maryland;  
Mr. MCHUGH of New York;  
Mr. CHAMBLISS of Georgia.

**§ 8.13 The House agreed to a privileged resolution authorizing the Speaker to appoint a delegation to attend memorial services for a Member-elect and former Majority Leader.**

- 3. See 147 CONG. REC. 16410, 107th Cong. 1st Sess. See also *Id.* at p. 16404 (H. Res. 234, a privileged resolution expressing the sorrow of the House regarding the death of Rep. Spence [SC]).
- 4. Mark Steven Kirk (IL).

On Jan. 3, 1973,<sup>(1)</sup> a resolution was adopted in the House which dealt the presumptive death of Member-elect and former Majority Leader of the 92d Congress, Hale Boggs, of Louisiana. The resolution read as follows:

Mr. [Olin E.] TEAGUE of Texas. Mr. Speaker, I offer a resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution as follows:

#### H. RES. 1

Whereas a certificate of election has been received by the Clerk of this House showing the election of Hale Boggs as a Representative in the Ninety-third Congress from the Second Congressional District in the State of Louisiana; and

Whereas Representative-elect Hale Boggs has not appeared to take the oath of office as a Member of this House; and

Whereas the Clerk of the House of Representatives, acting at the direction of the Speaker of this House for the Ninety-second Congress, has ascertained that Representatives Nick Begich and Hale Boggs, Members of the Ninety-second Congress, together with Russell L. Brown and Don E. Jonz of the State of Alaska, all of whom departed together by plane from Anchorage, Alaska, on October 16, 1972, on a flight bound for Juneau, Alaska, have been missing since that date and despite repeated and thorough searches have not been located; and

Whereas the District Court for the State of Alaska, third Judicial District, after hearing witnesses and

studying all available evidence relative to the disappearance of Representative Begich, Russell L. Brown and Don E. Jonz, has determined that these three men cannot be found alive after such a lapse of time and are presumed dead; and

Whereas as a result of the findings of the jury in the aforementioned judicial proceeding the judge of the said court has signed certificates of presumptive death with respect to Representative Begich, Russell L. Brown and Don E. Jonz; and

Whereas no evidence has been presented to this House or is known to it which distinguishes the missing status of Representative-elect Hale Boggs from that of the three men for whom the aforementioned certificates of presumptive death have been issued; Therefore be it

*Resolved*, That based on information provided by its Clerk, this House of Representatives hereby determines that there is a vacancy in the Ninety-third Congress in the representation from the Second Congressional District in the State of Louisiana because of the absence of Representative-elect Hale Boggs.

*Resolved*, That the Speaker of the House is hereby directed to notify the Governor of the State of Louisiana of the existence of this vacancy so that appropriate measures to fill this vacancy may be undertaken by the Governor pursuant to Article I, Section 2 of the Constitution of the United States.

*Resolved*, That the Speaker be authorized to appoint a delegation of Members of this House, together with such Members of the Senate as may be joined, to attend memorial services to be held for the former Majority Leader in New Orleans, Louisiana, on January 4, 1973.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary to carry out the provisions of these resolutions and

1. 119 CONG. REC. 15, 16, 93d Cong. 1st Sess.

that the necessary expenses in connection therewith, as well as any incurred by the Clerk at the Speaker's request, be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate, to the Governor of the State of Louisiana, and transmit a copy to the family of the missing Representative-elect Hale Boggs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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APPOINTMENT OF MEMBERS TO  
ATTEND MEMORIAL MASS FOR  
THE HONORABLE HALE  
BOGGS

The SPEAKER.<sup>(2)</sup> The Chair appoints the following Members of the House to attend the memorial mass and tribute for the honorable HALE BOGGS, the majority leader in the 92d Congress and a Representative-elect from the Second Congressional District of Louisiana to the 93d Congress: The Speaker, Mr. HÉBERT, the majority leader, the minority leader, the majority whip, the minority whip, Mr. PASSMAN, Mr. WAGGONNER, Mr. RARICK, Mr. BREAUX, Mr. LONG of Louisiana, Mr. TREEN, Mr. PATMAN, Mr. MAHON, Mr. POAGE, Mr. MILLS of Arkansas, Mr. HOLIFIELD, Mr. MADDEN, Mr. MORGAN;

Mr. PRICE of Illinois, Mr. TEAGUE of Texas, Mr. BLATNIK, Mr. BURLESON of Texas, Mr. GROSS, Mr. HAYS, Mr. PERKINS, Mr. RODINO, Mr. STAGGERS, Mr. SAYLOR, Mr. WIDNALL, Mr. BROYHILL of Virginia, Mr. CEDERBERG, Mr.

HALEY, Mr. LANDRUM, Mr. MAILLIARD, Mr. RHODES, Mrs. SULLIVAN, Mr. DIGGS, Mrs. GRIFFITHS, Mr. REUSS, Mr. TEAGUE of California, Mr. VANIK, Mr. CHAMBERLAIN, Mr. COLLIER, Mr. ULLMAN;

Mr. QUIE, Mr. BURKE of Massachusetts, Mr. DEVINE, Mr. DULSKI, Mr. KARTH, Mr. MOORHEAD of Pennsylvania, Mr. NELSEN, Mr. ROSTENKOWSKI, Mr. SCHNEEBEL, Mr. ANDERSON of Illinois, Mr. ASHBROOK, Mr. CAREY of New York, Mr. CORMAN, Mr. HARSHA, Mr. ICHORD, Mr. MOSHER, Mr. FULTON, Mr. GIBBONS, Mr. HORTON, Mr. HUTCHINSON, Mr. QUILLEN, Mr. GREEN of Pennsylvania, Mr. CONABLE, Mr. DUNCAN, Mr. BROWN of Ohio, Mr. MATSUNAGA, and Mr. BROTZMAN.

### *Officer of the House*

**§ 8.14 Upon the death of the Chaplain of the House, the Speaker was authorized by resolution to appoint as members of the funeral committee all the Representatives from the State in which the Chaplain had been born, the Representative from the Chaplain's home district being named first and the remainder of the delegation appointed in order of seniority.**

On Feb. 23, 1966,<sup>(1)</sup> the House conducted its scheduled business before adjourning as a mark of respect for the late Chaplain of the

1. 112 CONG. REC. 3766, 89th Cong. 2d Sess.

2. Carl Albert (OK).

House, Bernard Braskamp. House Resolution 745, expressing the sorrow of the House upon the Chaplain's death, was read and agreed to. The proceedings were as follows:

Mr. [Stanley L.] GREIGG [of Iowa]. Mr. Speaker, I send a resolution to the desk and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 745

*Resolved*, That the House heard with profound sorrow of the death of the Honorable Bernard Braskamp, D.D., Chaplain of the House.

*Resolved*, That as a mark of respect to his memory the Speaker appoint a committee of seven Members to attend the funeral services.

*Resolved*, That the necessary expenses in connection with the funeral services be paid out of the contingent fund of the House.

*Resolved*, That the Clerk transmit a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

The SPEAKER.<sup>(2)</sup> The Chair appoints as members of the committee to attend the funeral of our beloved Chaplain, the following Members of the House: Mr. GREIGG, Mr. GROSS, Mr. SMITH of Iowa, Mr. BANDSTRA, Mr. CULVER, Mr. HANSEN of Iowa, and Mr. SCHMIDHAUSER.

ADJOURNMENT

The SPEAKER. The Clerk will report the remainder of the resolution.

The Clerk read as follows:

2. John W. McCormack (MA).

*Resolved*, That as a further mark of respect to the memory of the deceased the House do now adjourn.

The resolution was agreed to.

The SPEAKER. The House stands adjourned in memory of our late beloved Chaplain.

*Former Officer*

**§ 8.15 The Speaker was authorized by resolution to appoint a committee to attend the funeral of a former Clerk of the House.**

On Oct. 20, 1942,<sup>(1)</sup> Mr. Joseph W. Martin, Jr., of Massachusetts, offered a resolution. The proceedings were as follows:

The Clerk read as follows:

*Resolved*, That the House has heard with profound sorrow of the death of Hon. William Tyler Page, an employee and officer of the House for nearly 62 years.<sup>(2)</sup>

*Resolved*, That as a mark of respect to his memory the Speaker appoint a committee of four Members to attend the funeral services.

*Resolved*, That the Clerk transmit a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

The SPEAKER.<sup>(3)</sup> The Chair appoints the following committee of Members to attend the funeral: Messrs. CANNON of Missouri,

1. 88 CONG. REC. 8486, 77th Cong. 2d Sess.
2. Mr. Tyler served as Clerk of the House in the 66th–71st Congresses.
3. Sam Rayburn (TX).

ENGLEBRIGHT, EATON, and ROBSION of Kentucky.

### *Other Federal Officials*

#### **§ 8.16 The Speaker appointed a committee to attend the funeral of the Secretary of the Navy.**

On May 1, 1944,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, announced to the House that he had received an invitation to, and would attend, the funeral of the Secretary of the Navy, the Honorable Frank Knox:

Mr. [Adolph J.] SABATH [of Illinois]. Mr. Speaker, I offer a resolution (H. Res. 523), and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Frank Knox, late Secretary of the Navy.

*Resolved*, That a committee of seven Members of the House be appointed to join a committee of the Senate in attending the funeral of the late Secretary of the Navy on behalf of Congress and to take such other action as may be proper in honor of the memory of the deceased and to manifest the respect and appreciation of Congress for his public service.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

1. 90 CONG. REC. 3805, 78th Cong. 2d Sess.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following committee to attend the funeral of the late Honorable Frank Knox: Mr. SABATH of Illinois; Mr. MCCORMACK of Massachusetts; Mr. MARTIN of Massachusetts; Mr. VINSON of Georgia; Mr. MAAS of Minnesota; Mr. CHURCH of Illinois; and Mr. MERROW of New Hampshire.

The occupant of the chair has received an invitation and will attend the funeral in addition to the committee just named.

#### ADJOURNMENT

The SPEAKER. The Clerk will report the remainder of the resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect this House do now adjourn.

The resolution was agreed to[.] . . .

#### **§ 8.17 The Speaker appointed a committee to attend the funeral of a former Vice President.**

On Feb. 1, 1979,<sup>(1)</sup> Speaker Thomas P. O'Neill, Jr., of Massachusetts, made the following announcement:

The SPEAKER. Pursuant to House Resolution 74,<sup>(2)</sup> the Chair appoints as

1. 125 CONG. REC. 1641, 96th Cong. 1st Sess.
2. See 125 CONG. REC. 1354, 96th Cong. 1st Sess., Jan. 29, 1979.



members of a committee to attend the memorial service of the late Honorable Nelson A. Rockefeller the following Members on the Part of the House:

Mr. RHODES of Arizona;  
 Mr. BRADEMAS of Indiana;  
 Mr. STRATTON of New York;  
 Mr. ADDABBO of New York;  
 Mr. ROSENTHAL of New York;  
 Mr. HORTON of New York;  
 Mr. MURPHY of New York;  
 Mr. WYDLER of New York;  
 Mr. BINGHAM of New York;  
 Mr. CONABLE of New York;  
 Mr. HANLEY of New York;  
 Mr. MCEWEN of New York;  
 Mr. WOLFF of New York;  
 Mr. BIAGGI of New York;  
 Mr. CHISHOLM of New York;  
 Mr. FISH of New York;  
 Mr. KEMP of New York;  
 Mr. LENT of New York;  
 Mr. RANGEL of New York;  
 Mr. GILMAN of New York;  
 Mr. HOLTZMAN of New York;  
 Mr. MITCHELL of New York;  
 Mr. SCHEUER of New York;  
 Mr. OTTINGER of New York;  
 Mr. AMBRO of New York;  
 Mr. DOWNEY of New York;  
 Mr. LAFALCE of New York;  
 Mr. MCHUGH of New York;  
 Mr. NOWAK of New York;  
 Mr. RICHMOND of New York;  
 Mr. SOLARZ of New York;  
 Mr. ZEFERETTI of New York;  
 Mr. LUNDINE of New York;  
 Mr. WEISS of New York;  
 Mr. GARCIA of New York;  
 Mr. GREEN of New York;  
 Mr. PEYSER of New York;  
 Mr. CARNEY of New York;

Mr. FERRARO of New York;  
 Mr. LEE of New York;  
 Mr. SOLOMON of New York;  
 Mr. JOHNSON of California;  
 Mr. ANDERSON of Illinois;  
 Mr. MCCLORY of Illinois;  
 Mr. VANDER JAGT of Michigan;  
 Mr. DAN DANIEL of Virginia;  
 Mr. FORSYTHE of New Jersey;  
 Mr. LOTT of Mississippi; and  
 Mr. SHUSTER of Pennsylvania.

*Parliamentarian's Note:* This marked the first ever funeral committee for a former Vice President.

## § 9. Adjournment as Mark of Respect

Upon the death of a noted person, the House will often adjourn as a mark of respect to that person's memory. The authority to adjourn as a mark of respect may be granted by unanimous consent or resolution. Sometimes the House will adjourn more than one legislative day as a mark of respect to the memory of an individual or group.

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### § 9.1 The House adjourned out of respect to the memory of the late President.

On Nov. 25, 1963,<sup>(1)</sup> the following proceedings occurred in the House:<sup>(2)</sup>

Mr. [Abraham J.] MULTER [of New York]. Mr. Speaker, I offer a resolution.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 571

IN THE HOUSE OF REPRESENTATIVES,  
U.S.,

*Resolved*, That the House of Representatives has learned with profound regret and sorrow of the tragic death of the late President of the United States, John Fitzgerald Kennedy, illustrious statesman and leader in the Nation and in the world.

*Resolved*, That as a token of honor and in recognition of his eminent and distinguished public services to the Nation and to the world the Speaker of the House shall appoint a committee of one hundred Members of the House to join a similar committee appointed on the part of the Senate to attend the funeral services of the late President.

*Resolved*, That the House tenders its deep sympathy to the members of the family of the late President in their sad bereavement.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

1. 109 CONG. REC. 22695, 22696, 88th Cong. 1st Sess.
2. See also 91 CONG. REC. 3356, 79th Cong. 1st Sess., Apr. 14, 1945 (H. Res. 216, authorizing the adjournment of the House after the death of President Franklin D. Roosevelt).

*Resolved*, That as a further mark of respect to the memory of the late President the House do now adjourn.

The SPEAKER pro tempore.<sup>(3)</sup> Without objection, the resolution is agreed to.

There was no objection. . . .

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect to the memory of the late President the House do now adjourn.

The SPEAKER pro tempore. Without objection, the resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the foregoing resolution and as a further mark of respect to the deceased President, the House stands adjourned until 12 o'clock noon tomorrow.

## § 9.2 The House adopted a resolution and adjourned out of respect following eulogies to a former President and General of the Army.

On Mar. 31, 1969,<sup>(1)</sup> Speaker John W. McCormack, of Texas, laid before the House a message from the President notifying the House of the death of Dwight David Eisenhower, the 34th President of the United States. Following intervening business, Mr.

3. James C. Wright, Jr. (TX).

1. 115 CONG. REC. 8099, 91st Cong. 1st Sess.

Carl Albert, of Oklahoma, offered a resolution of sympathy:<sup>(2)</sup>

H. RES. 351

*Resolved*, That the House of Representatives has learned with profound regret and sorrow of the death of General of the Army Dwight David Eisenhower, beloved former President of the United States of America.

*Resolved*, That in recognition of the many virtues, public and private, of the illustrious soldier and statesman, and as a mark of respect to one who has held such eminent public stations, the Speaker shall appoint a committee of the House to join with such Members of the Senate as may be designated, to attend the funeral services of the former President.

*Resolved*, That the House tenders its deep sympathy to the members of the family of the former President in their sad bereavement.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

The resolutions were agreed to.

The SPEAKER. . . .

The Clerk will report the remaining resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect to the memory of the former President, this House do now adjourn.

The resolution was agreed to.

2. *Id.* at pp. 8127, 8128.

**§ 9.3 The House adjourned as a mark of respect to the memory of a deceased Chief Justice of the United States.**

On Apr. 30, 1946,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, laid before the House a communication from Hugo L. Black, Senior Associate Justice, Acting Chief Justice of the United States, notifying the House of the death of Chief Justice Harlan Fiske Stone on Apr. 22, 1946. The Speaker then announced that during the recess of the House, he designated Members to attend the funeral of the late Chief Justice. Mr. John W. McCormack, of Massachusetts, then offered a resolution of sympathy that read as follows:<sup>(2)</sup>

Mr. McCORMACK. Mr. Speaker, I offer a resolution (H. Res. 607).

The Clerk read as follows:

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Harlan Fiske Stone, Chief Justice of the United States.

*Resolved*, That the Clerk communicate these resolutions to the Senate and to the Supreme Court and transmit a copy of the same to the afflicted family of the illustrious dead.

*Resolved*, That as a further mark of respect the House do now adjourn.

ADJOURNMENT

Accordingly . . . the House adjourned[.] . . .

1. 92 CONG. REC. 4262, 79th Cong. 2d Sess.

2. *Id.* at p. 4263.

**§ 9.4 The House adopted a resolution upon the death of a former Speaker and Vice President, and adjourned out of respect.**

On Nov. 7, 1967,<sup>(1)</sup> the death of John Nance Garner, a former Speaker and Vice President, was announced to the House by O. Clark Fisher, of Texas, a Representative of the District where the former Speaker resided at the time of his death. After concluding the scheduled legislative business, House Resolution 969 was offered by Mr. Wright Patman, of Texas.<sup>(2)</sup> The resolution read as follows:

Mr. PATMAN. Mr. Speaker, I offer a resolution.

The Clerk read as follows:

H. RES. 969

*Resolved*, That the House has learned with profound sorrow of the death of the Honorable John Nance Garner, formerly Speaker of the House of Representatives and Vice President of the United States.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

1. 113 CONG. REC. 31393, 90th Cong. 1st Sess.
2. *Id.* at p. 31499.

ADJOURNMENT

Accordingly . . . the House adjourned[.] . . .

*Parliamentarian's Note:* The Senate adopted a similar resolution at the close of its business for the day.<sup>(3)</sup>

**§ 9.5 The House postponed scheduled business and adjourned out of respect for a former Speaker.**

On Mar. 7, 1968,<sup>(1)</sup> the death of former Speaker Joseph Martin, Jr., of Massachusetts, was announced to the House<sup>(2)</sup> by the ranking Republican of the Massachusetts delegation, William Bates. The resolution adopted by the House provided for adjournment out of respect but did not provide for the appointment of a funeral delegation. The resolution read as follows:

Mr. BATES. Mr. Speaker, I offer a resolution.

The Clerk read as follows:

H. RES. 1087

*Resolved*, That the House has learned with profound sorrow of the death of the Honorable Joseph W. Martin, Jr., former Member of the

3. See *Id.* at p. 31605 (S. Res. 183).
1. 114 CONG. REC. 5742, 90th Cong. 2d Sess.
2. See § 5.6, *supra*, for the announcement to the House of the death of former Speaker Martin.

House for twenty-one consecutive terms, and Speaker of the House of Representatives of the Eightieth and Eighty-third Congresses.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER. The Clerk will report the remaining resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

---

#### ADJOURNMENT

Accordingly . . . under its previous order, the House adjourned[.] . . .

### § 9.6 The House adjourned as a mark of respect to a deceased colleague.

On Sept. 18, 1972,<sup>(1)</sup> by unanimous consent, the call of the Consent Calendar under Rule XIII clause 4<sup>(2)</sup> was transferred to the following day on a day when the House conducted no scheduled legislative business. The following proceedings took place:<sup>(3)</sup>

1. 118 CONG. REC. 30950, 92d Cong. 2d Sess.
2. See *House Rules and Manual* § 746 (1973).  
H. Res. 168 abolished the Consent Calendar and established the Corrections Calendar. See 141 CONG. REC. 16574, 104th Cong. 1st Sess., June 20, 1995.
3. See 118 CONG. REC. 30971, 30972, 92d Cong. 2d Sess.

Mr. [Samuel S.] STRATTON [of New York]. Mr. Speaker, I offer a resolution.

The Clerk read as follows:

#### H. RES. 1119

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable William F. Ryan, a Representative from the State of New York.

*Resolved*, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolution [sic] to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to. . . .

The SPEAKER.<sup>(4)</sup> . . .

The Clerk will report the remaining resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

---

#### ADJOURNMENT

Accordingly . . . the House adjourned[.] . . .

On Feb. 15, 1966,<sup>(5)</sup> a message from the President was received,

4. Carl Albert (OK).
5. 112 CONG. REC. 3017, 89th Cong. 2d Sess.

laid before the House, and read before the House adjourned out of respect to a deceased Member, Albert Thomas, of Texas:

Mr. [Wright] PATMAN [of Texas]. Mr. Speaker, it is my sad duty to announce the death of our beloved colleague, the gentleman from Texas, ALBERT THOMAS. . . .

Mr. Speaker, I offer a resolution.

The Clerk read the resolution, as follows:

H. RES. 730

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable ALBERT THOMAS, a Representative from the State of Texas.

*Resolved*, That a committee of fifty Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly . . . the House adjourned[.] . . .

On Dec. 21, 1963,<sup>(6)</sup> the House was notified of the death of Representative William J. Green, Jr., of Pennsylvania, during the early morning hours while the House was still in session. The House adjourned out of respect upon adoption of House Resolution 599 and reconvened on the same day. The following proceedings occurred:

Mr. [Thomas E.] MORGAN [of Pennsylvania]. Mr. Speaker, it is my sad duty to announce to the House that our dear friend and colleague, Honorable WILLIAM GREEN, passed away at 2:40 a.m. this morning. . . .

Mr. Speaker, I offer a resolution.

The Clerk read H. Res. 599 as follows:

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable WILLIAM J. GREEN, Jr., a Representative from the State of Pennsylvania.

*Resolved*, That a committee of Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

6. 109 CONG. REC. 25431, 25432, 88th Cong. 1st Sess., Dec. 20, 1963 (Legislative Day).

The SPEAKER.<sup>(7)</sup> . . .

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect the House do now adjourn until 12 o'clock noon today.

The resolution was agreed to.

---

#### ADJOURNMENT

Accordingly . . . the House adjourned[.] . . .

On July 22, 1963,<sup>(8)</sup> the Minority Leader announced appropriate tributes to Rep. Hjalmar C. Nygaard, of North Dakota, would be reserved for a later date because the House was awaiting receipt of a Presidential message before offering the following resolution:

Mr. [Charles A.] HALLECK [of Indiana]. . . .

Mr. Speaker, I offer a resolution.

The Clerk read the resolution (H. Res. 449), as follows:

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable HJALMAR C. NYGAARD, a Representative from the State of North Dakota.

*Resolved*, That a committee of nineteen Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized

and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER.<sup>(9)</sup> . . .

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect, the House do now adjourn.

The resolution was agreed to.

---

#### ADJOURNMENT

Accordingly . . . the House adjourned[.] . . .

On Sept. 16, 1961,<sup>(10)</sup> Members who had spoken on legislative business before the House were given authority to revise and extend their remarks and include extraneous matter. Members were also given the authority to extend their remarks on a day when the House conducted no further business and adjourned out of respect to the memory of Representative Overton Brooks, of Louisiana.<sup>(11)</sup>

Mr. [Otto E.] PASSMAN [of Louisiana]. . . .

7. John W. McCormack (MA).

8. 109 CONG. REC. 13008, 88th Cong. 1st Sess.

9. John W. McCormack (MA).

10. 107 CONG. REC. 19802, 19813, 87th Cong. 1st Sess.

11. See *Id.* at p. 19827.

Mr. Speaker, I offer a resolution—House Resolution 467—and ask for its immediate consideration.

The Clerk read the resolution as follows:

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable OVERTON BROOKS, a Representative from the State of Louisiana.

*Resolved*, That a committee of 11 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER pro tempore.<sup>(12)</sup> . . .

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect, the House do now adjourn.

The resolution was agreed to.

#### ADJOURNMENT

Accordingly . . . the House, under its previous order, adjourned[.] . . .

And on Mar. 20, 1961,<sup>(13)</sup> the call of the Consent Calendar and

12. John W. McCormack (MA).

13. 107 CONG. REC. 4292, 87th Cong. 1st Sess.

authority for the Speaker to recognize for suspensions were, by unanimous consent, transferred to the following day due to the death of Rep. Carroll Reece, of Tennessee.<sup>(14)</sup>

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I ask unanimous consent that business in order under the rules today may be in order on tomorrow.

Mr. [Walter E.] ROGERS of Texas. Mr. Speaker, reserving the right to object, may I ask the majority leader if that includes the sugar bill?

Mr. McCORMACK. Yes.

Mr. ROGERS of Texas. Mr. Speaker, I regret that I am in the position that I have been put in. We have been refused the right to be heard before the Committee on Agriculture on this bill. The Committee on Rules has been circumvented on it. It places me in the position where I have no choice except to object.

Mr. McCORMACK. Mr. Speaker, will the gentleman reserve the right to object?

Mr. ROGERS of Texas. Yes.

Mr. McCORMACK. That presents the leadership with this problem: When a sitting Member dies, the House always adjourns out of respect for that Member.

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I am glad to yield to the gentleman.

Mr. HALLECK. I do not know who has the floor, whether the gentleman

14. See §10.12, *infra*, for excerpts from eulogies to Mr. Reece.



from Massachusetts or the gentleman from Texas, under the reservation, but the Speaker called me this morning, as was perfectly proper, and spoke to me about having these matters go over until tomorrow. The gentleman from Texas knows that one of our most esteemed and respected Members has passed away. For a long time it has been the custom for the House of Representatives to adjourn out of respect to the memory of a departed colleague. That is what is being proposed at this time. I do not know what may transpire, if the gentleman insists on this objection. It might be that the majority leadership might find it necessary to see fit to go ahead with the business today.

I am sure the gentleman from Texas would not want that to happen.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Texas. I yield.

Mr. McCORMACK. May I say if the gentleman insists on his objection I shall offer a motion to suspend the rules and make in order on tomorrow the business under the rules today.

Mr. HALLECK. Frankly, I would vote for that motion, but again I do not think even that sort of action should be had on the floor ahead of the things that will be said about the life and character of our departed colleague.

So I respectfully ask the gentleman to withdraw his reservation of objection.

Mr. ROGERS of Texas. No one regrets the position I have been placed in more than the gentleman from Texas. I realize the situation with which we are faced today, but the matter that I am addressing myself to is a matter

that could have been brought up before the Rules Committee. It could have had hearings in the Committee on Agriculture. We were denied a hearing in both committees. However, in view of the situation that has developed out of respect to my good friend, Carroll Reece, I withdraw my reservation of objection.

The SPEAKER.<sup>(15)</sup> Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

### § 9.7 Form of adjournment out of respect to a Member who died during adjournment *sine die*.

On Feb. 17, 1959,<sup>(1)</sup> pursuant to a unanimous-consent request, the House adjourned out of respect to Rep. Herman P. Eberharter, of Pennsylvania, who died during adjournment *sine die*:

Mr. [Francis E.] WALTER [of Pennsylvania]. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the life and accomplishments of our late colleague, Mr. HERMAN P. EBERHARTER; and that when we adjourn today we adjourn out of respect to the memory of our late colleague.

The SPEAKER pro tempore. (Mr. KEOGH).<sup>(2)</sup> Is there objection to the request of the gentleman from Pennsylvania?

15. Sam Rayburn (TX).

1. 105 CONG. REC. 2530, 2531, 2556, 86th Cong. 1st Sess.

2. Eugene J. Keogh (NY).

There was no objection. . . .

Mr. [Harris B.] MCDOWELL [Jr., of Delaware]. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly . . . pursuant to its previous order and as a further mark of respect to the late Honorable HERMAN P. EBERHARTER, the House adjourned. . . .

### § 9.8 The House adjourned on opening day out of respect to a deceased Member-elect.

On Jan. 4, 2005,<sup>(1)</sup> the following resolution was offered and agreed to by voice vote:

Mr. [Pete] STARK [of California]. Mr. Speaker, I offer a privileged resolution (H. Res. 11) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 11

*Resolved*, That the House has heard with profound sorrow of the

1. 151 CONG. REC. 84, 104, 109th Cong. 1st Sess.

See also 114 CONG. REC. 88, 90th Cong. 1st Sess., Jan. 10, 1967, where the House adjourned out of respect to the late John E. Fogarty (RI) (H. Res. 12); 112 CONG. REC. 5572, 5573, 89th Cong. 2d Sess., Mar. 10, 1966, where the House adjourned out of respect to the late John Baldwin (CA) (H. Res. 757); and 112 CONG. REC. 3017, 89th Cong. 2d Sess., Feb. 15, 1966, where the House adjourned out of respect to the late Albert Thomas (TX) (H. Res. 730).

death of the Honorable Robert T. Matsui, a Representative from the State of California.

*Resolved*, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased. . . .

Mr. [Joe] WILSON of South Carolina. Mr. Speaker, pursuant to House Resolution 11, I move that the House do now adjourn in memory of the late Honorable ROBERT T. MATSUI.

The motion was agreed to[.] . . .

*Parliamentarian's Note:* Rep. Matsui died on Jan. 1, 2005, prior to the convening of the 109th Congress. Statute<sup>(2)</sup> provides the Sergeant at Arms with authority to make funeral arrangements for sitting Members. As a deceased Member-elect of the 109th Congress, the authority provided in the resolution was necessary for the Sergeant at Arms to make the customary funeral arrangements.

2. 2 USC § 124.

On Jan. 3, 1983,<sup>(3)</sup> the following resolution was offered and agreed to by unanimous consent:

Mr. [Kenneth B.] KRAMER [of Colorado]. Mr. Speaker, I offer a resolution (H. Res. 14) on the death of the Honorable JACK SWIGERT, and ask unanimous consent for its immediate consideration.

H. RES. 14

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Jack Swigert, a Representative-elect from the State of Colorado.

*Resolved*, That a committee of five Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The resolution was agreed to.

A motion to reconsider was laid on the table. . . .

The SPEAKER pro tempore.<sup>(4)</sup> Pursuant to the provisions of House Resolution 14, the House stands adjourned

3. 129 CONG. REC. 54, 66, 98th Cong. 1st Sess.
4. William H. Natcher (KY).

until 2 p.m. on Thursday, January 6, 1983, in memory of the late Honorable JACK SWIGERT of Colorado.

*Parliamentarian's Note:* Representative-elect Swigert, a revered former astronaut, died on Dec. 27, 1982. The House had provided authority to the Speaker to make appointments authorized by law or by the House prior to adjournment *sine die* of the 97th Congress on Dec. 21, 1982. However, the authority given to the Sergeant at Arms under statute<sup>(5)</sup> only addresses expenses for funeral arrangements for sitting members. The House then provided special authority for the funeral committee and their expenses in the 98th Congress.

**§ 9.9 Upon the death of the President pro tempore of the Senate, the House adjourned.**

On Nov. 11, 1940,<sup>(1)</sup> the House passed a resolution of sympathy upon the death of Key Pittman, a Senator from Nevada, and President pro tempore of the Senate. The following proceedings ensued:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, it is with profound sorrow and with deep regret that I announce to the House the sudden and untimely death of the distinguished senior Senator from the State

5. 2 USC § 124.
1. 86 CONG. REC. 13613, 13614, 76th Cong. 3d Sess.

of Nevada, and for nearly 8 years President pro tempore of the Senate, the Honorable KEY PITTMAN, which occurred in Reno, Nev., at 12:30 o'clock on Sunday morning last.

Mr. Speaker . . . I offer the following resolution and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 628

*Resolved*, That the House has heard with profound sorrow of the death of Hon. KEY PITTMAN, a Senator of the United States from the State of Nevada, and President pro tempore of the Senate.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

*Resolved*, That a committee of 10 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolution was agreed to.

The SPEAKER.<sup>(2)</sup> . . .

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

The motion was agreed to . . . the House, pursuant to its previous orders, adjourned[.] . . .

**§ 9.10 After conducting scheduled business, the House adjourned out of respect to the Senate Minority Leader and former Member of the House.**

2. William B. Bankhead (AL).

On Sept. 8, 1969,<sup>(1)</sup> the death of Senate Minority Leader Everett McKinley Dirksen, of Illinois, was announced to the House by the senior member of his party in his state's delegation, Leslie C. Arends. The following resolution was then offered:<sup>(2)</sup>

Mr. ARENDS. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. RES. 532

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Everett McKinley Dirksen, a Senator of the United States from the State of Illinois.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

*Resolved*, That a committee of thirty-two Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolutions were agreed to.

The SPEAKER.<sup>(3)</sup> . . .

The Clerk will report the remaining resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

The resolution was agreed to.

1. 115 CONG. REC. 24634, 91st Cong. 1st Sess.

2. *Id.* at p. 24695.

3. John W. McCormack (MA).

## ADJOURNMENT

Accordingly . . . under its previous order, the House adjourned[.] . . .

On May 2, 1966,<sup>(4)</sup> eulogies were offered from the floor for the late Senator from Michigan, Patrick V. McNamara. The following resolution was then offered:

Mr. [James G.] O'HARA of Michigan. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The Clerk read as follows:

H. RES. 836

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable PATRICK V. MCNAMARA, a Senator from the United States from the State of Michigan.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

*Resolved*, That a committee of two Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolutions were agreed to.

The SPEAKER.<sup>(5)</sup> . . .

The Clerk will report the remaining resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

The resolution was agreed to.

4. 112 CONG. REC. 9500, 9501, 89th Cong. 2d Sess.

5. John W. McCormack (MA).

## ADJOURNMENT

Accordingly . . . under its previous order, the House adjourned[.]<sup>(6)</sup> . . .

**§ 9.11 The House adjourned as a mark of respect to the memory of a former Senator and former Secretary of State.**

On May 25, 1959,<sup>(1)</sup> eulogies were given on the floor of the House for the late John Foster Dulles. The House then adjourned upon adoption of the following resolution:<sup>(2)</sup>

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I offer a resolution (H. Res. 275) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That the House has heard with profound sorrow the announcement of the death of the Honorable John Foster Dulles, a former

6. See also 111 CONG. REC. 8104, 8105, 89th Cong. 1st Sess., Apr. 19, 1965 (H. Res. 344, adjournment of the House out of respect to the late Senator Olin D. Johnston [SC]); 110 CONG. REC. 17478, 88th Cong. 2d Sess., July 30, 1964 (H. Res. 811, adjournment of the House out of respect to the late Senator Clair Engle [CA]); and 109 CONG. REC. 14765, 14766, 88th Cong. 1st Sess., Aug. 12, 1963 (H. Res. 490, adjournment of the House out of respect to the late Senator Estes Kefauver [TN]).

1. 105 CONG. REC. 8989-97, 86th Cong. 1st Sess.

2. *Id.* at p. 9038.

Senator from the State of New York, and a former Secretary of State.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect this House do now adjourn.

The resolution was agreed to.

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#### ADJOURNMENT

Accordingly . . . the House adjourned[.]. . .

### § 9.12 The House adjourned out of respect to the memory of a late General of the United States Army.

On Apr. 7, 1964,<sup>(1)</sup> Mr. Carl Albert, of Oklahoma, offered the following resolution:

H. RES. 671

*Resolved*, That the House has heard with profound sorrow of the death of the General of the Army, Douglas MacArthur, who has served his country brilliantly for more than sixty-four years.

*Resolved*, That the House tenders its deep sympathy to the members of the family of the late General of the Army in their sad bereavement.

*Resolved*, That the Speaker of the House shall appoint a committee composed of the majority and minority leaders, the chairman and members of the Committee on Armed Services, to represent the House in connection with the lying-in-state of the remains of the late General MacArthur in the rotunda of the Capitol.

1. 110 CONG. REC. 7182, 7183, 88th Cong. 2d Sess.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER.<sup>(2)</sup> . . .

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect, the House do now adjourn.

The resolution was agreed to.

---

#### ADJOURNMENT

Accordingly . . . under its previous order, the House adjourned[.] . . .

### § 9.13 The House adjourned as a mark of respect to the memory of King George V of Great Britain.

On Jan. 21, 1936,<sup>(1)</sup> Mr. Sam D. McReynolds, of Tennessee, rose to announce the death of His Majesty George V, whereupon the following resolution was then offered:

Mr. McREYNOLDS. Mr. Speaker, I rise to call the attention of the House to the death of His Majesty George V, known throughout the world as a great ruler, very much beloved by his people, and respected throughout the world on account of his clean life. I offer the following resolution, which I send to the desk and ask to have read.

2. John W. McCormack (MA).

1. 80 CONG. REC. 773, 74th Cong. 2d Sess.

The Clerk read as follows:

House Resolution 400

*Resolved*, That the House of Representatives of the United States of America has learned with profound sorrow of the death of His Majesty George V, and sympathizes with his people in the loss of their beloved sovereign.

*Resolved*, That the President of the United States be requested to communicate this expression of sentiment of the House of Representatives to the Government of Great Britain.

*Resolved*, That as a further mark of respect to the memory of King George the House do now adjourn.

The SPEAKER.<sup>(2)</sup> The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT

Accordingly . . . the House adjourned[.] . . .

Similarly, on Feb. 6, 1952,<sup>(3)</sup> following the announcement of the death of King George VI of Great Britain, Mr. J. Percy Priest, of Tennessee, offered the following resolution:

The Clerk read the resolution (H. Res. 519), as follows:

*Resolved*, That the House of Representatives of the United States of America has learned with profound sorrow of the death of His Majesty George VI, and sympathizes with his people in the loss of their beloved sovereign.

2. Joseph W. Byrns (TN).

3. 98 CONG. REC. 892, 82d Cong. 2d Sess.

*Resolved*, That the President of the United States be requested to communicate this expression of sentiment of the House of Representatives to the Government of Great Britain.

*Resolved*, That as a further mark of respect to the memory of His Majesty King George VI the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Whereupon . . . the House adjourned[.] . . .

**§ 9.14 The House adjourned out of respect to the memory of a late President of Israel.**

On Apr. 24, 1963,<sup>(1)</sup> the House passed a resolution expressing the sympathy of the House of Representatives to the Government of Israel on the occasion of the death of the President of Israel, Yitzchak Ben-Zvi:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I offer a resolution (H. Res. 324), and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That the House of Representatives of the United States of America has learned with profound sorrow of the death of His Excellency Yitzchak Ben-Zvi, and sympathizes with the people of the State of Israel in the loss of their beloved President.

1. 109 CONG. REC. 6929, 88th Cong. 1st Sess.

*Resolved*, That the President of the United States be requested to communicate this expression of sentiment of the House of Representatives to the Government of the State of Israel.

*Resolved*, That as a further mark of respect to the memory of President Ben-Zvi the House do now adjourn.

The SPEAKER.<sup>(2)</sup> The question is on the adoption of the resolution.

The resolution is agreed to unanimously.

A motion to reconsider was laid on the table.

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#### ADJOURNMENT

Accordingly . . . under its previous order, the House adjourned[.] . . .

### § 9.15 The House adjourned as an expression of sympathy upon the death of a President of the Republic of Guatemala.

On July 29, 1957,<sup>(1)</sup> a resolution expressing sorrow and sympathy upon the death of the President of the Republic of Guatemala, Carlos Castillo Armas, was offered as follows:

Mr. [Thomas S.] GORDON [of Illinois]. Mr. Speaker, I offer a resolution (H. Res. 379) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

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2. John W. McCormack (MA).

1. 103 CONG. REC. 12957, 85th Cong. 1st Sess.

*Resolved*, That the House of Representatives of the United States of America has learned with profound sorrow of the death of His Excellency Carlos Castillo Armas, and sympathizes with the people of the Republic of Guatemala in the loss of their beloved President.

*Resolved*, That the President of the United States be requested to communicate this expression of sentiment of the House of Representatives to the Government of the Republic of Guatemala.

*Resolved*, That as a further mark of respect to the memory of President Carlos Castillo Armas the House do now adjourn.

The resolution was agreed to.

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#### ADJOURNMENT

Accordingly . . . the House adjourned[.] . . .

### § 9.16 The House adjourned as a mark of respect to the memory of a Pope.

On Feb. 13, 1939,<sup>(1)</sup> a resolution was adopted in the House upon the death of Pope Pius XI. The following proceedings occurred:

Mr. [James A.] SHANLEY [of Connecticut]. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

#### House Resolution 91

*Resolved*, That the House of Representatives of the United States has

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1. 84 CONG. REC. 1357, 76th Cong. 1st Sess.



learned with the profoundest of sorrow and shock of the death of His Holiness Pope Pius XI, supreme spiritual sovereign of the Roman Catholic Church and Sovereign of the State of Vatican City. It sympathizes with the millions of Roman Catholics throughout the world on the loss of this outstanding leader of Catholicism who effected superlative gains in his own religious endeavors, who exerted the most challenging and sincere efforts for world peace, who manifested the broadest tolerance toward all nations and creeds, and who pleaded for the protection of oppressed minorities; and,

That the President of the United States be requested to communicate this expression of sentiment to the secretary of state at the Vatican, and that, as a mark of further respect to the memory of Pope Pius, the House do now adjourn.

#### ADJOURNMENT

The SPEAKER.<sup>(2)</sup> The question is on agreeing to the resolution.

The resolution was agreed to; accordingly . . . the House adjourned.<sup>(3)</sup> . . .

### § 9.17 The House adjourned as a mark of respect upon the death of a former Prime Minister of Great Britain.

On Jan. 25, 1965,<sup>(1)</sup> the House adopted a resolution upon the death of Sir Winston Churchill, former Prime Minister of Great

2. William B. Bankhead (AL).

3. See § 7.7, *supra*, where the House adopted a resolution upon the death of Pope John Paul II.

1. 111 CONG. REC. 1162, 1163, 89th Cong. 1st Sess.

Britain and an honorary citizen of the United States:

Mr. [Carl] ALBERT [of Oklahoma].  
Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read as follows:

#### H. RES. 136

*Resolved*, That the House of Representatives has learned with profound sorrow of the death of Sir Winston Churchill, former Prime Minister of the United Kingdom, honorary citizen of the United States, beloved elder statesman of the world.

*Resolved*, That the House of Representatives tenders its deep sympathy to the members of the family of the late Sir Winston Churchill, and to his countrymen, and expresses the hope that the burden of their personal loss will be diminished by the knowledge that it is shared by his fellow citizens on this side of the Atlantic who were sustained by his eloquent words and courageous deeds when lesser men despaired and by all those throughout the world who are the beneficiaries of his dauntless defense of freemen.

*Resolved*, That the Secretary of State be requested to communicate these expressions of sentiment to the family of the deceased and to the Parliament of the United Kingdom of Great Britain and Northern Ireland.

*Resolved*, That as a further mark of respect to the memory of the late Sir Winston Churchill the House do now adjourn.

The resolution was unanimously agreed to.

#### ADJOURNMENT

Accordingly . . . the House adjourned[.] . . .

## § 10. Eulogies

While a eulogy or eulogies may be offered at the time a death is announced in the House,<sup>(1)</sup> the more frequent practice is for announcement of a death and possibly a brief eulogy to be delivered in a one-minute speech at the commencement of the day's business or in a special-order speech at the close of business.<sup>(2)</sup> A future day devoted in part or exclusively to eulogies can be set by special order.<sup>(3)</sup> This allows Members an opportunity to prepare suitable tributes.<sup>(4)</sup>

Members will frequently be allotted a certain number of days (often five legislative days)<sup>(5)</sup> in which to extend their remarks in the *Congressional Record*. Sometimes a request will be agreed to, permitting the consolidation of eulogies in the *Congressional Record*, even though in fact, business may have interrupted them.<sup>(6)</sup>

1. See §§ 10.3–10.5, 10.9, 10.12–10.14, 10.16, 10.18, 10.22, *infra*.
2. See §§ 10.10–10.12, 10.15–10.19, *infra*.
3. The House set a special day for eulogies for the late President Kennedy. See 109 CONG. REC. 22802, 88th Cong. 1st Sess., Nov. 26, 1963. See also § 10.2, *infra*.
4. See §§ 10.2, 10.6, 10.8, 10.11–10.13, 10.20, *infra*.
5. See §§ 10.7, 10.14, 10.17, *infra*.
6. See § 10.21, *infra*.

On a day or during a time set aside for eulogies, other business will be discouraged.<sup>(7)</sup> However, certain exceptions may be permitted by unanimous consent. Examples of such exceptions might be the filing of a privileged report,<sup>(8)</sup> or an announcement of the legislative program for the following day.<sup>(9)</sup> Pending business has been interrupted for previously scheduled eulogies.<sup>(10)</sup> Pending business may be postponed to permit announcement of a death and eulogies to the deceased.<sup>(11)</sup>

The announcing Member will generally control the floor and may yield for relevant remarks.<sup>(12)</sup> Usually this same Member, either immediately after the announcement of a death has been made or at the close of business for the day, will offer a resolution of sympathy and a motion to adjourn as a mark of respect (if there is to be such an adjournment).<sup>(13)</sup> The Speaker sometimes takes the floor

7. See, e.g., §§ 10.19, 10.20, *infra*.
8. See § 10.22, *infra*.
9. See § 10.21, *infra*.
10. See § 10.23, *infra*.
11. See § 10.12, *infra*.
12. See 2 Hinds' Precedents § 1437; and 8 Cannon's Precedents § 2468.  
For yielding the floor generally, see Deschler's Precedents Ch. 29, *supra*.
13. See Ch. 40, generally, *infra*.

to eulogize the deceased during time yielded.<sup>(14)</sup>

The Speaker has in some instances eulogized a deceased figure of national prominence by unanimous consent.<sup>(15)</sup>

In some instances, as upon the day set aside for eulogizing President Kennedy,<sup>(16)</sup> the Speaker or the Speaker pro tempore may offer the first eulogy and yield to others.<sup>(17)</sup>

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**—Eulogies to President John F. Kennedy**

**§ 10.1 Eulogies delivered in the Rotunda on Nov. 24, 1963, when the late President John F. Kennedy's body was brought to the Capitol to lie in state were, by unanimous consent, ordered printed in the *Congressional Record*.**

On Nov. 25, 1963,<sup>(1)</sup> Mr. Abraham J. Multer, of New York, asked unanimous consent that the eulogies to the late President, which had been delivered the pre-

14. See §§ 10.2, 10.8, 10.9, 10.13–10.16, *infra*.

15. See § 10.3, *infra*.

16. See § 10.2, *infra*.

17. See also § 10.3, *infra*.

1. 109 CONG. REC. 22695, 88th Cong. 1st Sess.

vious day, be printed in the *Congressional Record*:

PRINTING OF EULOGIES TO  
LATE PRESIDENT JOHN F.  
KENNEDY

Mr. [Abraham J.] MULTER [of New York]. Mr. Speaker, I ask unanimous consent that the eulogies to our late President delivered in the rotunda on yesterday be printed at this point in the RECORD.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from New York?

There was no objection.

As a mark of respect to the late President Kennedy, the first *Congressional Record* printed upon the convening of the House and of the Senate after his death carried a black border on the first page of the proceedings of each House.<sup>(3)</sup>

**§ 10.2 The Speaker took the floor to deliver the first eulogy to President John F. Kennedy and then recognized Members of the House to deliver eulogies.**

On Dec. 5, 1963,<sup>(1)</sup> the date chosen by the House leadership to eulogize the late President,<sup>(2)</sup> the

2. James C. Wright, Jr. (TX).

3. 109 CONG. REC. 22694, 22697, 88th Cong. 1st Sess., Nov. 25, 1963.

1. 109 CONG. REC. 23349, 23351, 23352, 88th Cong. 1st Sess.

2. On Nov. 26, 1963, Majority Leader Carl Albert (OK) informed the House

Speaker pro tempore recognized Speaker John W. McCormack, of Massachusetts, for the first eulogy in memory of the President. He then recognized other Members to offer their eulogies.

JOHN FITZGERALD KENNEDY,  
LATE PRESIDENT OF THE  
UNITED STATES

The SPEAKER pro tempore (Mr. Vinson).<sup>(3)</sup> The Chair recognizes the gentleman from Massachusetts, the Speaker of the House, the Honorable JOHN W. MCCORMACK. . . .

Mr. McCORMACK. Mr. Speaker, it can be said that the American people and the Government of the United States—both—have just passed through one of the most tragic events of our history. John Fitzgerald Kennedy, around noon on Friday, November 22, 1963, was cut down by the bullets of an assassin in one of the great cities of the country that he loved and that loved him. Here was the 35th President of the United States at a high moment of his eminence, and in the middle of the last year of what would have been his first administration, receiving the adoration and the praise of his fellow citizens. . . .

The SPEAKER pro tempore. The Chair recognizes the distinguished gentleman from Oklahoma [Mr. ALBERT.]

Mr. [Carl] ALBERT. Mr. Speaker, on Friday, November 22, for the fourth

in a one-minute speech that a full day would be decided upon later, when Members might eulogize President Kennedy. See *Id.* at p. 22802.

3. Carl Vinson (GA).

time in the history of this Republic, our chief Executive had been struck down by an assassin's bullet. . . .

On November 22, John F. Kennedy passed the torch to us. President Johnson has dedicated his administration to the unfinished task. In the fulfillment of our responsibilities in this day and this generation, this House, under God, can do no less.

The SPEAKER pro tempore. The Chair recognizes the distinguished gentleman from Indiana [Mr. HALLECK.]

Mr. [Charles A.] HALLECK. Mr. Speaker, I think my reaction to the first report I received that the late President John F. Kennedy had been shot was shared by virtually every American citizen: A total disbelief that the news was true.

Even as we stand here today in tribute to the 35th President of these United States, there is to me a strange quality of unreality about the events which have transpired since that awful day in our national history, Friday, November 22, 1963. . . .

The SPEAKER pro tempore (Mr. Albert). The Chair recognizes the gentleman from Louisiana [Mr. BOGGS].

Mr. [Hale] BOGGS. Mr. Speaker, as we gather here in this, the highest theater in the world, to commune together in grief and in remembrance, so many scenes come back to my mind from the years in which I knew, loved, and trusted this magnificent leader of mankind.

**—To Former President Ronald Reagan**

**§ 10.3 Privileged resolution offered by the Majority Leader**

**expressing the sorrow of the House at the passing of former President Ronald Wilson Reagan, directing the Speaker to appoint a committee to attend his funeral, and marking the day's adjournment in respect to his memory.**

On June 8, 2004,<sup>(1)</sup> Tom DeLay of Texas, the Majority Leader, offered the following privileged resolution.

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 663) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 663

*Resolved*, That the House of Representatives has learned with profound regret and sorrow of the death of Ronald Wilson Reagan, former President of the United States of America.

*Resolved*, That the House tenders its deep sympathy to the members of the family of the former President in their bereavement.

*Resolved*, That in recognition of the many virtues, public and private, of one who served with distinction as President, the Speaker shall appoint a committee of the House to join with such Members of the Senate as may be designated, to attend the funeral services of the former President.

*Resolved*, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as

1. 150 CONG. REC. 11752, 11754, 108th Cong. 2d Sess.

may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the applicable accounts of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the former President.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the former President. . . .

The SPEAKER pro tempore.<sup>(2)</sup> The question is on the resolution.<sup>(3)</sup> . . .

So the resolution was agreed.

### **—To Justice of the Supreme Court**

#### **§ 10.4 The Speaker took the floor to eulogize the late Felix Frankfurter, former Associate Justice of the Supreme Court.**

On Feb. 23, 1965,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, requested permission to address the House for 10 minutes.<sup>(2)</sup>

*Parliamentarian's Note:* The House, following previous practice, did not pass a death resolution or adjourn out of respect for

2. Ray LaHood (IL).

3. For eulogies, including a eulogy by the Speaker, see *Id.* at 11752–54. See also 115 CONG. REC. 8099–101, 91st Cong. 1st Sess., Mar. 31, 1969 (Speaker took the well to eulogize former Dwight D. Eisenhower).

1. 111 CONG. REC. 3407, 89th Cong. 1st Sess.

2. For eulogy, see *Id.*

Justice Frankfurter since he was retired at the time of his death. The practice has been for the House to adopt a death resolution and adjourn only for sitting justices of the Court.

*—To United Nations Ambassador*

**§ 10.5 Upon the death of Adlai E. Stevenson, Ambassador to the United Nations, eulogies were offered from the floor of the House by special order.**

On July 14, 1965,<sup>(1)</sup> Mr. Sidney R. Yates, of Illinois, asked unanimous consent that with the consent of those who had been previously granted a special order, he might address the House for 30 minutes on that date relative to the death of Ambassador Stevenson. Speaker John W. McCormack, of Massachusetts, presented Mr. Yates' request and asked if there was objection.

Mr. YATES. Mr. Speaker, I ask unanimous consent, with the consent of those who have been previously granted a special order, to address the House for 30 minutes today relative to the death of Ambassador Adlai Stevenson.

The SPEAKER. The gentleman from Illinois [Mr. YATES] asks unanimous

consent that he may address the House for 30 minutes as the first special order, with the consent of other Members who have obtained special orders, in relation to the death of Ambassador Adlai Stevenson.

Is there objection to the request of the gentleman from Illinois?

Mr. [William T.] CAHILL [of New Jersey]. Mr. Speaker, I regret I must object.

Mr. Speaker, I regretted very sincerely what I considered to be a requirement to interpose an objection to the request of the gentleman from Illinois. I only did it because there were a great number of people from my district who were here in anticipation of the special order I had requested some time ago and because a great many of the Members had evidenced a keen interest in the subject matter. However, I fully recognize the great importance of and the great contribution that our late and respected and beloved Ambassador to the United Nations has made to this country. In deference to that and out of respect for his memory, I would ask that I be permitted to relinquish the time heretofore asked and that my special order go over to a later date and that I be permitted to yield the 1 hour I have in a special order to the gentleman from Illinois [Mr. YATES] and all those who would like to pay tribute to the memory of the late Adlai E. Stevenson.

Mr. YATES. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection. . . .

The SPEAKER. Under previous order of the House, the gentleman

1. 111 CONG. REC. 16845, 16856, 16857, 89th Cong. 1st Sess.

from Illinois [Mr. YATES] is recognized for 60 minutes. . . .

—*To Speaker Rayburn*

**§ 10.6 Pursuant to a unanimous-consent request, the House authorized a special order for the purpose of eulogizing Speaker Sam Rayburn.**

On Jan. 10, 1962,<sup>(1)</sup> Mr. Wright Patman, of Texas, asked unanimous consent that a day be set aside for eulogizing the late Speaker Rayburn. The following proceedings occurred:

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that on Thursday, January 18, 1962, after the reading and approval of the Journal and the disposition of business on the Speaker's table I be permitted to address the House and to yield time to other Members for the purpose of eulogizing our late beloved Speaker, the Honorable SAM RAYBURN.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

*Parliamentarian's Note:* Speaker Rayburn died in Bonham, Texas, on Nov. 16, 1961. He was the fifth Speaker of the House to die in office and the second to die during a *sine die* adjournment.

1. 108 CONG. REC. 8, 87th Cong. 2d Sess.
2. John W. McCormack (MA).

**§ 10.7 All Members were granted permission to extend their remarks in the Appendix of the *Congressional Record* on opening day when the House adjourned out of respect for the late Speaker Rayburn and other Members who had died during the *sine die* adjournment.**

On Jan. 10, 1962,<sup>(1)</sup> Mr. Carl Albert, of Oklahoma, made the following unanimous-consent request:

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that on today, and without making the procedure a precedent, all Members may have permission to extend their remarks in the RECORD and to include pertinent material therewith.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

**§ 10.8 Eulogies were offered in the House for Speaker Rayburn pursuant to special order.**

On Jan. 18, 1962,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, under previous order of

1. 108 CONG. REC. 8, 9, 87th Cong. 2d Sess.
2. John W. McCormack (MA).
1. 108 CONG. REC. 482, 87th Cong. 2d Sess.

the House, recognized Mr. Wright Patman, Jr., of Texas:

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have the privilege of extending their remarks and including extraneous matter in the body of the RECORD today in connection with the memorial services for the late Speaker, SAM RAYBURN, and also that the Speaker of the House, the gentleman from Massachusetts [Mr. MCCORMACK], may extend his remarks at the close of these proceedings and include therein an article by Bascom N. Timmons.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.<sup>(2)</sup>

**—To Former Speaker**

**§ 10.9 Speaker McCormack took the floor to join in eulogies to former Speaker Martin.**

On Mar. 7, 1968,<sup>(1)</sup> Mr. William H. Bates, of Massachusetts, yielded to Speaker John W. McCormack, of Massachusetts, who eulogized former Speaker Joseph W. Martin, Jr., also of Massachusetts, who died on Mar. 6, 1968.<sup>(2)</sup>

**—To Member of the House**

**§ 10.10 A Member may be eulogized in a one-minute speech**

2. For additional eulogies, see *Id.*

1. 114 CONG. REC. 5741, 90th Cong. 2d Sess.

2. For additional eulogies, see *Id.*

**prior to consideration of the business of the day.**

On Wednesday, July 24, 1963,<sup>(1)</sup> Mr. Don L. Short, of North Dakota, was recognized following the reading of the Journal and given permission to revise and extend his remarks concerning the death of his colleague from North Dakota, Hjalmar C. Nygaard. Mr. Nygaard suffered a fatal heart attack in the Capitol Building on Thursday, July 18, 1963.

The SPEAKER.<sup>(2)</sup> The Chair recognizes the gentleman from North Dakota [Mr. SHORT].

Mr. SHORT. Mr. Speaker, as most Members of the House know, my colleague from North Dakota, Hjalmar Nygaard, suffered a fatal heart attack here in the Capitol Building on last Thursday afternoon.

*Parliamentarian's Note:* The House had adjourned out of respect to the memory of Mr. Nygaard on Monday, July 22, 1963.<sup>(3)</sup>

**§ 10.11 A Member was recognized for a one-hour special-order speech to eulogize a deceased Member before the business of the day.**

1. 109 CONG. REC. 13253, 88th Cong. 1st Sess.

2. John W. McCormack (MA).

3. See 109 CONG. REC. 13008, 88th Cong. 1st Sess. (H. Res. 449).



On July 13, 1967,<sup>(1)</sup> following an announcement regarding unanimous-consent requests and prior to taking up the business of the day, Speaker John W. McCormack, of Massachusetts, recognized Mr. Glenard P. Lipscomb, of California.

The SPEAKER. The Chair will not receive unanimous-consent requests at this time, except for Members making a unanimous-consent request for committees to sit during general debate today. . . .

The gentleman from California [Mr. LIPSCOMB] is recognized.

Mr. LIPSCOMB. Mr. Speaker, I rise today to pay honor to the memory of our departed colleague, Congressman J. ARTHUR YOUNGER, of California, who passed away June 20, 1967.

*Parliamentarian's Note:* Mr. Lipscomb had, on June 26, 1967,<sup>(2)</sup> secured a special order in the usual manner, without specifying that it should be called before the business of the day. The Speaker refused to recognize for one-minute speeches and extensions of remarks before proceeding with special orders eulogizing Mr. Younger.

**§ 10.12 By unanimous consent, special orders have been re-scheduled to the following**

1. 113 CONG. REC. 18639, 90th Cong. 1st Sess.
2. *Id.* at p. 17302.

**day where the House has adjourned out of respect for a deceased Member.**

On Mar. 20, 1961,<sup>(1)</sup> following the reading and approval of the Journal and receipt of a message from the Senate, requests were entertained and agreed to for the postponement of business scheduled for the day. This was done prior to any official notification to the House of the death of Mr. B. Carroll Reece, of Tennessee. Mr. Reece passed away on Sunday, Mar. 19, 1961. Aware of the death, the House leadership intended that business should be postponed and the death officially announced, whereupon the balance of the day would be devoted to eulogies and the House would adjourn as a mark of respect.<sup>(2)</sup>

SPECIAL ORDERS

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I ask unanimous consent that the special orders heretofore entered for today be transferred to tomorrow and be put at the head of the list.

The SPEAKER.<sup>(3)</sup> Is there objection to the request of the gentleman from Massachusetts?

1. 107 CONG. REC. 4292, 87th Cong. 1st Sess.
2. *Parliamentarian's Note:* See §9.6, *supra*, also pertaining to the death of Mr. Reece. As there indicated, a Member initially objected to the postponement of pending business, but after some discussion, withdrew his objection.
3. Sam Rayburn (TX).

There was no objection.

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RULES COMMITTEE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a report.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

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FEED-GRAINS PROGRAM

Mr. COOLEY submitted a conference report and statement on the bill (H.R. 4510) to provide a special program for feed grains for 1961.

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GENERAL LEAVE TO EXTEND  
REMARKS

Mr. McCORMACK. Mr. Speaker, without establishing a precedent, I ask unanimous consent that all Members who may desire to do so may be permitted to extend their remarks in the CONGRESSIONAL RECORD and include therewith extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Following unanimous consent for Members to extend their remarks in the *Congressional Record*, an enrolled bill was signed by the Speaker, a Senate enrolled bill was signed, and a

Member announced that a bill (H.R. 5075) had been presented to the President. Immediately thereafter, the Speaker recognized Mr. Howard Baker, of Tennessee.

In recognition of the passing of Mr. Reece, Mr. Baker delivered a eulogy on the floor of the House. He yielded for similar remarks to other Members, including Speaker Rayburn.<sup>(4)</sup>

**§ 10.13 The Speaker has on occasion taken the floor to eulogize a deceased Member.**

On Mar. 20, 1961,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, offered a eulogy to Rep. B. Carroll Reece, of Tennessee.<sup>(2)</sup>

Likewise, in the second session of the 87th Congress,<sup>(3)</sup> Speaker John W. McCormack, of Massachusetts, eulogized Mr. Louis C. Rabaut, of Michigan. Mr. Rabaut passed away on Nov. 12, 1961, after the *sine die* adjournment of the first session of the 87th Congress.<sup>(4)</sup>

**—To Former Member**

**§ 10.14 The Speaker took the floor to join in eulogies for a former Member.**

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4. See 107 CONG. REC. 4297, 87th Cong. 1st Sess.

1. *Id.* at pp. 4292, 4293, 4297.

2. For eulogy, see *Id.*

3. 108 CONG. REC. 274, 87th Cong. 2d Sess., Jan. 16, 1962.

4. For eulogy, see *Id.*

On Feb. 9, 1961,<sup>(1)</sup> Speaker Sam Rayburn eulogized former Member Prince H. Preston, of Georgia.

Mr. [G. Elliott] HAGAN of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks in the RECORD on the late Prince H. Preston.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HAGAN of Georgia. Mr. Speaker, it is with deep regret and sadness that I announce to the House the untimely passing of the Honorable Prince H. Preston.

Mr. Preston departed this life as a result of cancer at the Memorial Hospital in Savannah, Ga., on Wednesday, February 8, 1961, at 3 o'clock in the afternoon. . . .

Mr. HAGAN of Georgia. Mr. Speaker, I now gladly yield to our beloved Speaker, the gentleman from Texas [Mr. RAYBURN].<sup>(2)</sup>

#### —To Senator

#### § 10.15 The Speaker has taken the floor to eulogize a Senator.

On Jan. 16, 1962,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, eulogized Senator H.

1. 107 CONG. REC. 2006, 2007, 87th Cong. 1st Sess.
2. For eulogy offered by Mr. Rayburn, see *Id.*
1. 108 CONG. REC. 291, 87th Cong. 2d Sess.

Styles Bridges, of New Hampshire. Senator Bridges died on Nov. 26, 1961, after the adjournment *sine die* of the first session of the 87th Congress.<sup>(2)</sup>

#### —To Former Architect of the Capitol

#### § 10.16 A former Architect of the Capitol was eulogized by the Speaker and other Members.

On May 25, 1961,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, recognized the Majority Leader, John W. McCormack, of Massachusetts, to eulogize David Lynn, a former Architect of the Capitol.<sup>(2)</sup>

#### —To Former Parliamentarian

#### § 10.17 The Speaker, the Minority Leader, the Majority Whip, and other Members paid tribute to the late Lewis Deschler, former Parliamentarian of the House, on the day the House reconvened following his death.

On July 19, 1976,<sup>(1)</sup> the following proceedings occurred on the floor of the House:

2. For eulogy, see *Id.*
1. 107 CONG. REC. 8883, 87th Cong. 1st Sess.
2. For eulogy, see *Id.*
1. 122 CONG. REC. 22484–87, 94th Cong. 2d Sess.

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer: . . .

Grant us Thy blessing as we mourn the passing of Lewis Deschler who served this House of Representatives with honor and distinction for 46 years. We thank Thee for him, for his devotion to this House, and for his loyalty to our country.<sup>(2)</sup> . . .

GENERAL LEAVE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late Honorable Lew Deschler.

The SPEAKER pro tempore (Mr. SISK).<sup>(3)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

*Parliamentarian's Note:* Speaker Albert and former Speaker McCormack attended a memorial service for Mr. Deschler in Washington, D.C., on July 16, 1976. The services were conducted by the Chaplain of the House, Reverend Latch.

—To Sergeant at Arms

§ 10.18 Remarks in the House concerning the death of the special assistant Sergeant at Arms.

- 2. For eulogies, see *Id.*
- 3. B. F. Sisk (IL).

On May 27, 1963,<sup>(1)</sup> Mr. Roland V. Libonati, of Illinois, received permission to address the House for one minute. The following proceedings occurred:

THE LATE WILLIAM BALLINGER

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Illinois?

There was no objection.<sup>(3)</sup>

—Of Astronauts

§ 10.19 The Chairman of the Committee on Science and Astronautics took the floor to eulogize three U.S. Apollo astronauts.

On Jan. 30, 1967,<sup>(1)</sup> Mr. George P. Miller, of California, eulogized three U.S. astronauts killed by a flash fire in their Apollo spacecraft while it was undergoing a static test at Cape Kennedy, Florida.<sup>(2)</sup>

*Parliamentarian's Note:* The Speaker first recognized Rep. L. H. Fountain, of North Carolina, to

- 1. 109 CONG. REC. 9578, 88th Cong. 1st Sess.
- 2. John W. McCormack (MA).
- 3. For eulogy, see *Id.*
- 1. 113 CONG. REC. 1790, 90th Cong. 1st Sess.
- 2. For eulogy, see *Id.*

announce the death of a former Member of the House, Graham A. Barden, of North Carolina, before recognizing Chairman Miller to eulogize the astronauts.

Chairman Miller had inquired about a resolution of condolence to the families of the astronauts but was advised both by the Parliamentarian and the Speaker that there were no direct precedents for such an action by the House. The House, for example, had not passed a resolution of condolence when the U.S.S. Thresher sank with all hands on Apr. 10, 1963.

**§ 10.20 The Speaker announced that unanimous-consent requests would not be entertained prior to eulogies previously scheduled for a deceased Member.**

On May 21, 1964,<sup>(1)</sup> the pending business of the House was interrupted for previously scheduled eulogies for Mr. Clarence Cannon, of Missouri. The following proceedings occurred:

ANNOUNCEMENT BY THE  
SPEAKER

The SPEAKER.<sup>(2)</sup> The Chair desires to state that in the light of the eulogies for our late beloved colleague, Mr. CANNON, the Chair will not receive

1. 110 CONG. REC. 11615, 11623, 11624, 88th Cong. 2d Sess.
2. John W. McCormack (MA).

unanimous-consent requests at this time. The Committee will rise at 12 o'clock, and before we go into the Committee of the Whole House on the State of the Union again, the Chair will receive unanimous-consent requests at that time.<sup>(3)</sup> . . .

***Consolidation of Eulogies in Record***

**§ 10.21 When, during the course of eulogies to a deceased colleague, the Majority Leader announced the program for the following day, he asked unanimous consent that the announcement appear in the *Congressional Record* preceding the eulogies.**

On Oct. 9, 1962,<sup>(1)</sup> Mr. Carl Albert, of Oklahoma, asked unanimous consent to insert in the *Congressional Record* a list of legislative matters to be considered the next business day. The proceedings were as follows:

LEGISLATIVE SCHEDULE FOR  
TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to insert in the RECORD a list of legislative matters that may be considered tomorrow and to advise the Members in that connection that there will be additions to this

3. For eulogy, see *Id.*
1. 108 CONG. REC. 22851, 87th Cong. 2d Sess.

announcement. I ask unanimous consent that this announcement may appear preceding the eulogies delivered today.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, the program is as follows:

First. Resolution relating to Senate Joint Resolution 234—Agriculture and Farm Credit Administration.

Second. The Ways and Means Committee [Mr. MILLS] will call up a bill to correct the tax bill.

Third. H.R. 12580—conference report: State, Justice, Commerce, and related agencies appropriation bill for 1963.

Any other bills that might be called up by unanimous consent.

Any further program will be announced later.

Speaker John W. McCormack, of Massachusetts, then took the floor to eulogize Mr. Clem Miller, of California.<sup>(3)</sup>

**§ 10.22 On a day devoted to eulogies to a deceased colleague, the only business allowed was the Committee on Appropriations being granted permission to file a privileged report.**

On June 3, 1963,<sup>(1)</sup> the following proceedings occurred in the House:

2. Sam Rayburn (TX).
3. For eulogy, see *Id.* at p. 22854.
1. 109 CONG. REC. 9916, 88th Cong. 1st Sess.

CONSENT CALENDAR  
TRANSFERRED

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I ask unanimous consent that business in order under clause 4, rule XIII, the Consent Calendar rule, be transferred to tomorrow.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPECIAL ORDERS TRANSFERRED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the special orders for today be transferred to tomorrow and that they be called prior to the special orders scheduled for tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection. . . .

DEPARTMENT OF AGRICULTURE  
APPROPRIATION

Mr. [William H.] NATCHER [of Kentucky]. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the bill making appropriations for the Department of Agriculture for the year ending June 30, 1964.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

2. John W. McCormack (MA).

Mr. HORAN reserved all points of order on the bill.

—

THE LATE HONORABLE FRANCIS  
E. WALTER

Mr. [Thomas E.] MORGAN [of Pennsylvania]. Mr. Speaker, it is my sad duty to announce that our beloved friend and colleague, FRANCIS E. WALTER, has passed on. The calmness and fortitude he displayed in his courageous fight to regain his health are a measure of those qualities which made "TAD" WALTER one of the truly great legislators of our time.

***"Closing Date" for Eulogy  
Compilations***

**§ 10.23 The Joint Committee on Printing announced to the House the "closing date" for insertions in the *Congressional Record* for inclusion in the printed compilation of eulogies to former President Eisenhower.**

On July 7, 1969,<sup>(1)</sup> Mr. Samuel N. Friedel, of Maryland, was permitted to address the House for one minute. The following proceedings occurred:

1. 115 CONG. REC. 18382, 91st Cong. 1st Sess. For a similar instance, see 112 CONG. REC. 13984, 89th Cong. 2d Sess., June 23, 1966 (eulogies for Mr. Herbert C. Bonner [NC] and Mr. Albert Thomas [TX]).

PUBLICATION OF EULOGIES TO  
DWIGHT DAVID EISENHOWER

(Mr. FRIEDEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRIEDEL. Mr. Speaker, the Joint Committee on Printing currently is receiving many calls in connection with the publication of congressional eulogies in tribute to former President Eisenhower. The joint committee now has set Friday, July 11, as the closing date for final acceptance of any further insertions in the CONGRESSIONAL RECORD. It must be noted that ample time has been extended to all members who wished to express their sentiments. It is the joint committee's intention that these tributes be published and distributed later this year. For that reason, all copy must be submitted on or before the above-mentioned date.

**§ 11. Services in the Capitol**

Funerals and memorial services in the Capitol are not common. Generally, the observance will be conducted in the hometown of the Member, and a funeral committee appointed to attend.<sup>(1)</sup>

When a funeral is to be held in the Chamber of the Senate or the House, the other body has customarily been requested to attend by resolution.<sup>(2)</sup>

1. See § 8, *supra*.
2. For details surrounding early funerals in the Hall of the House, see 5 Hinds' Precedents §§ 7107-7223.

At one time, the rules of the House provided for the holding of memorial services for Members of the House of Representatives or Senate who died during the year.<sup>(3)</sup>

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***Invitations to Funeral in Hall of the House***

**§ 11.1 Form of resolution extending invitations to attend the funeral of Speaker Joseph W. Byrns in the Hall of the House of Representatives.**

On June 5, 1936,<sup>(1)</sup> a resolution inviting the President, Vice President, and other dignitaries to attend the funeral of Speaker Byrns in the Hall of the House was offered and agreed to. The proceedings were as follows:

Mr. [John J.] O'CONNOR [of New York]. Mr. Speaker, I offer a resolution

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3. See Rule XI clause 9(n)(1), *House Rules and Manual* § 693 (1971).

1. 80 CONG. REC. 9123, 74th Cong. 2d Sess. See also 86 CONG. REC. 12232, 76th Cong. 3d Sess., Sept. 16, 1940, for a House resolution inviting the Senate and various dignitaries to attend the funeral of Speaker William B. Bankhead (AL) in the House Chamber (H. Res. 603).

See also § 6.10, *supra*, for resolution of sorrow adopted on the death of Speaker Byrns, and § 2.3, *supra*, for the Clerk's announcement of Speaker Byrns' death.

and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 545

*Resolved*, That the Clerk of the House is hereby directed to invite the Vice President and the Senate to attend the funeral of the late Speaker, the Honorable JOSEPH W. BYRNS, in the House of Representatives at 12 o'clock meridian on Friday, June 5, 1936.

*Resolved*, That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the Chief of Staff of the Army, the Chief of Naval Operations of the Navy, the Major General Commandant of the Marine Corps, and the Commandant of the Coast Guard to attend the funeral in the Hall of the House of Representatives.

The resolution was agreed to.

***Invitations to Rotunda Memorial Service***

**§ 11.2 While the Rotunda of the Capitol is under the joint control of the House and the Senate, and while use thereof is normally authorized by concurrent resolution, a memorial service in the Rotunda for a Member of the Senate has been arranged by passage of a Senate resolution inviting the House to attend the services and by acceptance of such invitation**



**by the House, also by resolution.**

On Sept. 8, 1969,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, laid before the House Senate Resolution 254, inviting the House to attend a memorial service for the Senate Minority Leader, Everett McKinley Dirksen, of Illinois. The proceedings were as follows:

The SPEAKER laid before the House the following resolution from the Senate of the United States, which was read:

S. RES. 254

*Resolved*, That the Secretary invite the Members of the House of Representatives to attend memorial services for the Honorable Everett McKinley Dirksen in the rotunda of the Capitol on Tuesday, September 9, 1969, at 12 o'clock noon; and be it further

*Resolved*, That invitations be extended to the President of the United States and the members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the Chief of Staff of the Army, the Chief of Naval Operations of the Navy, the Chief of Staff of the Air Force, the Major General Commandant of the Marine Corps, and the Commandant of the Coast Guard to attend the memorial services in the rotunda of the Capitol.

Immediately after Senate Resolution 254 was read, Mr. Carl Al-

1. 115 CONG. REC. 24653, 91st Cong. 1st Sess.

bert, of Oklahoma, offered House Resolution 531, accepting the Senate's invitation:<sup>(2)</sup>

Mr. ALBERT. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 531

*Resolved*, That the House of Representatives accepts the invitation of the Senate to attend memorial services for the Honorable Everett McKinley Dirksen in the rotunda of the Capitol on Tuesday, September 9, 1969, at 12 o'clock noon.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Similarly, On Aug. 1, 1953,<sup>(3)</sup> Mr. Charles A. Halleck, of Indiana, offered House Resolution 385, accepting the invitation of the Senate<sup>(4)</sup> to attend memorial services for Mr. Robert A. Taft, of Ohio.

Mr. HALLECK. Mr. Speaker, I offer a resolution (H. Res. 385) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, that the House of Representatives accepts the invitation of

2. *Id.*

3. 99 CONG. REC. 10948, 10949, 83d Cong. 1st Sess.

4. *Id.* at p. 10767 (S. Res. 158).

the Senate to attend memorial services for the Honorable ROBERT A. TAFT in the rotunda of the Capitol on Monday, August 3, 1953, at 12 o'clock noon.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

The resolution was agreed to, and a motion to reconsider was laid on the table.

On Aug. 3, 1953,<sup>(5)</sup> the complete memorial services held in the Rotunda of the Capitol were ordered printed in the *Congressional Record* by unanimous consent. The Senate proceedings, in part, were as follows:

Mr. [William F.] KNOWLAND [of California]. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD the complete memorial services held today at 12 o'clock in the rotunda of the Capitol, which will, of course, include the prayer, the invocation, the memorial address by the Senator from Ohio [Mr. BRICKER], and the benediction.

The Acting PRESIDENT Pro Tempore.<sup>(6)</sup> Is there objection?

There being no objection, the proceedings were ordered printed in the RECORD, as follows:

MEMORIAL SERVICES FOR THE  
LATE SENATOR ROBERT A.  
TAFT, OF OHIO

At 12 o'clock meridian the Senate proceeded to the rotunda of the Capitol to attend the memorial services for the late Senator ROBERT A. TAFT, of Ohio.

The casket containing the body of the deceased Senator had been previously brought into the rotunda and placed on the catafalque, draped with the American flag, and surrounded by many floral tributes. An honor guard made up of one representative of each of the Armed Services, the Army, the Navy, the Air Force, and the Marine Corps, under command of an officer of the Army, was posted around the catafalque.

The Members of the Senate, preceded by the Vice President and the Secretary of the Senate, entered the rotunda and were seated on the left of the catafalque.

The Members of the House of Representatives, preceded by the Speaker and its Clerk (Lyle O. Snader), entered the rotunda and were escorted to seats on the right of the catafalque.

The members of the Diplomatic Corps entered the rotunda and were seated to the left.

The Chief Justice of the United States and Associate Justices of the Supreme Court of the United States entered the rotunda and were seated in the area to the left.

The Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Commandant of the Coast Guard entered the rotunda and were seated in the area to the left.

Mrs. Taft and the family of the late Senator were escorted to the seats assigned to them.

The members of the Cabinet entered the rotunda and were seated in the area to the left.

5. *Id.* at p. 10984.

6. Homer E. Capehart (IN).

Gov. Frank J. Lausche, of Ohio, and General of the Army Douglas MacArthur and Mrs. MacArthur were escorted to the seats assigned to them.

Mr. Lawrence Richey, representing former President Herbert Hoover, was escorted to the seat assigned to him.

The President of the United States and Mrs. Eisenhower entered the rotunda, escorted by the Secretary of the Senate (J. Mack Trice) and the Sergeant at Arms of the Senate (Forest A. Harness), and were escorted to seats on the right.

The Senator from Ohio [Mr. BRICKER]; the Chaplain of the Senate, Rev. Frederick Brown Harris, D.D.; and the Chaplain of the House of Representatives, Rev. Bernard Braskamp, D.D., were escorted to the platform at the head of the catafalque.

The Marine Band, under the direction of Lt. Col. William F. Santelmann, played *America the Beautiful*.

The Chaplain of the Senate pronounced the . . . invocation[.] . . .

### ***Invitations to Service in Senate Chamber***

#### **§ 11.3 Form of resolution accepting the invitation of the Senate to attend the funeral services of a Senator in the Senate Chamber.**

On Jan. 22, 1940,<sup>(1)</sup> a message was received from the Senate announcing the adoption of the following resolution:

Senate Resolution 220  
IN THE SENATE OF THE UNITED STATES,  
*January 20, 1940.*

1. 86 CONG. REC. 531-533, 76th Cong. 3d Sess.

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. WILLIAM E. BORAH, late a Senator from the State of Idaho.

*Resolved*, That a committee of 10 Senators be appointed by the President of the Senate to take order for superintending the funeral of the deceased Senator, to be held in the Senate Chamber on Monday, January 22, 1940, at 12 o'clock and 30 minutes p.m., and that the Senate attend the same.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives, transmit a copy thereof to the family of the deceased, and invite the House of Representatives to attend the funeral in the Senate Chamber, and to appoint a committee to act with the committee of the Senate.

*Resolved*, That invitations be extended to the President of the United States and the Members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the Chief of Staff of the Army, the Chief of Naval Operations of the Navy, the Major General Commandant of the Marine Corps, and the Commandant of the Coast Guard to attend the funeral in the Senate Chamber.

*Resolved*, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn until 12 o'clock and 15 minutes p.m., Monday, January 22, 1940. . . .

THE LATE WILLIAM E. BORAH

Mr. [Henry C.] DWORSHAK [of Idaho]. Mr. Speaker, it is with profound sorrow and a sense of keen personal loss that I announce at this time the passing, on January 19, of the distinguished senior Senator from Idaho,

**Ch. 38 § 11**      DESCHLER-BROWN-JOHNSON PRECEDENTS

WILLIAM E. BORAH. For 33 years he served with devotion and loyalty the country he loved so intensely. His record and his achievements are known to all Americans.

Mr. Speaker, later I shall speak at length upon the services of this distinguished American. At this time I offer a resolution and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 362

*Resolved*, That the House has heard with profound sorrow of the death of Hon. WILLIAM E. BORAH, a Senator of the United States from the State of Idaho.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

*Resolved*, That a committee of 10 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolution was agreed to.

The SPEAKER.<sup>(2)</sup> The Chair appoints as members of the funeral committee, Mr. BOEHNE, Mr. HILL, Mr. LEMKE, Mr. MURDOCK of Utah, Mr. WHITE of Idaho, Mr. HULL, Mr. ARNOLD, Mr. CASE of South Dakota, Mr. DWORSHAK, and Mr. THORKELSON.

Mr. [Sam] RAYBURN [of Texas]. Mr. Speaker, I offer a resolution.

The Clerk read as follows:

House Resolution 363

*Resolved*, That the House of Representatives accepts the invitation of the Senate to attend the funeral services of the late Honorable WILLIAM E. BORAH, to be held in the

Senate Chamber Monday, January 22, 1940, at 12:30 o'clock p.m., and that the committee appointed by the Speaker of the House to attend the funeral shall act in conjunction with the committee of the Senate to make the necessary arrangements.

*Resolved*, That upon the return of the House to its Chamber following the services in the Senate Chamber, the Speaker shall, as a further mark of respect to the memory of the deceased Senator, declare the House adjourned.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

The resolution was agreed to.

On Apr. 11, 1939,<sup>(3)</sup> the Senate, by resolution, invited Members of the House to attend the funeral of Mr. James Hamilton Lewis, of Illinois. The following proceedings occurred:

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had adopted the following resolution:

Senate Resolution 119

*Resolved*, That the secretary invite the Members of the House of Representatives to attend the funeral of Hon. James Hamilton Lewis in the Senate Chamber on Wednesday, April 12, 1939, at 2:30 o'clock p.m., and to appoint a committee to act with the committee of the Senate; and be it further

*Resolved*, That invitations be extended to the president of the United States and the members of the Cabinet, the Chief Justice and Associate

2. Sam Rayburn (TX).

3. 84 CONG. REC. 4116, 4121, 4122, 76th Cong. 1st Sess.

Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the Chief of Staff of the Army, the Chief of Naval Operations of the Navy, the Major General commandant of the Marine Corps, and the Commandant of the Coast Guard to attend the funeral in the Senate Chamber. . . .

ATTENDANCE AT FUNERAL SERVICE OF  
THE LATE HONORABLE JAMES HAMILTON  
LEWIS

Mr. [Sam] RAYBURN [of Texas]. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

House Resolution 158

*Resolved*, That the House of Representatives accepts the invitation of the Senate to attend the funeral services of the late Honorable James Hamilton Lewis to be held in the Senate Chamber Wednesday, April 12, 1939, at 2:30 o'clock p.m., and that the committee appointed by the Speaker of the House to attend the funeral shall act in conjunction with the committee of the Senate to make the necessary arrangements.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

The resolution was agreed to.

On July 16, 1937,<sup>(4)</sup> Speaker William B. Bankhead, of Alabama, offered the following statement in the *Congressional Record* regarding arrangements made for the procession and attendance of the House at the funeral of Sen-

4. 81 CONG. REC. 7203, 75th Cong. 1st Sess.

ator Joseph T. Robinson, of Arkansas, in the Senate Chamber:

ATTENDANCE UPON SERVICES IN THE  
SENATE CHAMBER

The SPEAKER. The Chair suggests to the Members, in view of the fact that certain seats have been reserved in the Senate Chamber for the committee appointed to attend the funeral of the late Senator ROBINSON, that the committee immediately follow the Speaker and that the Members then follow the committee in the procession to the Senate Chamber. The Speaker will take his place at the door, the members of the committee will fall in behind him, and the other members will follow in order.

Thereupon, at 11:55 o'clock a.m., the Members of the House proceeded to the Senate Chamber.

At 12:43 o'clock p.m., the Members of the House returned to the House Chamber.<sup>(5)</sup>

**§ 11.4 The House attended funeral services in the Senate Chamber for the Secretary of the Navy, Claude A. Swanson, who was also a former Member of the Senate and of the House of Representatives.**

5. See 81 CONG. REC. 7195, 75th Cong. 1st Sess., July 15, 1937, for the form of resolution accepting the invitation of the Senate to attend funeral services of Senator Robinson in the Senate Chamber (H. Res. 279).

For a summary of the funeral services of Senator Robinson, see 81 CONG. REC. 7201-203, 75th Cong. 1st Sess., July 16, 1937.

On July 10, 1939,<sup>(1)</sup> the House adopted the following resolutions:

House Resolution 246

*Resolved*, That the House has heard with profound sorrow and deep regret the announcement of the death of Hon. Claude A. Swanson, late the Secretary of the Navy, and formerly a Senator and Representative in Congress from the State of Virginia.

*Resolved*, That a committee of 16 Members be appointed on the part of the House to join with the committee appointed on the part of the Senate to attend the funeral.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

After Speaker pro tempore Sam Rayburn, of Texas, appointed members of the committee on the part of the House to join the committee appointed on the part of the Senate to attend the funeral, the following resolution was offered:<sup>(2)</sup>

House Resolution 247

*Resolved*, that the House of Representatives accepts the invitation of the Senate to attend the funeral services of the late Hon. Claude A. Swanson to be held in the Senate Chamber Monday, July 10, 1939, at 1 o'clock p.m., and that the committee ap-

1. 84 CONG. REC. 8776, 76th Cong. 1st Sess.
2. *Id.*

pointed by the Speaker of the House to attend the funeral shall act in conjunction with the committee of the Senate to make the necessary arrangements.

*Resolved*, That the Clerk communicate this resolution to the Senate.

The resolution was agreed to.<sup>(3)</sup>

***Annual Memorial Service for Deceased Members***

**§ 11.5 A resolution was offered and agreed to fixing a special date for the offering of memorial exercises in the House Chamber.**

On Apr. 2, 1953,<sup>(1)</sup> a privileged resolution was offered providing for the House to set aside a memorial day for deceased Members. The proceedings were as follows:

Mr. [William C.] COLE [of Missouri]. Mr. Speaker, I offer a privileged resolution (H. Res. 199) and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That on Wednesday, May 6, 1953, immediately after the approval of the Journal, the House shall stand in recess for the purpose of holding memorial services as arranged by the Committee on House Administration under the provision of clause 9(n)(1) of rule XI of the Rules of the House of Representatives. The order of exercises and proceedings of the service shall be printed in the CONGRESSIONAL RECORD,

3. For Senate proceedings of the funeral proceedings for Mr. Swanson, see 84 CONG. REC. 8768-70, 76th Cong. 1st Sess., July 10, 1939.
1. 99 CONG. REC. 2730, 83d Cong. 1st Sess.

and all Members shall have leave for 30 legislative days to extend their remarks in the CONGRESSIONAL RECORD on the life, character, and public service of the deceased Members. At the conclusion of the proceedings, the Speaker shall call the House to order and then as a further mark of respect to the memories of the deceased he shall declare the House adjourned. The necessary expenses connected with such memorial services shall be paid out of the contingent fund of the House upon vouchers signed by the chairman of the Committee on House Administration.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Similarly, on Apr. 18, 1946,<sup>(2)</sup> the following proceedings took place in the House:

Mr. [John R.] MURDOCK [of Arizona]. Mr. Speaker, at the request of the gentleman from New Mexico [Mr. FERNANDEZ], chairman of the committee, and by direction of the Committee on Memorials, I offer House Resolution 604, relative to the holding of memorial exercises for our departed colleagues during the past year and fixing Tuesday, the 28th day of May, for that purpose, and ask for its immediate consideration.

The Clerk read the resolution as follows:

*Resolved*, That on Tuesday, the 28th day of May, 1946, immediately after the approval of the Journal, the House shall stand at recess for the purpose of holding the memorial services as arranged by the Com-

2. 92 CONG. REC. 3998, 79th Cong. 2d Sess.

mittee on Memorials, under the provisions of clause 40a of rule XI. The order of exercises and proceedings of the service shall be printed in the CONGRESSIONAL RECORD, and all Members shall have leave for sixty legislative days to extend their remarks in the CONGRESSIONAL RECORD, on the life, character, and public service of the deceased members. At the conclusion of the proceedings, the Speaker shall call the House to order and then as a further mark of respect to the memories of the deceased, he shall declare the House adjourned: And be it further

*Resolved*, That the necessary expenses connected with the memorial services herein authorized shall be paid out of the contingent fund of the House upon vouchers signed by the chairman of the Committee on Memorials and approved by the Committee on Accounts.

The resolution was agreed to.<sup>(3)</sup>

## § 12. Lying-in-State; Lying in Honor

The Rotunda of the Capitol has been chosen as a place for the Nation to pay their final respects to its most eminent citizens. This tribute takes the form of having their remains lie in state or in honor in the Rotunda with a period of public access. The authority for such action is granted by

3. For additional examples of resolutions providing for annual memorial services in the House for deceased Members, see 97 CONG. REC. 4281, 82d Cong. 1st Sess., Apr. 24, 1951 (H. Res. 205); 94 CONG. REC. 2846, 80th Cong. 2d Sess., Mar. 15, 1948 (H. Res. 502).

concurrent resolution or agreement by House and Senate leadership.<sup>(1)</sup>

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**Concurrent Resolution Authorizing**

**§ 12.1 By unanimous consent, the House considered and agreed to a concurrent resolution authorizing the remains of former President Lyndon B. Johnson to lie in state in the Rotunda of the Capitol.**

On Jan. 23, 1973,<sup>(1)</sup> Speaker Carl Albert, of Oklahoma, laid before the House a message from the President, announcing the death of former President Johnson. Immediately thereafter, Mr. Thomas P. O'Neill, Jr., of Massachusetts, offered the following resolution:

H. CON. RES. 90

*Resolved by the House of Representatives (the Senate concurring),* That in recognition of the long and distinguished service rendered to the Nation and to the world by Lyndon B. Johnson, Thirty-sixth President of the United States, his remains be permitted to lie in state in the rotunda of

1. For a list of those who have lain in state see Appendix, *infra*.
1. 119 CONG. REC. 1838, 1839, 93d Cong. 1st Sess.

the Capitol from January 24 to January 25, 1973, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

*Parliamentarian's Note:* The House Journal correctly indicates that House Concurrent Resolution 90 was called up by unanimous consent (not having been reported by the Committee on Rules).<sup>(2)</sup>

**§ 12.2 A concurrent resolution authorized the use of the Rotunda of the Capitol for the lying-in-state ceremonies for the General of the Army.**

On Apr. 6, 1964,<sup>(1)</sup> concurrent resolutions authorizing the remains of Douglas MacArthur, General of the Army of the United States, to lie in state in the Rotunda of the Capitol and authorizing the purchase of a floral wreath to be placed by the catafalque bearing his remains were laid before the House. The proceedings were as follows:

Mr. [Carl] ALBERT [of Oklahoma].  
Mr. Speaker, I ask unanimous consent

2. H. Jour. p. 128, 93d Cong. 1st Sess., Jan. 23, 1973.
1. 110 CONG. REC. 6878, 88th Cong. 2d Sess. For Senate arrangements, see *Id.* at pp. 7118, 7119, Apr. 7, 1964.



for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 74) authorizing the remains of Gen. Douglas MacArthur to lie in state in the rotunda of the Capitol from April 8 to April 9, 1964.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 74

*Resolved by the Senate (the House of Representatives concurring),* That in recognition of the long and distinguished service rendered by Douglas MacArthur, General of the Army of the United States, the remains be permitted to lie in state in the rotunda of the Capitol from April 8 to April 9, 1964, and the Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

WREATH TO BE PLACED AT REMAINS OF GEN. DOUGLAS MACARTHUR IN THE CAPITOL ROTUNDA

Mr. ALBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate concurrent resolution (S. Con. Res. 75) authorizing the purchase of a floral wreath to be placed by the catafalque bearing the remains of Gen. Douglas MacArthur in the Capitol rotunda.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 75

*Resolved by the Senate (the House of Representatives concurring),* That

the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are each hereby authorized and directed to purchase a floral wreath to be placed by the catafalque bearing the remains of late General of the Army of the United States, Douglas MacArthur, which are to lie in state in the rotunda of the Capitol of the United States from April 8 to April 9, 1964, the expenses of which shall be paid from the contingent funds of the Senate and the House of Representatives, respectively.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

On Apr. 7, 1964,<sup>(2)</sup> a resolution was adopted authorizing the Speaker to appoint the Majority and Minority Leaders and all members of the Committee on Armed Services to represent the House at the lying-in-state ceremonies for General MacArthur. The following proceedings occurred:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. Res. 671

*Resolved,* That the House has heard with profound sorrow of the death of the General of the Army, Douglas MacArthur, who has served his country brilliantly for more than sixty-four years.

*Resolved,* That the House tenders its deep sympathy to the members of

2. *Id.* at pp. 7182, 7183.

the family of the late General of the Army in their sad bereavement.

*Resolved*, That the Speaker of the House shall appoint a committee composed of the majority and minority leaders, the chairman and members of the Committee on Armed Services, to represent the House in connection with the lying-in-state of the remains of the late General MacArthur in the rotunda of the Capitol.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER.<sup>(3)</sup> The Chair appoints . . . Members to represent the House at the ceremonies in the rotunda[.] . . .

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect, the House do now adjourn.

The resolution was agreed to.

On Apr. 8, 1964,<sup>(4)</sup> the Speaker made the following announcement:

The SPEAKER. Before declaring a recess, the Chair desires to announce that members will assemble here in the Chamber at 2:45 p.m. and proceed to the rotunda of the Capitol for the purpose of participating in the lying-in-state ceremonies for the late General of the Army Douglas MacArthur.

Following the ceremonies in the rotunda, Members will return to the

Chamber. The Chair will then call the House to order for further consideration of business pending in the House.

In other words, there will be no 15-minute bell, but the House will be called to order at that time.

On Apr. 9, 1964,<sup>(5)</sup> the following announcement was made by the Speaker regarding the procession to the Rotunda to witness concluding ceremonies for General MacArthur:

The SPEAKER. The Chair desires to announce that the Chair is about to declare a recess for the purpose of permitting Members to proceed to the rotunda to witness the conclusion of the lying-in-state ceremonies for the late General of the Army Douglas MacArthur.

After conclusion of the ceremonies the House will reconvene. Bells will be rung 15 minutes prior to reconvening.

The Chair now declares a recess subject to the call of the House.

**§ 12.3 By unanimous consent, the House agreed to a concurrent resolution expressing the sense of Congress that the body of the director of the Federal Bureau of Investigation should lie in state in the Rotunda of the U.S. Capitol.**

On May 2, 1972,<sup>(1)</sup> Majority Leader Hale Boggs, of Louisiana,

3. John W. McCormack (MA).

4. 110 CONG. REC. 7290, 88th Cong. 2d Sess.

5. *Id.* at p. 7354.

1. 118 CONG. REC. 15314-16, 92d Cong. 2d Sess.

announced to the House the death of J. Edgar Hoover, Director of the Federal Bureau of Investigation. Mr. W. S. Stuckey, Jr., of Georgia, offered House Concurrent Resolution 600 and asked unanimous consent for its immediate consideration. The resolution read as follows:

*Resolved by the House of Representatives (the Senate Concurring),* That it is the sense of Congress that the body of J. Edgar Hoover should lie in state in the Rotunda of the United States Capitol so that the citizens of the United States may pay their last respects to this great American. . . .

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 12.4 Following the deaths of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police in the line of duty on July 24, 1998, the Congress took several actions to honor their service including permitting their remains to lay in honor in the Rotunda of the Capitol.**

On July 27, 1998,<sup>(1)</sup> the following procedures took place:

1. 144 CONG. REC. 14738, 105th Cong. 2d Sess. See also Ch. 36, § 15, *supra*.

Mr. [Tom] DELAY [of Texas]. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the concurrent resolution (H. Con. Res. 310) and I ask for its immediate consideration and adoption by the House.

The SPEAKER pro tempore.<sup>(2)</sup> The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 310

*Resolved by the House of Representatives (the Senate concurring),*

**Section 1. Authorizing Use of the Rotunda of the Capitol for Memorial Service for Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut.**

The rotunda of the Capitol is authorized to be used for a memorial service and proceedings related thereto for Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police on Tuesday, July 28, 1998, under the direction of the United States Capitol Police Board.

**Sec. 2. Placement of Plaque in Capitol in Memory of Detective Gibson and Private First Class Chestnut.**

The Architect of the Capitol shall place a plaque in honor of the memory of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police at an appropriate site in the United States Capitol, with the approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

**Sec. 3. Payment of Funeral Expenses for John Gibson and Jacob Joseph Chestnut.**

(a) In General: The Sergeant at Arms of the House of Representatives is authorized and directed to make such arrangements as may be necessary for funeral services for Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police, including payments for travel expenses of immediate family members, and for the attendance of Members of the House of Representatives at such services, including payments for expenses incurred by Members in attending such services.

2. John M. Shimkus (IL).

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(b) Source and Manner of Making Payments: Any payment made under subsection (a) shall be made from the applicable accounts of the House of Representatives, using vouchers approved in a manner directed by the Committee on House Oversight.

**Sec. 4. Payment of Survivor's Gratuity to Widows of John Gibson and Jacob Joseph Chestnut.**

(a) In General: In accordance with the first sentence of the last undesignated paragraph under the center heading "HOUSE OF REPRESENTATIVES" in the first section of the Legislative Branch Appropriation Act, 1955 (2 USC §125), the Chief Administrative Officer of the House of Representatives is authorized and directed to pay, from the applicable accounts of the House of Representatives

(1) a gratuity to the widow of Detective John Michael Gibson of the United States Capitol Police in the amount of \$51,866.00; and

(2) a gratuity to the widow of Private First Class Jacob Joseph Chestnut of the United States Capitol Police in the amount of \$47,280.00.

(b) Treatment as Gift: Each gratuity paid under subsection (a) shall be held to have been a gift.

**Sec. 5. Sense of Congress Regarding Establishment of Capitol Police Memorial Fund.**

It is the sense of Congress that there should be established under law a United States Capitol Police Memorial Fund for the surviving spouse and children of members of the United States Capitol Police who are slain in the line of duty.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Texas?  
There was no objection.

**THOSE WHO HAVE LAIN IN STATE<sup>(1)</sup>**

**APPENDIX**

**Henry Clay**

July 1, 1852, following a memorial service in the Senate Chamber (S-

1. Compiled list is from the website of the Architect of the Capitol. See [http://www.aoc.gov/cc/capitol/lain\\_in\\_state.cfm](http://www.aoc.gov/cc/capitol/lain_in_state.cfm) (last visited 9/2/2009).

228). Member of the House of Representatives for five non-consecutive terms (1811–25). Served as Speaker in 1811–14, 1815–20, and 1823–25. Secretary of State from 1825 to 1829. U.S. Senator from Kentucky intermittently for 18 years between 1806 and 1852. Died June 29, 1852, in Washington, D.C. during the 32d Congress, 1st Session. No resolution.

**Abraham Lincoln**

Apr. 19–21, 1865. Member of the House of Representatives from Illinois, Mar. 4, 1847, to Mar. 3, 1849. President of the United States from Mar. 4, 1861, until his death. Assassinated Apr. 14, 1865, in Washington, D.C., and died there Apr. 15, 1865. Died after adjournment of the 38th Congress, 2d Session. No resolution.

**Thaddeus Stevens**

Aug. 13, 14, 1868, prior to a memorial service in the Rotunda. Member of the House of Representatives from Pennsylvania, Mar. 4, 1849, to Mar. 3, 1853, and again from Mar. 4, 1859, until his death Aug. 11, 1868, in Washington, D.C., during recess of the 40th Congress, 2d Session. No resolution.

**Charles Sumner**

Mar. 13, 1874, prior to a memorial service in the Senate Chamber. U.S. Senator from Massachusetts, Apr. 24, 1851, until his death, Mar. 11, 1874, in Washington, D.C., during the 43d Congress, 1st Session. No resolution.

**Henry Wilson**

Nov. 25, 26, 1875, prior to a memorial service in the Senate Chamber. U.S. Senator from Massachusetts, Jan. 31, 1855, to Mar. 3, 1873, when he resigned to become Vice

President. Vice President of United States from Mar. 4, 1873, until his death. Died Nov. 22, 1875, in the Vice President's room in the Capitol, Washington, D.C., after adjournment of the 43d Congress, 2d Session. No resolution.

#### **James Abram Garfield**

Sept. 21-23, 1881, prior to a memorial service in the Rotunda. President of the United States from Mar. 4, 1881, until his death. Member of House of Representatives from Ohio, Mar. 4, 1863, to Nov. 8, 1880, when he resigned, having been elected President. Assassinated July 2, 1881, in Washington, D.C., and died Sept. 19, 1881, in Elberon, New Jersey, after adjournment of 46th Congress, 3d Session. No resolution.

#### **John Alexander Logan**

Dec. 30, 31, 1886, prior to a memorial service in the Senate Chamber. Member of House of Representatives from Illinois, Mar. 4, 1859, to Apr. 2, 1862, when he resigned to enter the Union Army, and again from Mar. 4, 1867, until Mar. 3, 1871. U.S. Senator from Illinois, Mar. 4, 1871, to Mar. 3, 1877, and again from Mar. 4, 1879, to Dec. 26, 1886. Died Dec. 26, 1886, in Washington, D.C., during the 49th Congress, 2d Session. No resolution.

#### **William McKinley, Jr.**

Sept. 17, 1901, following a memorial service in the Rotunda. Member of House of Representatives from Ohio, Mar. 4, 1877, to May 27, 1884, and again from Mar. 4, 1885, to Mar. 3, 1891. Governor of Ohio from 1892 to 1896. President of United States, Mar. 4, 1897, until his death. Assassinated Sept. 6, 1901, in Buffalo, New York, and died there Sept. 14, 1901, after adjournment of the 56th Congress, 2d Session. No resolution.

#### **Pierre Charles L'Enfant**

(re-interment) Apr. 28, 1909, prior to a memorial service in the Rotunda. Planner of the city of Washington, D.C. Died June 4, 1825, and was buried on Digges farm, Prince George's County, Maryland. Remains were brought to Capitol, Apr. 28, 1909, to be re-interred in Arlington National Cemetery. Authority for use of the Rotunda granted by Sen. Con. Res. 2, 61st Congress, 1st Session, agreed to Mar. 26, 1909.

#### **George Dewey**

Jan. 20, 1917, during a memorial service in the Rotunda. Admiral of the Navy and hero of Manila Bay in the Spanish-American War. Died Jan. 16, 1917, in Washington, D.C. Authority for use of the Rotunda was granted by H. Con. Res. 68, 64th Congress, 2d Session, agreed to Jan. 18, 1917.

#### **Unknown Soldier of World War I**

Nov. 9-11, 1921. Chosen to honor and perpetuate the memory of the heroes who gave their lives in World War I. The body was that of an unknown American who served as a member of the American Expeditionary Forces in Europe. Congress was in session, 67th Congress, 1st Session. No resolution.

#### **Warren Gamaliel Harding**

Aug. 8, 1923, following a memorial service in the Rotunda. U.S. Senator from Ohio, Mar. 4, 1915, to Jan. 13, 1921, when he resigned, having been elected President. President of United States Mar. 4, 1921, until his death. Died Aug. 2, 1923, in San Francisco, California, after adjournment of the 67th Congress, 4th Session. No resolution.

**William Howard Taft**

Mar. 11, 1930. President of United States Mar. 4, 1909, to Mar. 4, 1913. Chief Justice of the United States, July 11, 1921, to Feb. 3, 1930. Died Mar. 8, 1930, in Washington, D.C., during 71st Congress, 2d Session. No resolution.

**John Joseph Pershing**

July 18, 19, 1948. General of the Armies of the United States. Graduated from U.S. Military Academy at West Point in 1886 and devoted his entire life to military service. Chief of Staff of the Army 1921–24; Commander of American Expeditionary Forces, World War I; distinguished service during the Philippine insurrection and Spanish-American War. Died July 15, 1948, in Washington, D.C., during recess of the 80th Congress, 2d Session. No resolution.

**Robert Alphonso Taft**

Aug. 2, 3, 1953, prior to a memorial service in the Rotunda. U.S. Senator from Ohio, Jan. 3, 1939, until his death. Died July 31, 1953, in New York City, during 83d Congress, 1st Session, S. Res. 158, 83d Congress, 1st Session, agreed to Aug. 1, 1953, extended invitation to the memorial service in the Rotunda, Aug. 3, 1953.

**Unknown Soldiers of World War II and the Korean War**

May 28-30, 1958. Chosen to honor and perpetuate the memory of the heroes who gave their lives while serving overseas in the Armed Forces of the United States during World War II and the Korean War, and whose identities were unknown. Authority for use of the Rotunda granted by H. Con. Res. 242, 85th Congress, 2d Session, agreed to Mar. 6, 1958.

**John Fitzgerald Kennedy**

Nov. 24, 25, 1963, following a memorial service in the Rotunda. Member of the House of Representatives from Massachusetts, Jan. 3, 1947, to Dec. 3, 1953. U.S. Senator from Massachusetts, Jan. 3, 1953, to Dec. 22, 1960, when he resigned to become President. President of the United States from Jan. 20, 1961, until his death. Assassinated in Dallas, Texas, on Nov. 22, 1963, during the 88th Congress, 1st Session. No resolution.

**Douglas MacArthur**

Apr. 8, 9, 1964. Superintendent of the U.S. Military Academy at West Point 1919–22; appointed Chief of Staff of the Army, Nov. 21, 1930; appointed General of the Army, Dec. 18, 1944. From July 26, 1941, through Apr. 11, 1951, he served in the Pacific and Far East in various allied commands. Died Apr. 5, 1964, in Washington, D.C. Authority for use of the Rotunda granted by S. Con. Res. 74, 88th Congress, 2d Session, agreed to Apr. 6, 1964.

**Herbert Clark Hoover**

Oct. 23-25, 1964. Secretary of Commerce for Presidents Harding and Coolidge. Food Administrator under President Wilson. Chairman of Commission on the Organization of Executive Branch of Government in 1947–49 and 1953–55. President of the United States from Mar. 4, 1929, to Mar. 3, 1933. Died Oct. 20, 1964, in New York City, after adjournment of the 88th Congress, 2d Session. No resolution.

**Dwight David Eisenhower**

Mar. 30, 31, 1969. Graduated from the U.S. Military Academy at West Point in 1915, promoted to General of the Army in 1944, and named President of Columbia University in 1948. President of the United States

from Jan. 20, 1953, to Jan. 20, 1961. Died Mar. 28, 1969, in Washington, D.C., during the 91st Congress, 1st Session. No resolution.

**Everett McKinley Dirksen**

Sept. 9, 10, 1969, following a memorial service in the Rotunda. Member of the House of Representatives from Illinois, Mar. 4, 1933 to Jan. 3, 1949. U.S. Senator from Illinois, Jan. 3, 1951, until his death. Died Sept. 7, 1969, in Washington, D.C. S. Res. 254, 91st Congress, 1st Session, agreed to Sept. 8, 1969, extended invitations to memorial service in the Rotunda, Sept. 9, 1969.

**J. Edgar Hoover**

May 3, 4, 1972, following a memorial service in the Rotunda. First Director of the Federal Bureau of Investigation, 1924 until his death. Died May 2, 1972, in Washington, D.C. Authority for use of the Rotunda granted by H. Con. Res. 600, 92d Congress, 2d Session, agreed to May 2, 1972.

**Lyndon Baines Johnson**

Jan. 24, 25, 1973, following a memorial service in the Rotunda. Member of the House of Representatives from Texas, Apr. 10, 1937, to Jan. 3, 1949. U.S. Senator from Texas Jan. 3, 1949, to Jan. 3, 1961, when he resigned, having been elected Vice President. Vice President from Jan. 20, 1961, to Nov. 22, 1963, when he assumed the Presidency. President of the United States from Nov. 22, 1963, to Jan. 20, 1969. Died Jan. 22, 1973, near Johnson City, Texas. Authority for use of the Rotunda granted by H. Con. Res. 90, 93d Congress, 1st Session, agreed to Jan. 23, 1973.

**Hubert Horatio Humphrey**

Jan. 14, 15, 1978, prior to a memorial service in the Rotunda. U.S. Senator from Minnesota, Jan. 3, 1949, to Dec. 29, 1964, when he resigned to become Vice President. Vice President from Jan. 20, 1965, to Jan. 20, 1969. Returned to the Senate from Nov. 3, 1970, until his death. Died Jan. 14, 1978, in Waverly, Minnesota, after adjournment of the 95th Congress, 1st Session. Authority for use of the Rotunda was granted by the Speaker of the House of Representatives and the Majority Leader of the Senate. No resolution.

**Unknown Soldier of the Vietnam Era**

May 25-28, 1984. Chosen to honor the unknown Americans who lost their lives while serving in the Armed Forces of the United States in Southeast Asia during 1959-72. Authority for use of the Rotunda was granted by H. Con. Res. 296, 98th Congress, 2d Session, agreed to May 17, 1984.

**Claude Denson Pepper**

June 1, 2, 1989, following a memorial ceremony in the Rotunda. U.S. Senator from Florida, Nov. 4, 1936, to Jan. 3, 1951. Member of the House of Representatives from Florida, Jan. 3, 1963, until his death May 30, 1989, in Washington, D.C. Authority for use of the Rotunda was granted by H. Con. Res. 139, 101st Congress, 1st Session, agreed to May 31, 1989.

**Jacob Joseph Chestnut and John Michael Gibson**

July 28, 1998, prior to and following a memorial ceremony in the Rotunda. United States Capitol Police officers killed at the Capitol in the line of duty on July 24, 1998. Authority for use of the Rotunda was granted by H. Con. Res. 310, 105th

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Congress, 2d Session, agreed to July 27, 1998. Officer Chestnut and Detective Gibson were the first persons whose remains lay in honor in the Rotunda.

**Ronald Wilson Reagan**

June 9-11, 2004, following a memorial ceremony in the Rotunda. Governor of California from 1967 to 1975. President of the United States from Jan. 20, 1981, to Jan. 20, 1989. Died June 5, 2004, in Bel Air, California. Authority for use of the Rotunda was granted by S. Con. Res. 115, 108th Congress, 2d Session, agreed to June 9, 2004.

**Rosa Parks**

Oct. 30, 31, 2005. Civil rights pioneer. Died Oct. 24, 2005, in Detroit, Michigan. Authority for use of the

Rotunda granted by S. Con. Res. 61, 109th Congress, 1st Session, agreed to Oct. 29, 2005.

**Gerald R. Ford, Jr.**

Dec. 30, 2006-Jan. 2, 2007. Member of the House of Representatives from Michigan, Jan. 3, 1949, to Dec. 6, 1973, when he resigned to become Vice President. Vice President from Dec. 6, 1973, to Aug. 9, 1974, when President Richard M. Nixon resigned. President of the United States from Aug. 9, 1974, to Jan. 20, 1977. Died Dec. 26, 2006, in Rancho Mirage, California, after adjournment of the 109th Congress, 2d session. Authority for use of the Rotunda granted by the Speaker of the House of Representatives and the Majority Leader of the Senate. No resolution.



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## CHAPTER 39

# *Recess*

- § 1. In General
- § 2. Recess Authority
- § 3. Purposes

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## Recess

### § 1. In General

Thomas Jefferson wrote in *Jefferson's Manual* “[w]here it is convenient that the business of the House be suspended for a short time . . . it adjourns during pleasure . . . or for a quarter of an hour.”<sup>(1)</sup> Yet, during most of the history of the House of Representatives, no authority existed beyond unanimous consent to either declare a recess or to offer a motion for a recess.<sup>(2)</sup>

Beginning in the 102d Congress, a motion to authorize the Speaker to declare a recess was given a privilege equal to that of the motion to adjourn (clause 4 of Rule XVI);<sup>(3)</sup> and, beginning in the 103d Congress, the Speaker was authorized to declare a recess “for a short time when no question is pending before the House” (clause 12(a) of Rule I).<sup>(4)</sup>

Beginning in the 108th Congress, the Speaker was authorized

to suspend business and declare an emergency recess subject to the call of the Chair when notified of an imminent threat to the safety of the House,<sup>(5)</sup> and, *inter alia*, “to reconvene the House before the time previously appointed solely to declare the House in recess within the limits of clause 4, section 5 article I of the Constitution” upon notification to Members.<sup>(6)</sup>

The Committee of the Whole cannot take a recess except with the permission of the House.<sup>(7)</sup> Pursuant to clause 8(a) of Rule I, Speakers pro tempore occupying the Chair temporarily possess full authority under that rule to declare recesses.<sup>(8)</sup>

Except for an emergency recess under clause 12(b)(1) of Rule I,<sup>(9)</sup> a recess cannot be taken during a recorded vote or a call of the roll.<sup>(10)</sup> A roll call cannot be interrupted by the arrival of an hour fixed for a recess by rule or prior

1. *House Rules and Manual* § 586 (2007). See 5 Hinds' Precedents §§ 6663–6671 and 8 Cannon's Precedents §§ 3354–3362 for other precedents involving recess.

2. See, § 2.1, *infra*.

3. *House Rules and Manual* § 911 (2007). See also Ch. 40, *infra*.

4. *House Rules and Manual* § 638 (2007).

5. Rule I clause 12(b)(1), *House Rules and Manual* § 639 (2007).

6. *Id.* at clause 12(c)(2).

7. See 5 Hinds' Precedents §§ 6669–6671; and 8 Cannon's Precedents § 3362.

8. *House Rules and Manual* § 632 (2007).

9. *Id.* at § 639.

10. 5 Hinds' Precedents §§ 6054, 6055.

vote of the House.<sup>(11)</sup> However, when the hour previously fixed for a recess arrives, the Chair has declared the House in recess during a division vote.<sup>(12)</sup>

A recess may not be voted by less than a quorum, and consequently the motion for recess is not in order in absence of a quorum.<sup>(13)</sup>

All recesses, when declared, are indicated with six bells and six lights. If a recess is declared subject to the call of the Chair, three bells and three lights indicate the resumption of the session in 15 minutes, while a recess that is declared to a time certain for less than 15 minutes is shown to have terminated merely by one long bell showing that the House is back in session.

## § 2. Recess Authority

Before the 102d Congress, recesses in the House were taken by unanimous consent and not by motion, no motion to that effect being privileged.<sup>(1)</sup> The Speaker may initiate unanimous consent without request from the floor to declare the House in recess sub-

ject to the call of the Chair,<sup>(2)</sup> or for a five-minute period.<sup>(3)</sup> Authority to recess may be requested from the floor and be approved by unanimous consent on days set aside to receive a message in person from the President.<sup>(4)</sup> The unanimous-consent request may specify the authority for the remainder of the current day;<sup>(5)</sup> on a subsequent day in preparation for the counting of the electoral vote;<sup>(6)</sup> at any time during a day or during an afternoon of that day;<sup>(7)</sup> during the afternoon of a subsequent day;<sup>(8)</sup> at any time on two or three days during the week,<sup>(9)</sup> which has been interpreted as giving authority for more than one recess, one on each of the two designated days;<sup>(10)</sup> to declare multiple recesses during the remainder of the week or session;<sup>(11)</sup> to declare a recess when the Committee of the Whole rises on that day;<sup>(12)</sup> and to extend not later than a time certain on that day.<sup>(13)</sup>

2. See § 2.2, *infra*.

3. See § 2.3, *infra*.

4. See § 2.4, *infra*.

5. See § 2.5, *infra*.

6. See § 2.6, *infra*.

7. See § 2.7, *infra*.

8. See § 2.8, *infra*.

9. See § 2.9, *infra*.

10. See § 2.10, *infra*.

11. See §§ 2.11, 2.12, *infra*.

12. See § 2.13, *infra*.

13. See § 2.14, *infra*.

11. *Id.* at § 6054.

12. 4 Hinds' Precedents §§ 2955–2960.

13. *Id.* at §§ 2958–2960.

1. See § 2.1, *infra*.

Before the adoption of clause 12(b) of Rule I<sup>(14)</sup> in the 108th Congress, there had been instances where, pursuant to the powers inherent in the Chair in case of grave emergency, the Speaker had called emergency recesses on his own initiative.<sup>(15)</sup>

On Sept. 11, 2001, the House having convened at 9 a.m. for “morning-hour debate” and having recessed therefrom until 10 a.m., as per a previous order of the House, the Speaker pro tempore terminated the recess at 9:52 a.m., noting the “circumstances of today” due to terrorist attacks on the United States that morning, and then, having convened the legislative day proper eight minutes earlier than the time prescribed, immediately following the prayer, the Chair declared a recess subject to the call of the Chair “for a short time” under clause 12(a) of Rule I that eventually exceeded 24 hours.<sup>(16)</sup>

At the beginning of the 108th Congress, the House adopted clause 12(b) of Rule I authorizing the Speaker (and by extension the Chairman of the Committee of the Whole pursuant to clause 12 of Rule XVIII),<sup>(17)</sup> to “suspend the

business of the House when notified of an imminent threat to its safety” and “declare an emergency recess subject to the call of the Chair.” Clause 12(c) of Rule I<sup>(18)</sup> authorizes the Speaker, if notified by the Sergeant at Arms during any recess “of an imminent impairment of the place of reconvening at the time previously appointed . . . in consultation with the Minority Leader—(1) postpone the time for reconvening within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly; or (2) reconvene the House before the time previously appointed solely to declare the House in recess within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly.”

Before the 102d Congress, the motion to authorize a recess was not privileged in the House and could be entertained only by unanimous consent,<sup>(19)</sup> although a privileged motion to recess was permitted by rule from 1880 to 1890.<sup>(20)</sup>

Pursuant to clause 4 of Rule XVI,<sup>(21)</sup> a motion to authorize the

14. *House Rules and Manual* § 639 (2007).

15. See §§ 2.18, 2.19, *infra*.

16. See § 2.17, *infra*.

17. *House Rules and Manual* § 992 (2007). See §§ 2.15, 2.16, *infra*.

18. *House Rules and Manual* § 639 (2007).

19. 8 Cannon’s Precedents § 3354.

20. *Id.* at § 3356.

21. *House Rules and Manual* § 911 (2007).

Speaker to declare a recess was given equal privilege beginning in the 102d Congress to the motion to adjourn, or to the motion that when the House adjourns it stand adjourned to a day and time certain, to be decided without debate, but only when the Speaker in his discretion recognized for that purpose.

This privileged motion was first offered on Dec. 15, 1995, in the form that “the Speaker may be authorized to declare recesses subject to the call of the chair through Monday, December 18, 1995.” On that occasion the Chair indicated that the motion was privileged, nondebatable, and required a quorum for adoption.<sup>(22)</sup> The motion authorized the declaration of numerous recesses during the three calendar-day period specified in the motion and was constitutionally permitted without Senate consent under art. I, § 5 of the Constitution.

On Dec. 21, 1995,<sup>(23)</sup> a privileged resolution reported from the Committee on Rules was called up, amended, and adopted. It authorized the Speaker to declare recesses subject to calls of the Chair during three discrete periods, each consistent with the con-

stitutional constraint that neither House may (recess or) adjourn for more than three days without the consent of the other House.

In the 103d Congress, clause 12 was added to Rule I<sup>(24)</sup> to authorize the Speaker to declare a recess subject to the call of the Chair in order to “suspend the business of the House for a short time when no question is pending before the House.”<sup>(25)</sup> The Speaker’s declaration under this clause may follow his postponement of a question under clause 8 of Rule XX because, after postponement, a question is no longer pending before the House.<sup>(26)</sup> A Member’s mere revelation that he seeks to offer a motion to adjourn, in response to the Chair’s inquiry “for what purpose does the gentleman rise?”, does not suffice to make that motion “pending” so as to prevent a declaration of a recess.<sup>(27)</sup>

*Parliamentarian’s Note:* The Speaker has used the authority under clause 12 of Rule I,<sup>(28)</sup> to recess the House overnight with irregular, but increasing, frequency, sometimes to permit a conference

22. Speaker pro tempore James Longley (ME). See § 2.20, *infra*.

23. See § 2.21, *infra*.

24. *House Rules and Manual* § 638 (2007).

25. 139 CONG. REC. 49, 103d Cong. 1st Sess., Jan. 5, 1993.

26. See § 2.23, *infra*.

27. See §§ 2.22, 2.24, *infra*.

28. *House Rules and Manual* § 638 (2007).

report to be filed, then after a further recess, usually to permit the Committee on Rules to meet and file a privileged report on the first legislative day (albeit sometimes the next calendar day) and then to adjourn to the next legislative day on that same calendar day in order to consider the special order of business under clause 6(a) of Rule XIII<sup>(29)</sup> without the necessity for a two-thirds vote. There is no time period attached to the term “short” in clause 12 of Rule I. For example, “short” recesses in excess of eight hours occurred twice in 1995 and once in 1994.<sup>(30)</sup>

### *Unanimous Consent*

#### **§ 2.1 Before the 102d Congress, the motion to recess was not privileged and could only be entertained by unanimous consent.**

On Mar. 23, 1960,<sup>(1)</sup> after a demand was made for the reading of an engrossed copy of a bill, Speaker Sam Rayburn, of Texas, indicated that it would not be in order to move that the House stand in recess to await the preparation of the engrossed copy. The Speaker

29. *Id.* at § 857.

30. See, e.g., §§ 2.25–2.27, *infra*.

1. 106 CONG. REC. 6400, 6401, 86th Cong. 2d Sess.

announced that further consideration of the bill would be continued the next day.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. [John Bell] WILLIAMS. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The further consideration of the bill will go over until tomorrow.

Mr. [Paul] JONES of Missouri. Mr. Speaker, would it be in order to make a motion to vote on the engrossed copy of the bill at 7 o'clock this evening?

The SPEAKER. That motion would not be in order.

Mr. JONES of Missouri. I thank the Speaker.

In the second session of the 82d Congress,<sup>(2)</sup> Mr. John E. Rankin, of Mississippi, moved that the House take a recess until the next day:

Mr. RANKIN. Mr. Speaker, I move that the House take a recess until tomorrow morning at 12 o'clock.

The SPEAKER.<sup>(3)</sup> That motion is not in order.

#### **§ 2.2 The Speaker may, by unanimous consent, at his own initiative, declare the House in recess subject to his call.**

On Oct. 22, 1966,<sup>(1)</sup> near the end of the second session of the

2. 98 CONG. REC. 6375, 82d Cong. 2d Sess., June 2, 1952.

3. Sam Rayburn (TX).

1. 112 CONG. REC. 28881, 89th Cong. 2d Sess.

89th Congress, Speaker John W. McCormack, of Massachusetts, declared a recess on his own initiative as indicated below:

The SPEAKER. Without objection, the Chair will declare a recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

---

#### AFTER RECESS

The House having expired at 3 o'clock and 29 minutes p.m., the House was called to order by the Speaker.

*Parliamentarian's Note:* The Speaker declared several recesses preceding adjournment *sine die*, each time doing so by unanimous consent. The House did not, by resolution or by a formal unanimous-consent agreement, give the Speaker any special authority to declare recesses in the last days of the session.

#### § 2.3 The Speaker, without objection, declared the House in recess for a five-minute period.

On Apr. 19, 1966,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, called a five-minute recess:

#### RECESS

The SPEAKER. Without objection, the House will stand in recess for 5 minutes.

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1. 112 CONG. REC. 8406, 89th Cong. 2d Sess.

There was no objection.

Accordingly (at 12 o'clock and 57 minutes p.m.), the House stood in recess.

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#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 2 minutes p.m.

#### § 2.4 By unanimous consent, it may be made in order at any time during a day to move to take a recess.

On Jan. 3, 1938,<sup>(1)</sup> the opening day of the third session of the 75th Congress, the Speaker<sup>(2)</sup> asked unanimous consent that at any time on that date it be in order to move to recess. The House was awaiting the arrival of the President to deliver an address.

*Parliamentarian's Note:* That request made in order at any time a motion to recess on the opening day of the 75th Congress, second session, rather than the customary authority for the Speaker to declare recesses.

#### ORDER OF BUSINESS

Mr. [Sam] RAYBURN [of Texas]. Mr. Speaker, I ask unanimous consent that

1. 83 CONG. REC. 7, 75th Cong. 3d Sess.
2. William B. Bankhead (AL).

it may be in order at any time during this day, Monday, January 3, 1938, to move to recess the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

**§ 2.5 The Speaker has been authorized to declare a recess at any time during the remainder of the day.**

On Mar. 25, 1959,<sup>(1)</sup> Mr. John W. McCormack, of Massachusetts, asked for unanimous consent that it be in order for the Speaker<sup>(2)</sup> to declare a recess, as follows:

AUTHORITY TO DECLARE  
RECESS TODAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker for the remainder of the day to declare a recess.

The SPEAKER. Without objection, it is so ordered.

There was no objection.<sup>(3)</sup>

**§ 2.6 The Speaker was authorized to declare a recess on a specified day at any time subject to the call of the Chair.**

On Jan. 3, 1961,<sup>(1)</sup> Mr. John W. McCormack, of Massachusetts,

1. 105 CONG. REC. 5264, 86th Cong. 1st Sess.
2. Sam Rayburn (TX).
3. See also 108 CONG. REC. 19258, 87th Cong. 2d Sess., Sept. 12, 1962.
1. 107 CONG. REC. 27, 87th Cong. 1st Sess.

asked unanimous consent authorizing the Speaker<sup>(2)</sup> to declare a recess:

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that on January 6, 1961, it may be in order for the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

*Parliamentarian's Note:* The purpose of the authorization was to allow the Speaker to declare recesses on the day set for the counting of the electoral vote.

**§ 2.7 The Speaker may be authorized to declare a recess at any time during a day, subject to the call of the Chair.**

On May 20, 1971,<sup>(1)</sup> Mr. Hale Boggs, of Louisiana, asked unanimous consent that it might be in order for the Speaker to declare a recess on that date, subject to the call of the Chair.

The two Houses had gone to conference on a bill earlier that day (H.R. 8190, making supplemental appropriations for fiscal 1971). Anticipating that the conferees could reach an early agreement, the Speaker was authorized

2. Sam Rayburn (TX).
1. 117 CONG. REC. 16148, 92d Cong. 1st Sess.

to declare a recess after the conclusion of other legislative business to await the filing of the report.

AUTHORIZING SPEAKER TO  
DECLARE RECESS TODAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess today subject to the call of the Chair.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Louisiana? . . .

Mr. [H. R.] GROSS [of Iowa]. Mr. Speaker, further reserving the right to object, and I will yield to the gentleman from Texas (Mr. MAHON) if he wishes me to.

AUTHORIZING CONSIDERATION OF  
CONFERENCE REPORT ON SECOND  
SUPPLEMENTAL APPROPRIATIONS,  
1971

Mr. [George H.] MAHON. I thank the gentleman for yielding.

My purpose is to ask unanimous consent that it may be in order at any time after the filing of the conference report on the second supplemental appropriation bill to call up the conference report for consideration.

Mr. GROSS. Mr. Speaker, that adds to the pertinence of the question I was about to ask. Does this request for a recess mean that we might be in recess until tonight, this evening, or into the night on this thing? Does anyone have any idea about the extent of the proposed recess?

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I would like to address that question to the majority leader.

Mr. BOGGS. The gentleman would have to address that question to the distinguished chairman of the Committee on Appropriations.

Mr. GROSS. I yield to the gentleman from Texas.

Mr. MAHON. It would be my thought that an early decision can probably be reached on the second supplemental appropriation bill and, if an early decision is not reached, then I would not recommend that the House be kept in session indefinitely.

Mr. GROSS. Of course, the House would not be in session indefinitely. The House would be in recess. But what I am trying to find out is does a recess contemplate a session tonight?

Mr. MAHON. In my judgment, the House ought to adjourn after a brief recess if it develops that we cannot come to a quick agreement, and at the moment it is not anticipated that we would wait until after 6 o'clock on this matter.

Mr. GROSS. And the gentleman would be kind enough to advise the leadership of the House, I assume, if he saw that a conference agreement could not be reached until evening?

Mr. BOGGS. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. Yes, of course I yield to the gentleman from Louisiana.

Mr. BOGGS. I concur with the distinguished gentleman from Texas. It is not the intention of the leadership to keep the House here late this evening.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

2. Carl Albert (OK).



There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Similarly, on Apr. 17, 1957,<sup>(3)</sup> H.R. 4249, making certain urgent deficiency appropriations, was pending but had not been agreed to by both Houses. The House had agreed to House Joint Resolution 312, carrying only those appropriations of the bill (H.R. 4249) not in controversy. When the request for authority for the Speaker to declare a recess came, the House was awaiting Senate action on the joint resolution to clear the way for Easter recess:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess at any time subject to the call of the Chair this afternoon.

The SPEAKER.<sup>(4)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. The House stands in recess subject to the call of the Chair. The bells will be rung 15 minutes before the House reassembles.

Accordingly (at 2 o'clock p.m.) the House stood in recess subject to the call of the Chair.

#### AFTER RECESS

The recess having expired, the House was called to order by the

3. 103 CONG. REC. 5943, 85th Cong. 1st Sess.
4. Sam Rayburn (TX),

Speaker at 3 o'clock and 50 minutes p.m.

#### § 2.8 The Speaker may be authorized to declare a recess on the following day at any time subject to the call of the Chair.

On May 26, 1959,<sup>(1)</sup> Mr. John W. McCormack, of Massachusetts, asked that it might be in order on the following day for the Speaker to declare a recess:

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order tomorrow for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

On May 24, 1946,<sup>(3)</sup> Mr. McCormack asked unanimous consent that it be in order at any time the following afternoon for the Speaker to declare a recess:

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it be in

1. 105 CONG. REC. 9155, 86th Cong. 1st Sess.

*Parliamentarian's Note:* Funeral services for John Foster Dulles, a former Senator and Secretary of State, were scheduled to be held at the Washington Cathedral on the May 27, 1959. The recess was for the convenience of Members desiring to attend.

2. Sam Rayburn (TX).
3. 92 CONG. REC. 5683, 79th Cong. 2d Sess.

order for the Speaker to declare a recess at any time tomorrow afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

**§ 2.9 The Speaker was authorized to declare recesses at any time on three days during the week subject to the call of the Chair.**

On Dec. 21, 1970,<sup>(1)</sup> Mr. Carl Albert, of Oklahoma, obtained unanimous consent to permit the Speaker<sup>(2)</sup> to declare recesses on certain days of the week:

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it be in order during Monday, Tuesday, and Wednesday of this week for the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

**§ 2.10 An agreement to a unanimous-consent request that it shall be in order "at any time on Wednesday and Thursday" for the Chair to declare a recess has been interpreted as giving authority for more than one recess on the two designated days.**

1. 116 CONG. REC. 43094, 91st Cong. 2d Sess.
2. John W. McCormack (MA).

On Apr. 8, 1964,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, responded to certain parliamentary inquiries relative to his authority to declare recesses:<sup>(2)</sup>

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. Mr. Speaker, a short while ago the Speaker declared a recess. Am I to understand that that was done under the unanimous-consent request that was given yesterday for the MacArthur ceremonies in the Capitol?

The SPEAKER. The Chair will state that the unanimous-consent request made by the gentleman from Oklahoma [Mr. ALBERT], was as follows:

Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday and Thursday for the Chair to declare a recess subject to the call of the Chair.

Mr. HALLECK. In other words, Mr. Speaker, that conferred blanket authority, but is it not also true that

1. 110 CONG. REC. 7304, 88th Cong. 2d Sess.
2. See also 110 CONG. REC. 7119, 88th Cong. 2d Sess., Apr. 7, 1964, where recesses on both Wednesday and Thursday were required in connection with lying-in-state ceremonies in the Rotunda for General Douglas MacArthur. Under this authority, the Speaker also declared a recess on Wednesday evening to allow time for the preparation of an engrossed copy of H. R. 10222, the Food Stamp Act of 1964. See also Ch. 38 §9.12, *supra*, for additional information on the death of General MacArthur.

what we had in mind were the MacArthur ceremonies?

The SPEAKER. The Chair will state that the unanimous-consent request gave authority to the Chair to declare a recess.

Mr. [Charles S.] GUBSER [of California]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GUBSER. Mr. Speaker, is it not correct that the authority given to the Chair was for a recess in the singular, and that that one recess has already been had and, therefore, a second recess is out of order?

The SPEAKER. The Chair will read again for the benefit of the gentleman the request.

Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday and Thursday for the Chair to declare a recess subject to the call of the Chair.

The Chair exercised the authority given by that unanimous-consent request which was granted by the House.

**§ 2.11 The Speaker was authorized to declare a recess during the remainder of the week, subject to the call of the Chair.**

On Dec. 15, 1967,<sup>(1)</sup> Mr. Carl Albert, of Oklahoma, asked unanimous consent that the Speaker be permitted to declare a recess:

1. 113 CONG. REC. 37126, 90th Cong. 1st Sess.

**PERMISSION FOR THE SPEAKER TO DECLARE A RECESS ANY TIME THIS WEEK**

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that for the balance of this week it may be in order for the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Similarly, in the second session of the 85th Congress,<sup>(3)</sup> certain interim powers, including the authority to declare recesses, were granted to the Speaker by unanimous consent.

**INTERIM POWERS TO THE SPEAKER**

Mr. ALBERT. Mr. Speaker, I renew my request made earlier today.

Mr. Speaker, I ask unanimous consent that at any time during the remainder of the week it may be in order for the Speaker to declare recesses subject to the call of the Chair; to consider conference reports the same day reported, notwithstanding the provisions of clause 2 of rule XXVIII; and that reports from the Committee on Rules may be considered at any time, notwithstanding the provisions of clause 22 of rule XI.

The SPEAKER.<sup>(4)</sup> Is there objection to the request of the gentleman from Oklahoma?

2. John W. McCormack (MA).

3. 104 CONG. REC. 19174, 85th Cong. 2d Sess., Aug. 22, 1958.

4. Sam Rayburn (TX).

Where was no objection.

**§ 2.12 The Speaker may be authorized, during the remainder of the session, to declare a recess at any time.**

On Sept. 11, 1959,<sup>(1)</sup> Mr. John W. McCormack, of Massachusetts, obtained unanimous consent that the Speaker be authorized for the balance of the session to declare recesses subject to the call of the Chair.

CERTAIN PROCEDURE FOR THE  
BALANCE OF THIS SESSION

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it shall be in order during the remainder of this session of Congress . . . for the Speaker to declare recesses subject to the call of the Chair[.] . . .

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Massachusetts?

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, reserving the right to object—and I shall not object—these matters were all cleared with me. They are the customary procedures that are adopted when we come up to the close of the session. . . .

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

On Aug. 29, 1957,<sup>(3)</sup> Mr. McCormack asked unanimous consent

1. 105 CONG. REC. 19128, 19129, 86th Cong. 1st Sess.
2. Sam Rayburn (TX).
3. 103 CONG. REC. 16527, 85th Cong. 1st Sess.

that the Speaker might declare a recess at any time until the end of the session:

AUTHORIZING THE SPEAKER TO  
DECLARE A RECESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that for the balance of this session it may be in order for the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

**§ 2.13 By unanimous consent, the Speaker was authorized to declare a recess at any time later in the day after the Committee of the Whole had risen, subject to the call of the Chair.**

On May 18, 1971,<sup>(1)</sup> a Member made the following unanimous-consent request:

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I ask unanimous consent that when the Committee of the Whole rises today it may be in order for the Chair to declare a recess subject to the call of the Chair.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Louisiana? . . .

There was no objection.

1. 117 CONG. REC. 15612, 15613, 92d Cong. 1st Sess.
2. Carl Albert (OK).

*Parliamentarian's Note:* The Committee on Interstate and Foreign Commerce was preparing to report House Joint Resolution 642 (emergency railroad strike legislation) and to obtain a rule from the Committee on Rules providing for the immediate consideration of the joint resolution, notwithstanding the three-day layover requirement of Rule XI clause 27.<sup>(3)</sup> The leadership hoped to call up the rule, and then the bill, immediately after they were reported, and to interrupt consideration of H.R. 3613 (Emergency Employment Act of 1971) if necessary. The leadership agreed to proceed with some general debate on H.R. 3613 and then, when the Committee rose, to adjourn to await the necessary committee reports on the railroad strike legislation.

**§ 2.14 By unanimous consent, the Speaker was authorized to declare a recess, subject to the call of the Chair, to extend not later than a time certain on that day.**

On Oct. 14, 1972,<sup>(1)</sup> a Member asked unanimous consent that the

3. An amended version of this rule can be found under Rule XIII clause 4, *House Rules and Manual* § 850 (2007).

1. 118 CONG. REC. 36474, 92d Cong. 2d Sess.

Speaker be authorized to declare a recess as follows:

AUTHORITY FOR SPEAKER TO  
DECLARE RECESS

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to declare a recess, subject to the call of the Chair, with the understanding that such a recess shall not extend beyond 10:30 p.m. this evening.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Louisiana?

There was no objection.

*For Emergencies*

**§ 2.15 Under clause 12(b)(2) of Rule I,<sup>(1)</sup> the Chairman of the Committee of the Whole<sup>(2)</sup> may “suspend the business of the House when notified of an imminent threat to its safety” by declaring a recess**

2. Carl Albert (OK).

1. *House Rules and Manual* § 639 (2007). See also 149 CONG. REC. 7, 108th Cong. 1st Sess., Jan. 7, 2003 (H. Res. 5 [§ 2(c)]).

2. Pursuant to clause 12 of Rule XVIII, *House Rules and Manual* § 992 (2007), rules of the House apply in the Committee of the Whole and the Chairman of the Committee of the Whole possesses the same authority as the Speaker, and therefore the Committee rose and the House recessed simultaneously without a report to the House.

**subject to the call of the Chair.**

On June 29, 2005,<sup>(3)</sup> the following proceedings occurred:

□ 1830

RECESS

The CHAIRMAN (during the vote).<sup>(4)</sup> Pursuant to clause 12(b) of rule I, the House will stand in emergency recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 30 minutes p.m.), the House stood in emergency recess subject to the call of the Chair.

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□ 1923

AFTER RECESS

The recess having expired, the Committee on the Whole House on the State of the Union resumed its sitting at 7 o'clock and 23 minutes p.m. with Mr. McHUGH in the chair.

**§ 2.16 Under clause 12(b)(1) of Rule I,<sup>(1)</sup> the Speaker may “suspend the business of the House when notified of an imminent threat to its safety,” by declaring a recess subject to the call of the Chair.**

3. 151 CONG. REC. 14835, 109th Cong. 1st Sess.

4. John McHugh (NY).

1. *House Rules and Manual* § 639 (2007).

On May 11, 2005,<sup>(2)</sup> emergency authority to declare a recess was exercised for the first time by Speaker pro tempore Michael K. Simpson, of Idaho. The House stood in emergency recess for 90 minutes.

RECESS

The SPEAKER pro tempore (during the vote). Pursuant to clause 12(b) of rule I, the House will stand in emergency recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House stood in emergency recess subject to the call of the Chair.

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□ 1335

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 1 o'clock and 35 minutes p.m.

**§ 2.17 The Chair exercised inherent emergency authority to terminate the recess from “morning-hour debate” to the legislative day proper at a time other than that previously established (by the announcement from the Chair at 9:20 a.m. and also by standing order in the resolution establishing convening**

2. 151 CONG. REC. 9163, 9164, 109th Cong. 1st Sess.

**times for the session), noting “the circumstances of today” in allusion to terrorist attacks on the United States, and having convened the legislative day proper eight minutes earlier than the time prescribed, immediately following the prayer the Chair declared a recess subject to the call of the Chair under clause 12(a) of Rule I.<sup>(1)</sup>**

*Parliamentarian’s Note:* The House reconvened at 9:52 a.m. on Sept. 11, 2001, as the Capitol was being evacuated following the terrorist attacks on the World Trade Center and the Pentagon, amid reports that unidentified aircraft had entered the airspace surrounding the Capitol. The Speaker was escorted from the Chamber and taken to an undisclosed location shortly before the House convened. A couple of hours after the evacuation, the bipartisan leadership decided that the Capitol would not reopen for the rest of the day.

The following proceedings took place on that date:<sup>(2)</sup>

The House met at 9 a.m.

1. *House Rules and Manual* § 638 (2007).
2. 147 CONG. REC. 16750, 16752, 107th Cong. 1st Sess.

#### MORNING HOUR DEBATES

The SPEAKER.<sup>(3)</sup> Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes. . . .

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#### RECESS

The SPEAKER pro tempore.<sup>(4)</sup> There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m. today.

Accordingly (at 9 o’clock and 20 minutes a.m.) the House stood in recess until 10 a.m. today.

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□ 0952

#### AFTER RECESS

The House was called to order by the Speaker pro tempore (Mr. GOSS) at 9 o’clock and 52 minutes a.m., thereby terminating the recess.

The SPEAKER pro tempore. Due to the circumstances of today, the Chair calls the House to order at this time.

3. J. Dennis Hastert (IL).
4. Porter J. Goss (FL).

The prayer will be offered by the guest chaplain.

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PRAYER

The Reverend Gerard Creedon, St. Charles Borromeo Catholic Church, offered the following prayer:

God of peace and life, send Your spirit to heal our country; bring consolation to all injured in today's tragedy in New York and Washington. Protect us and help our leaders to lead us out of this moment of crisis to a new day of peace. Amen.

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RECESS

The SPEAKER pro tempore. The House will stand in recess subject to the call of the Chair, pursuant to clause 12 of rule I.

Accordingly (at 9 o'clock and 53 minutes a.m.), the House stood in recess subject to the call of the Chair.

**§ 2.18 The Speaker, in case of grave emergency, may exercise the inherent authority of his position and declare the House in recess on his own initiative, subject to the call of the Chair.**

On Mar. 1, 1954,<sup>(1)</sup> the following proceedings occurred in the House Chamber:

RECESS

At approximately 2 o'clock and 30 minutes p.m. a demonstration and the

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1. 100 CONG. REC. 2434, 83d Cong. 2d Sess. See also Ch. 4, § 2, *supra*.

discharge of firearms, from the southwest House Gallery (No. 11), interrupted the counting of the vote; the Speaker, pursuant to the inherent power lodged in the Presiding Officer in the case of grave emergency, after ascertaining that certain Members had been wounded and to facilitate their care, at 2 o'clock and 32 minutes p. m. declared the House in recess, subject to the call of the Chair.

The Members wounded were: Mr. BENTLEY of Michigan, Mr. DAVIS of Tennessee, Mr. FALLON of Maryland, Mr. JENSEN of Iowa, and Mr. ROBERTS of Alabama.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 42 minutes p.m.

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ADJOURNMENT

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 43 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 2, 1954, at 12 o'clock noon.

**§ 2.19 Pursuant to the inherent authority of the Chair in case of emergency, the Speaker declared the House to be in recess for the purpose of participating in an air-raid drill.**



On Mar. 2, 1943,<sup>(1)</sup> while the House was discussing House Resolution 23, amending the rules to establish a standing committee on aviation, the Speaker declared the House to be in recess in order to participate in an air-raid drill. The proceedings were as follows:

The SPEAKER.<sup>(2)</sup> The time of the gentleman from Massachusetts has expired.

Mr. [Jack] NICHOLS [of Oklahoma]. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: On page 1, line 4, after “on” and before “aviation”, insert “civil and commercial.”

Mr. [Alfred L.] BULWINKLE [of North Carolina]. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER. The gentleman from North Carolina is recognized for 1 hour.

Mr. BULWINKLE. Mr. Speaker——

#### RECESS

The SPEAKER. Pursuant to the inherent power lodged in the Presiding Officer in case of emergency, the Chair declares this House in recess subject to the call of the Chair for the purpose of participating in a practice air-raid drill. The alarm has sounded. Members will leave the Chamber as rapidly as possible, and the galleries will be cleared.

Accordingly (at 2 o'clock and 10 minutes p. m.) the House stood in recess, subject to the call of the Speaker.

1. 89 CONG. REC. 1487, 78th Cong. 1st Sess.
2. Sam Rayburn (TX).

#### AFTER RECESS

At 3 o'clock and 4 minutes p.m., the House was called to order by the Speaker.

The SPEAKER. The gentleman from North Carolina [Mr. BULWINKLE] has the floor.

#### *Motion to Authorize Speaker to Declare Recess*

**§ 2.20 Under clause 4 of Rule XVI,<sup>(1)</sup> the Chair may entertain a nondebatable motion that the Speaker be authorized to declare a recess (recesses) as being of equal privilege with the motion to adjourn.**

On Dec. 15, 1995,<sup>(2)</sup> the first use of the motion to authorize the Speaker to declare a recess subject to the call of the Chair occurred. The House may authorize the Speaker to declare (as the House could order directly) that it stand in recess for a period consistent with the art. I § 5 constitutional constraint that neither House (recess or) adjourn for more than three days without the consent of the other.

1. *House Rules and Manual* §§ 911, 913 (2007).
2. 141 CONG. REC. 37107, 37108, 104th Cong. 1st. Sess.

MOTION TO AUTHORIZE SPEAKER TO DECLARE RECESSES SUBJECT TO THE CALL OF THE CHAIR THROUGH MONDAY, DECEMBER 18, 1995

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore.<sup>(3)</sup> The Clerk will report the motion.

The Clerk read as follows:

Mr. ARMEY moves that the Speaker may be authorized to declare recesses subject to the call of the chair through Monday, December 18, 1995.

PARLIAMENTARY INQUIRY

Mr. [Victor] FAZIO of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FAZIO of California. Mr. Speaker, as many Members may know, this procedure has never been used before, and it is my understanding that this procedure is being used to avoid a problem we may anticipate down the road in terms of our ability to later adjourn the House. I wonder if perhaps the Chair or majority leader could enlighten us. The last time the House failed to adjourn during the last Government shutdown, Members on this side of the aisle were not notified ahead of time as to the Speaker's intentions regarding the length of the recesses called as a result. Regarding the length of recesses called, we would hope some Democratic Members who at that time ended up remaining in their offices throughout the weekend

because they had not been assured in advance of notice as to when the House could come back into session would be informed, given perhaps as much as 2 days' notice as to when we may be called into session. I wonder if the Chair or the majority leader could assure Members on both sides of the aisle that sufficient notice will be given so that we can avoid that kind of problem in the future.

The SPEAKER pro tempore. The Chair believes this is a privileged motion, the Chair believes that adequate notice will be given, and the Chair will defer to the majority leader in response to the parliamentary inquiry.

Mr. ARMEY. Mr. Speaker, if I might respond to the gentleman from California that Members would be given ample notice before we would reconvene this body. We obviously take this measure in order for Members to be with their families later today, and tomorrow, and Sunday, insofar as it possible to do that. Should work present itself that would be compelling enough for us to interrupt that time with their families, we will first notify the Members in ample time for them to return, and then second, of course, convene to take up that work. . . .

Mr. FAZIO of California. I appreciate the gentleman's assurance.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARMEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FAZIO of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make

3. James Longley (ME).

the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 215, nays 152, not voting 65 as follows:

[Roll No. 863] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### ***During Specified Three-day Periods***

**§ 2.21 A privileged rule reported by the Committee on Rules (and amended on motion of the floor manager) to authorize the Speaker to declare the House in recesses subject to calls of the Chair during three discrete periods, each consistent with the art. I § 5 constitutional constraint that neither House (recess or) adjourn for more than three days without consent of the other House.**

On Dec. 21, 1995,<sup>(1)</sup> the following proceedings occurred in the House:

1. 141 CONG. REC. 38141–51, 104th Cong. 1st Sess.

*Parliamentarian's Note:* The privileged resolution was drafted for the

RESOLUTION AUTHORIZING THE SPEAKER TO DECLARE RECESSES SUBJECT TO THE CALL OF THE CHAIR FROM DECEMBER 23, 1995, THROUGH DECEMBER 27, 1995

Ms. [Deborah] PRYCE [of Ohio]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 320 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 320

*Resolved,* That the Speaker may declare recesses subject to the call of the Chair on the calendar days of Saturday, December 23, 1995,

Committee on Rules in stages. The reported resolution was ordered reported when only a single three-day period for recesses was contemplated. Then the need for a second and a third three-day period arose. The third three-day segment spanning the remainder of the first session was included in § 3 to require that “after the House has been in session on the calendar day of Saturday, December 30” a third three-day recess could be declared through 11:59 a.m. on Wednesday, Jan. 3, 1996. This was sufficient to cover that final three-day period since requiring the House to be back in session first. The use of a special rule reported from the Committee on Rules was considered necessary (as amended) to cover recesses over multiple three-day periods, while the use of the privileged motion on Dec. 15, 1995 (See § 2.20, *supra*) was considered adequate to cover recesses during a single three-day period.

through Wednesday, December 27, 1995. A recess declared pursuant to this resolution may not extend beyond the calendar day of Wednesday, December 27, 1995.

The SPEAKER pro tempore.<sup>(2)</sup> The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Committee on Rules, pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 320 is a simple, straightforward resolution that allows the Speaker of the House to declare recesses subject to the call of the Chair on the calendar days of Saturday, December 23, 1995, through Wednesday, December 27, 1995. The resolution further provides that any such recess may not extend beyond the calendar day of Wednesday, December 27, 1995.

Mr. Speaker, the Rules Committee brings this resolution to the floor today for several important reasons. First, the resolution specifically provides for the Speaker to declare recesses, and not to adjourn the House at the end of business this week. This is an important distinction which will permit the House to be on stand-by should further progress be made in budget and other negotiations between our leadership and the White House. . . .

Mr. [John Joseph] MOAKLEY [of Massachusetts]. . . .

<sup>2</sup> Bill Barrett (NE).

I want to remind my colleagues, Mr. Speaker, that the Constitution prohibits the House from recessing for more than 3 days—any recess or adjournment longer than 3 days requires the concurrence of the other body.

When the Democrats were in the majority, we never passed a rule making a recess an adjournment. If Congress needed to adjourn, we adjourned. . . .

Mr. [Gerald B. H.] SOLOMON [of New York]. . . . [I]f I could just reclaim my time, if the gentlewoman has a little extra time, if we had made some progress the last time and if we felt there was really sincerity at the other end of Pennsylvania Avenue, I would be up here fighting for you for that CR. But the trouble is, you know the President the other day met with the Republican leaders, President DOLE—he will be in in about a year—but Senator DOLE and Speaker GINGRICH, and when he came out of that meeting we were all excited because we really thought we had made some progress.

The Vice President AL GORE comes out and refutes almost everything that was said there. Then the Speaker's press secretary about an hour later came out and even changed what Vice President GORE was saying. Then on top of that, our former colleague, Mr. Panetta, the Chief of Staff of the President, comes out and says something else.

. . . [I]t is so frustrating and confusing. It is hard to have faith that there is going to be anything there. That is why we cannot gamble. We have to hold their nose to the grindstone and see if we cannot make some progress. I am trying. . . .

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment so that this House does not recess until we adopt a clean continuing resolution keeping the Government running until January 26.

I include for the RECORD my proposed amendment.

PREVIOUS QUESTION AMENDMENT TO  
RECESS RESOLUTION

At the end of the resolution, add the following:

"SEC. . Immediately upon the adoption of this resolution the House shall without intervention of any point of order consider in the House the joint resolution (H.J. Res. 131) making further continuing appropriations for the fiscal year 1996, and for other purposes. The joint resolution shall be debatable for one hour equally divided and controlled by the Chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. . The recess authority provided in the previous sections of this resolution shall be effective only on or after the date on which H.J. Res. 131 is presented to the President for approval."

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, House Resolution 320 was reported by the Committee on Rules last night by voice vote author-

izing the Speaker to declare recesses subject to the call of the Chair.

The amendment I will offer would authorize the Speaker to declare recesses subject to the call of the Chair on calendar day Thursday, December 28, through Saturday, December 30.

The amendment would further provide that after the House has been in session on calendar day Saturday, December 30, the Speaker may declare recesses subject to the call of the Chair on calendar day Saturday, December 30, through Wednesday, January 3.

Mr. Speaker, the Speaker needs this authority to keep the House in recess next week subject to the call of the Chair, pending the ongoing negotiations over the budget.

Members should be aware that the House will not be adjourned, but rather in recess on standby, should budget negotiations prove successful.

AMENDMENT OFFERED BY MS. PRYCE

Ms. PRYCE. Mr. Speaker, I offer an amendment authorized by the Committee on Rules.

The Clerk read as follows:

Amendment offered by Ms. PRYCE of Ohio: Strike all after the Resolved clause and insert:

That the Speaker may declare recesses subject to the call of the Chair on the calendar days of Saturday, December 23, 1995, through Wednesday, December 27, 1995.

SEC. 2. The Speaker may declare recesses subject to the call of the Chair on the calendar days of Thursday, December 28, 1995, through Saturday, December 30, 1995.

SEC. 3. After the House has been in session on the calendar day of Saturday, December 30, 1995, the Speaker may declare recesses subject

to the call of the Chair on the calendar days of Saturday, December 30, 1995, through Wednesday, January 3, 1996.

SEC. 4.(a) A recess declared pursuant to the first section of this resolution may not extend beyond the calendar day of Wednesday, December 27, 1995.

(b) A recess declared pursuant to section 2 of this resolution may not extend beyond the calendar day of Saturday, December 30, 1995.

(c) A recess declared pursuant to section 3 of this resolution may not extend beyond 11:55 a.m. on the calendar day of Wednesday, January 3, 1996.

Ms. PRYCE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. PRYCE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 179, not voting 26, as follows:

[Roll No. 878] . . .

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is

on the amendment offered by the gentlewoman from Ohio [Ms. PRYCE].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Ms. PRYCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 186, not voting 24, as follows:

[Roll No. 879] . . .

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### *Declaring Recess When No Question is Pending Before the House*

**§ 2.22 A Member's mere revelation that he seeks to offer a motion to adjourn does not suffice to make the motion pending, and thus the Chair remains able to declare a short recess under clause 12 of Rule I.<sup>(1)</sup>**

1. *House Rules and Manual* §638 (2007).

On June 25, 2003,<sup>(2)</sup> the following proceedings took place between recognitions for special-order speeches:

## RECESS

Mr. [Sherrod] BROWN of Ohio. Mr. Speaker, I move the House adjourn until tomorrow at 10 a.m.

Mr. [Frank] PALLONNE [Jr., of New Jersey]. I second the motion, Mr. Speaker.

The SPEAKER pro tempore.<sup>(3)</sup> Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

## PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Speaker, parliamentary inquiry. Does a motion to adjourn not take precedence over any other motion?

The SPEAKER pro tempore. The chair did not recognize the gentleman for that purpose. There is therefore no question now pending before the Chair at this time, and the Chair may declare a recess.

Ms. [Marcy] KAPTUR [of Ohio]. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. For what purpose does the gentlewoman from Ohio rise?

Ms. KAPTUR. I would like to make an inquiry of the Chair as to why the gentleman from Ohio's parliamentary request to adjourn the House was not received by the Chair.

The SPEAKER pro tempore. When there is no question pending, the Chair

2. 149 CONG. REC. 16241, 16243, 108th Cong. 1st Sess.
3. Scott Garrett (NJ).

has the authority to declare the House in recess. As such, pursuant to clause 12(a) of rule I, the chair declares a recess subject to the Call of the Chair.

Accordingly (at 11 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair. . . .

□ 0618

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 6 o'clock and 18 minutes a.m., Thursday, June 26, 2003, Legislative Day, Wednesday, June 25, 2003. . . .

## ADJOURNMENT

Ms. PRYCE of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes a.m.), the House adjourned until today, Thursday, June 26, 2003, at 10 a.m.

**§ 2.23 Having postponed proceedings on a pending question under clause 5 of Rule I,<sup>(1)</sup> the Speaker may declare a recess for a short time under clause 12 of Rule I<sup>(2)</sup>**

1. Amended form of this rule can now be found under Rule XX clause 8, *House Rules and Manual* § 1030 (2007).
2. *House Rules and Manual* § 638 (2007).

**(there being no question then pending before the House).**

On Apr. 30, 1998,<sup>(3)</sup> the following occurred on the floor of the House:

The previous question was ordered.

The SPEAKER pro tempore.<sup>(4)</sup> The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. [Tony P.] HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed until later today.

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#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair. The bells will be rung 15 minutes prior to reconvening.

### § 2.24 The customary inquiry by the Chair asking "For what purpose does the gentleman rise?" does not immediately confer recognition, such that a Member's mere revelation that he seeks to offer a motion to adjourn does not suffice to make that motion "pending".

On Oct. 28, 1997,<sup>(1)</sup> the following proceedings occurred in the House:

#### MOTION OFFERED BY MR. ENSIGN

The SPEAKER pro tempore.<sup>(2)</sup> For what purpose does the gentleman from Nevada rise?

Mr. [John] ENSIGN [of Nevada]. Mr. Speaker, I have a motion at the desk.

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#### RECESS

The SPEAKER pro tempore. Under clause 12 of rule I, the Chair declares the House in recess at this time subject to the call of the Chair, there being no business pending at this point.

Accordingly (at 1 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

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□ 1701

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr.

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3. 144 CONG. REC. 7380, 7381, 105th Cong. 2d Sess.

4. Jo Ann Emerson (MO).

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1. 143 CONG. REC. 23524, 23525, 105th Cong. 1st Sess.

2. Vincent K. Snowbarger (KS).



SNOWBARGER] at 5 o'clock and 2 minutes p.m.

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#### MOTION TO ADJOURN

Mr. ENSIGN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the privileged motion. The Clerk read as follows:

Mr. ENSIGN moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Nevada [Mr. ENSIGN].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it. . . .

The vote was taken by electronic device, and there were—yeas 52, nays 359, answered “present” 1, not voting 21, as follows:

[Roll No. 532] . . .

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

### *Examples of Overnight and Other Recesses*

#### **§ 2.25 Under clause 12 of Rule I,<sup>(1)</sup> the Speaker may “suspend the business of the House for a short time when no question is pending” by**

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1. *House Rules and Manual* § 638 (2007).

#### **declaring a recess subject to the call of the Chair.**

On Dec. 14, 2000,<sup>(2)</sup> the following events occurred:

#### RECESS

The SPEAKER pro tempore.<sup>(3)</sup> Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 13 minutes p.m.), the House stood in recess subject to the call of the Chair.

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□ 0056

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 12 o'clock and 56 minutes a.m.

The SPEAKER pro tempore. The House will be in order.

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#### RECESS

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 57 minutes a.m.), the House stood in recess subject to the call of the Chair. . . .

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2. 146 CONG. REC. 26657, 106th Cong. 2d Sess.

3. John M. Shimkus (IL).

□ 0905

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE)<sup>(4)</sup> at 9 o'clock and 5 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 133, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-1030) on the resolution (H. Res. 674) providing for consideration of the joint resolution (H.J. Res. 133) making further continuing appropriations for fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 134, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-1031) on the resolution (H. Res. 675) providing for consideration of the joint resolution (H.J. Res. 134) making further continuing appropriations for fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

4. Edward A. Pease (IN).

REPORT ON RESOLUTION WAIVING SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-1032) on certain resolutions waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0944

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 9 o'clock and 44 minutes a.m.

*Parliamentarian's Note:* The House reconvened solely to avoid breaking the record for the length of a "short" recess under clause 12 of Rule I (see § 2.26, *infra*, [10 hours]). These two longer recesses spanned a period of nearly 17 hours. The third, 37-minute recess that immediately preceded adjournment was spent waiting in

vain for the filing of a conference report.

**§ 2.26 Instances in which, following the refusal of the House to adjourn on a roll-call vote, the “short time” for which business was suspended by a recess pursuant to clause 12 of Rule I<sup>(1)</sup> was invoked by the Chair to effectively recess the House from 3:14 p.m. on Saturday, Nov. 18, to 8:40 p.m. on Sunday, Nov. 19, by expiring and redeclaring the recesses as follows: (1) from 3:14 p.m. to 10 p.m. on Saturday (6 hrs. 46 mins.); (2) from 10:01 p.m. on Saturday to 9:01 a.m. on Sunday (11 hrs.); (3) from 9:01 a.m. to 4 p.m. on Sunday (6 hrs. 59 mins.); and (4) from 4:01 p.m. to 8:40 p.m. on Sunday (4 hrs. 39 mins.).**

On Nov. 18, 1995,<sup>(2)</sup> and on Nov. 19, 1995,<sup>(3)</sup> the following proceedings occurred in the House:

□ 1444

So, (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

1. *House Rules and Manual* § 638 (2007).
2. 141 CONG. REC. 33996, 33997, 104th Cong. 1st Sess.
3. *Id.* at p. 34036.

A motion to reconsider was laid on the table.

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#### MOTION TO ADJOURN

Mr. [John E.] LINDER [of Georgia]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. EMERSON.)<sup>(4)</sup> The question is on the motion offered by the gentleman from Georgia [Mr. LINDER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. [James P.] MORAN [of Virginia]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 32, nays 361, answered “present” 1, not voting 38, as follows:

[Roll No. 819] . . .

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

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#### RECESS

The SPEAKER pro tempore (Mr. EMERSON). Pursuant to clause 12 of rule I, the House will stand in recess, subject to the call of the Chair.

Accordingly (at 3 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

4. Bill Emerson (MO).

□ 2200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOSS) at 10 o'clock p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.<sup>(5)</sup> The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills during the recess today: H.R. 2020, H.R. 2126, and H.R. 2492.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly, (at 10 o'clock and 1 minute p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOSS) at 9 o'clock and 1 minute a.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair de-

5. Porter J. Goss (FL).

clares the House in recess subject to the call of the Chair. . . .

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOSS) at 4 o'clock p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess, subject to the call of the Chair.

Accordingly (at 4 o'clock and 1 minute p.m.), the House stood in recess subject to the call of the Chair.

□ 2040

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DAVIS)<sup>(6)</sup> at 8 o'clock and 49 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment a joint resolution of the House of the following title:

H.J. RES. 123

Making further continuing appropriations for fiscal year 1996, and for other purposes.

6. Thomas M. Davis (VA).

**§ 2.27 Instance where the House recessed for almost 10 hours under the Speaker's clause 12, Rule I<sup>(1)</sup> authority to declare a "short" recess (to allow the chairman of the Committee on the Judiciary to introduce through the hopper a major crime bill to be considered on the floor the following week).**

On Mar. 18, 1994,<sup>(2)</sup> the Chair, after a 10-hour recess, declared the House adjourned by unanimous consent (*i.e.*, without motion):

#### RECESS

The SPEAKER pro tempore.<sup>(3)</sup> Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 55 minutes p.m.) the House stood in recess subject to the call of the Chair.

□ 2238

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. BROOKS]<sup>(4)</sup> at 10 o'clock and 38 minutes p.m. . . .

1. *Id.* at § 638.
2. 140 CONG. REC. 5468, 103d Cong. 2d Sess.
3. Robert Filner (CA).
4. Jack B. Brooks (TX).

#### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12 noon Monday next.

There was no objection.

Accordingly (at 10 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Monday, March 21, 1994, at 12 noon. . . .

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows: . . .

By Mr. BROOKS (for himself, Mr. EDWARDS of California, Mr. HUGHES, and Mr. SCHUMER):

H.R. 4092. A bill to control and prevent crime; jointly, to the Committees on the Judiciary, Education and Labor, Energy and Commerce, Banking, Finance and Urban Affairs, and Government Operations.

### § 3. Purposes

Recesses are used when the House wishes to suspend business on the floor to await resumption of subsequent legislative business, including time to be permitted for Members to return to the House upon a joint leadership recall from an adjournment to a day certain,<sup>(1)</sup> or to permit ceremonies, caucuses, or security or other informational (both secret and open)

1. See § 3.12, *infra*.

briefings to be conducted on the floor, or during emergencies. On occasion, especially before adoption of clause 12 of Rule I in 1993,<sup>(2)</sup> when the Speaker was given specific authority to declare a recess, the purpose of the recess was stipulated in the order of the House.<sup>(3)</sup>

### *Illness of Member*

**§ 3.1 Where a Member was suddenly taken ill on the floor of the House, the Speaker pro tempore, on motion and without objection, declared a short recess while medical attention was administered and the stricken Member assisted from the floor.**

On July 8, 1969,<sup>(1)</sup> Mr. Frank T. Bow, of Ohio, was taken ill as he sat in the Chamber as the Chair put the question on adoption of House Resolution 447, providing for the consideration of H.R. 11249, authorizing funds for the John F. Kennedy Center for Performing Arts.

#### RECESS

Mr. [John A.] YOUNG [of Texas].  
Mr. Speaker, I move that the House

2. *House Rules and Manual* §638 (2007).
3. See §§ 3.1–3.11, *infra*.
1. 115 CONG. REC. 18615, 91st Cong. 1st Sess.

stand in recess subject to the call of the Chair.

The SPEAKER pro tempore (Mr. ALBERT).<sup>(2)</sup> Without objection the House will stand in recess subject to the call of the Chair.

There was no objection.

Accordingly (at 1 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALBERT) at 1 o'clock and 51 minutes p.m.

### *Receive Presidential Messages*

**§ 3.2 The Speaker, by unanimous consent, declared the House in recess, subject to the call of the Chair, to await the receipt of certain messages from the President.**

On Jan. 17, 1969,<sup>(1)</sup> the following proceedings occurred on the floor of the House:

#### RECESS

The SPEAKER.<sup>(2)</sup> The Chair understands that the President is sending some messages to the House which will be here shortly. Without objection, the House will stand in recess subject to the call of the Chair.

There was no objection.

2. Carl Albert (OK).
1. 115 CONG. REC. 1188, 1192, 91st Cong. 1st Sess.
2. John W. McCormack (MA).

Accordingly (at 12 o'clock and 11 minutes p.m.), the House stood in recess subject to the call of the Chair.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALBERT)<sup>(3)</sup> at 12 o'clock and 24 minutes p.m.

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 MESSAGES FROM THE  
PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries. . . .

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 ACHIEVEMENTS IN AERO-  
NAUTICS AND SPACE—MES-  
SAGE FROM THE PRESIDENT  
OF THE UNITED STATES (H.  
DOC. NO. 91-55)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

*To the Congress of the United States:*

This report summarizes a year of significant achievement in aeronautics and in space—culminating in the epochal Apollo 8 flight in December, in which three astronauts orbited the Moon ten times and returned safely to Earth. A courageous, pioneering exploration! . . .

3. Carl Albert (OK).

Our Nation is richer and stronger because of our space effort. I recommend that America continue to pursue the challenge of space exploration.

LYNDON B. JOHNSON.  
THE WHITE HOUSE,  
*January 17, 1969.*

***Await Senate Messages*****§ 3.3 The House stood in recess to await a message from the Senate.**

On Feb. 7, 1969,<sup>(1)</sup> the Speaker,<sup>(2)</sup> by unanimous consent, declared the House in recess subject to the call of the Chair:

## RECESS

The SPEAKER. Without objection, the House will stand in recess for a few minutes while we await a message from the Senate.

There was no objection.

Accordingly (at 12 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 30 minutes p.m.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced

1. 115 CONG. REC. 3268, 91st Cong. 1st Sess.
2. John W. McCormack (MA).

that the Senate had passed without amendment, joint and concurrent resolutions of the House of the following titles:

H.J. Res. 14. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes;

H. Con. Res. 124. Concurrent resolution providing for an adjournment of the two Houses of Congress from Friday, February 7, 1969, to Monday, February 17, 1969; and

H. Con. Res. 133. Concurrent resolution commending the leadership of the Boy Scouts of America for their fine work and contribution to American youth.

### *Await Committee Reports*

#### **§ 3.4 The House stood in recess to await a report from the Committee on Interstate and Foreign Commerce on emergency railroad strike legislation and a privileged report from the Committee on Rules relating thereto.**

On Mar. 4, 1970,<sup>(1)</sup> the Speaker<sup>(2)</sup> was authorized, by unanimous consent, to declare a recess subject to the call of the Chair:

AUTHORITY FOR THE SPEAKER  
TO DECLARE RECESS TODAY  
SUBJECT TO CALL OF THE  
CHAIR

Mr. [Carl] ALBERT [of Oklahoma].  
Mr. Speaker, if I may have the attention of the distinguished minority lead-

1. 116 CONG. REC. 5867, 5887, 5896, 91st Cong. 2d Sess.

2. John W. McCormack (MA).

er, I ask unanimous consent that it may be in order at any time today for the Speaker to declare a recess, subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? . . .

There was no objection. . . .

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#### INQUIRY AS TO RECESS

Mr. [Chalmers P.] WYLIE [of Ohio].  
Mr. Speaker, as I understand it, the House will go into recess soon to await action on the part of the Committee on Interstate and Foreign Commerce in connection with the strike bill. Is that correct?

The SPEAKER pro tempore. That is the understanding of the Chair. . . .

---

#### RECESS

The SPEAKER. In accordance with the unanimous-consent request granted and heretofore entered into, the Chair declares a recess subject to the call of the Chair. The bells will be rung 15 minutes before the House reconvenes.

Accordingly (at 2 o'clock and 28 minutes p.m.) the House stood in recess subject to the call of the Chair.

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#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5 o'clock and 50 minutes p.m.



*Awaiting Conference Report*

**§ 3.5 Pursuant to authority granted by unanimous consent, the Speaker declared a recess until a time certain on that day to await presentation of a conference report on which conferees had reached agreement.**

On Dec. 14, 1971,<sup>(1)</sup> the following announcement was made on the floor of the House:

ANNOUNCEMENT BY THE  
SPEAKER

The SPEAKER.<sup>(2)</sup> The Chair wishes to make an announcement.

The chairman of the Committee on Appropriations has advised he would like to call up the conference report on the Defense Department appropriation bill. The report has been agreed to.

The SPEAKER. Under the circumstances, the Chair declares a recess until 6:45 p.m.

Accordingly (at 6 o'clock and 15 minutes p.m.) the House stood in recess until 6:45 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 7 o'clock and 35 minutes p.m. . . .

1. 117 CONG. REC. 46884, 92d Cong. 1st Sess.
2. Carl Albert (OK).

CONFERENCE REPORT ON H.R.  
11731, DEPARTMENT OF DE-  
FENSE APPROPRIATIONS, 1972

Mr. [George H.] MAHON [of Texas] submitted the following conference report and statement on the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes:

CONFERENCE REPORT (H. REPT. NO.  
92-754)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11731) "making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: . . .

*Awaiting Senate Action*

**§ 3.6 The House recessed three times to times certain by unanimous consent awaiting possible Senate action on a House joint resolution continuing appropriations for one month for several departments of the Federal Government which were without funds, where the House had adopted a special order providing for sessions every three days for the remainder of the session until otherwise ordered by the**

**House (with the intention of conducting no legislative business for one month).**

On Nov. 4, 1977,<sup>(1)</sup> the following proceedings occurred in the House:

RECESS

Mr. [John E.] BRADEMÁS [of Indiana]. Mr. Speaker, I ask unanimous consent that the House recess subject to the call of the Chair, but in no event later than 12:30 o'clock p.m.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Indiana? . . .

There was no objection.

The SPEAKER pro tempore. The House will stand in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 10 minutes a.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 30 minutes p.m.

CALL OF THE HOUSE

Mr. BRADEMÁS. Mr. Speaker, I move a call of the House. . . .

1. 123 CONG. REC. 37066, 37067, 37071, 37072, 37077, 37088, 95th Cong. 1st Sess.
2. Robert N. Giaimo (CT).

RECESS

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, I ask unanimous consent that the House may stand in recess until 2 o'clock.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas? . . .

Mr. BAUMAN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. BAUMAN moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland.

The question was taken; and on a division (demanded by Mr. BAUMAN) there were—ayes 21; noes 124.

So the motion was rejected.

Mr. WRIGHT. Mr. Speaker, in view of the feeling of the House and its willingness to be patient for yet a little while, I wonder if I might prevail upon my friend not to object if I were to renew my unanimous-consent request.

Mr. BAUMAN. The gentleman from Maryland is able to read the will of the House. What is the gentleman's request?

Mr. WRIGHT. Mr. Speaker, I would like to renew the unanimous consent-request that the House may stand in recess until 2 o'clock. . . .

RECESS

Mr. [John B.] ANDERSON of Illinois. Mr. Speaker, I ask unanimous-

consent that the House stand in recess for 5 minutes.

The SPEAKER.<sup>(3)</sup> Is there objection to the request of the gentleman from Illinois?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, we have recessed now three times. The Speaker has made it clear that under the rules there is absolutely no way in which this matter could be considered today. It is even doubtful that it could be considered next week.

What is the purpose of continuing to recess and recess and recess, since there is nothing that could be done today? Will the gentleman from Illinois inform me as to what might be accomplished by this?

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, it is very difficult for me to say, frankly. I want to be just as candid with the gentleman from Maryland (Mr. BAUMAN) as I can be.

I have reason to believe that if certain Members would have 4 or 5 minutes to visit together, perhaps we could then come back and adjourn this House until next Tuesday.

Mr. BAUMAN. I think that could be done now.

Mr. ANDERSON of Illinois. Mr. Speaker, the gentleman may possibly be correct. I see some advantages in pursuing the course that I have suggested, and that would not delay us for more than 5 minutes.

Mr. BAUMAN. Mr. Speaker, we have special orders scheduled, and we

have other matters that can be taken care of in the interim.

Mr. Speaker, I withdraw my reservation of objection.

Mr. ANDERSON of Illinois. Mr. Speaker, I renew my unanimous-consent request that the House stand in recess for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The Chair declares the House in recess for a period of 5 minutes.

Accordingly (at 2 o'clock and 51 minutes p.m.) the House stood in recess for approximately 5 minutes.

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#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WRIGHT) at 2 o'clock and 58 minutes p.m. . . .

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#### ADJOURNMENT

Mr. [David L.] CORNWELL [of Indiana]. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Tuesday, November 8, 1977. [sic] at 12 o'clock noon.

### *Prepare for Joint Session or Joint Meeting*

### **§ 3.7 By unanimous consent, the Speaker was authorized**

3. Thomas P. O'Neill, Jr. (MA).

**to declare a recess on the following day: (1) to receive the President in a joint session; and (2) to receive the Apollo 15 Astronauts in a joint meeting.**

On Sept. 8, 1971,<sup>(1)</sup> a concurrent resolution providing for a joint session to receive a message from the President was called up as privileged:

PROVIDING FOR A JOINT SESSION TO HEAR AN ADDRESS BY THE PRESIDENT

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 395) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 395

*Resolved by the House of Representatives (the Senate concurring),* That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, September 9, 1971, at 12:30 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

1. 117 CONG. REC. 30845, 92d Cong. 1st Sess. For additional information on joint sessions to receive message from the President, see Ch. 35, *supra*. For other joint meetings to receive astronauts, see Ch. 36, *supra*.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, SEPTEMBER 9

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess at any time on Thursday, September 9. The reasons for the request are:

First, to receive in joint session the President of the United States.

Second, to receive in joint meeting the Apollo astronauts, Col. David R. Scott, U.S. Air Force, Apollo 15 commander; Col. James B. Irwin, U.S. Air Force, lunar module pilot; and Lt. Col. Alfred M. Worden, U.S. Air Force, command module pilot.

The SPEAKER.<sup>(2)</sup> Without objection, it is so ordered.

There was no objection.

#### ANNOUNCEMENT OF THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that on Thursday, September 9, 1971, the date set for the joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open. No one will be allowed on the floor of the House who does not have the privileges of the floor of the House.

### *Conduct a Reception*

#### § 3.8 The Speaker was authorized to declare a recess on a

2. Carl Albert (OK).

**future day for the purpose of receiving former Members of Congress in the Chamber.**

On May 19, 1978,<sup>(1)</sup> a Member made a unanimous-consent request that the Speaker declare a recess subject to the call of the Chair:

PERMISSION FOR SPEAKER TO DECLARE A RECESS ON THURSDAY, MAY 25, 1978, SUBJECT TO THE CALL OF THE CHAIR, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. [Dan] ROSTENKOWSKI [of Illinois]. Mr. Speaker, I ask unanimous consent that it be in order for the Speaker to declare a recess on Thursday, May 25, 1978, subject to the call of the Chair, for the purpose of receiving in this Chamber former Members of the Congress.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Illinois?

There was no objection.

***End of Session Contingencies***

**§ 3.9 Pursuant to the authority conferred upon him by a special rule reported from the Committee on Rules, the Speaker declared a recess at**

1. 124 CONG. REC. 14660, 95th Cong. 2d Sess. For additional information about receiving former Members into the Chamber, see Ch. 36, §§ 17.1, 17.2, *supra*.
2. Allen E. Ertel (PA).

**10 p.m. until 9 a.m. the following day (the same legislative day) to permit the Speaker and Members to attend swearing-in ceremonies for Vice President Rockefeller.**

On Dec. 19, 1974,<sup>(1)</sup> the House adopted a privileged resolution reported from the Committee on Rules:

MAKING IN ORDER REPORTS FOR COMMITTEE ON RULES AND AUTHORIZING SPEAKER TO DECLARE RECESSES

Mr. [B. F.] SISK [of California]. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 1520) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1520

*Resolved*, That it shall be in order at any time during the balance of this session to consider reports from the Committee on Rules as provided in clause 23, rule XI,<sup>(2)</sup> except that the provision requiring a two-thirds vote to consider said reports is hereby suspended during that period; and it shall also be in order during the balance of the session for the Speaker to declare recesses subject to the call of the Chair. . . .

Mr. SISK. Mr. Speaker, I have no further requests for time, and I move

1. 120 CONG. REC. 41571, 41572, 41604, 93d Cong. 2d Sess. See also Ch. 36, § 26, *supra*.
2. Rule XIII clause 6, *House Rules and Manual* § 857 (2007).

the previous question on the resolution.

The previous question was ordered.

The SPEAKER.<sup>(3)</sup> The question is on the resolution.

The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. [Robert E.] BAUMAN [of Maryland]. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 276, nays 58, not voting 100, as follows:

[ROLL NO. 717] . . .

#### RECESS

The SPEAKER. Pursuant to a previous order of the House, the House stands in recess until 9 o'clock a.m. tomorrow, Friday, December 20, 1974.

Accordingly (at 10 o'clock p.m.) the House stood in recess until tomorrow, Friday, December 20, 1974, at 9 o'clock a.m.

### *Prepare for Secret Session*

#### **§ 3.10 The Speaker, on his own initiative, declared a recess in order to make preparations for a secret session of the House, following adop-**

3. Carl Albert (OK).

**tion of a motion for that session; at the conclusion of the recess, the House resolved itself into secret session (the proceedings of which were not printed in the *Congressional Record* since the House refused in secret session to remove the injunction of secrecy); and at the conclusion of the secret session the House continued in recess to facilitate the return to open session.**

On June 20, 1979,<sup>(1)</sup> upon conclusion of general debate on a bill in the Committee of the Whole, a Member offered a pro forma amendment to announce that he would, at the conclusion of his remarks, move that the Committee rise and then offer in the House a motion, pursuant to Rule XXIX,<sup>(2)</sup>

1. 125 CONG. REC. 15711-13, 96th Cong. 1st Sess.
2. Rule XXIX can be found in amended form within Rule XVII clause 9, *House Rules and Manual* §969 (2007).

Proceedings during other classified and security briefings are not documented in the *Congressional Record* or discussed thereafter. Members are required to subscribe to an oath of secrecy under Rule XXIII clause 13 (*House Rules and Manual* §1095 [2007]) before they may attend such classified briefings, and Members who did not sign that oath and whose names are not so listed in the

that the House resolve itself into secret session to discuss confidential communications related to the bill under consideration in Committee of the Whole:

Mr. [Robert E.] BAUMAN [of Maryland]. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to inform the Committee of the Whole House that it will be my intention at the conclusion of the brief time that I will take here, to move that the Committee rise, and, assuming that is agreed to, I will move, under rule XXIX of the House, that the House meet in secret session.

I understand from the Parliamentarian that passage of the motion would allow us 1 hour of debate to be divided between the gentleman from New York and myself, during which time all of us, and I have discussed this with the gentleman from New York (Mr. MURPHY), as well as with the chairman of the subcommittee, the gentleman from Kentucky (Mr. HUBBARD), would be able to present to the House certain facts which we are not able to communicate to the House in public because of the classified nature and the source of the information.

I want to make it clear that it is not my intention to make this motion for the purpose of trying to defeat this legislation or influence it in the direction it may take, but the matters that need to be discussed with the House and cannot be discussed in public do per-

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*Congressional Record* are not permitted to attend such briefings on the House floor during the recesses.

tain to amendments that may be offered today. They may indeed help the Members form their judgments, and they are of a grave enough nature that they need to be placed at least before the Members of the House so that they can vote intelligently.

□ 1200

As I say, I have discussed this with the gentleman from New York (Mr. MURPHY) and the gentleman from Kentucky (Mr. HUBBARD).

Mr. [Carroll] HUBBARD [Jr., of Kentucky]. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Kentucky.

Mr. HUBBARD. Mr. Chairman, as the chairman of the Panama Canal Subcommittee I concur and agree with the gentleman from Maryland, who is the ranking minority member of the Panama Canal Subcommittee. I would emphasize to my colleagues the importance of the secret session at this point under rule XXIX of the House. I ask that the Members concur in this request because of the importance of the subject and also the relevance of the material to be presented during a secret session, which is badly needed.

Mr. [David R.] BOWEN [of Mississippi]. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Mississippi.

Mr. BOWEN. I thank the gentleman.

I too had the opportunity to sit in on the secret session with General McAuliffe, and I welcome the opportunity for the House to have an opportunity to discuss the matter because I found very little in that secret session

that would bear upon the deliberations which we will be entering into today. I am pleased we will have this opportunity and I thank the gentleman.

Mr. BAUMAN. Mr. Chairman, I move that the Committee do now rise.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. FOLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 111) to provide for the operation and maintenance of the Panama Canal and to provide for the exercise of the rights and performance of the duties of the United States provided in the Panama Canal Treaty of 1977, had come to no resolution thereon.

MOTION OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BAUMAN moves that, pursuant to rule XXIX, the House resolve itself into secret session. That the galleries of the House Chamber be cleared of all persons and that the House Chamber be cleared of all persons except the Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the House and who subscribe to the notarized oath of confidentiality.

The SPEAKER pro tempore.<sup>(3)</sup> The Chair will state that the motion is not debatable. Absent unanimous consent to debate the motion, the question will be put upon the motion.

The question is on the motion offered by the gentleman from Maryland (Mr. BAUMAN).

3. James C. Wright, Jr. (TX).

The motion was agreed to.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will make a statement.

The Chair desires to read to the Members the contents of rule XXIX of the rules of the House of Representatives.

Rule XXIX reads as follows:

RULE XXIX

SECRET SESSION

Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.

This rule has been successfully invoked by the vote of the House for the first time, the Chair believes, since the year 1830. This was a rule commonly invoked in the early days of the Republic, but not recently invoked.

According to the rule of the House, the Chair is now going to order that the galleries of the House Chamber shall be cleared of all persons except the Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the secret session of the House. All proceedings in the House during such consideration shall be kept secret until otherwise ordered by the House.

The Chair is going to declare a recess long enough for this order to be carried out.



## PARLIAMENTARY INQUIRIES

Mr. [Jack] HIGHTOWER [of Texas]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HIGHTOWER. What will be the action of the Chair in regard to the television proceedings?

The SPEAKER pro tempore. The television will not be recording the proceedings of the House during the time of the secret session.

Ms. [Elizabeth] HOLTZMAN [of New York]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state it.

Ms. HOLTZMAN. In the Chair's reading of his order and reading the rule he mentioned that the House can order otherwise with respect to the secrecy of the proceedings. Is it my understanding then that should, during the debate or after the debate, the Members of the House determine that the material was not, in fact, confidential, is it then in order, or when is it in order, assuming that to be the case, for the proceedings to be then made public or the Journal kept of the debate then made public?

The SPEAKER pro tempore. The precedents which the Chair has read this morning indicate that following the presentation of that material considered secret or confidential or of such nature that it ought to be heard in secret session, the House may at that time, by its own motion, in secret session decide that there is no reason to observe further secrecy with respect to the material involved. Having heard the material and determined the na-

ture thereof, it will be up to the Members of the House as to whether they would observe additional and future secrecy with respect thereto.

Ms. HOLTZMAN. I thank the Speaker.

Mr. [Edward J.] DERWINSKI [of Illinois]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DERWINSKI. The Chair did not address himself to the question of the relevancy of the material to the legislation before the House. What is the determination or the precedents involved regarding the relevancy of presumed secret testimony to the legislative matter before us?

The SPEAKER pro tempore. The Chair will state that there is no requirement whatsoever in the precedents of the House, such materials having been received, that the material be relevant to any legislation, since the rule would include messages from the President of the United States that bear upon no pending legislation. It is not the opinion of the Chair that the material to be revealed in this session necessarily has any bearing whatever upon the legislation which otherwise would have been under consideration in the Committee of the Whole. It simply is a recognition of the right of the gentleman from Maryland and other Members present at the secret session to divulge such information as they desire to our colleagues, the Members of the House. The Members have voted to grant them that privilege. It does not necessarily bear in any way tangentially or otherwise upon the legislation previously before the House or any other legislation.

Mr. DERWINSKI. I thank the Speaker.

Mr. [Frank] HORTON [of New York]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HORTON. The Chair announced that Members of the House are permitted to be present and also officers to be designated by the Speaker. Will the Speaker specifically designate those employees to remain on the floor?

The second inquiry is with regard to access to the floor. What about going and coming on the floor, will the doors be manned in order to prevent unauthorized persons from entering the Chamber?

The SPEAKER pro tempore. The Chair will attempt to answer both questions.

First, with respect to those official staff persons whose presence on the floor of the House is essential to the operation of the House, the Chair already has, pursuant to authority conferred upon him in the motion, delivered to the officers of the House sufficient guidelines with regard to that question.

On the second question, with respect to the rights of Members to go and come, that question should be answered in the affirmative. Members may go and come at will.

Mr. HORTON. What about others? They would have to be cleared before they could come in, other than Members?

The SPEAKER pro tempore. The gentleman is correct. Others would have to be designated and sworn before they could enter the Chamber.

□ 1210

Mr. [Paul N.] McCLOSKEY [of California]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McCLOSKEY. Mr. Speaker, I understand that we will receive in this Chamber information that will be labeled either "confidential" or "secret" or "top secret" under any Executive order which applies only to members of the executive branch. Therefore, it would not be a crime, for example, for a Member of this body to reveal information classified in the executive branch unless it came under the statute.

I am wondering what would be the rules of the House with respect to a Member of this body who might, after hearing in this secret session information perhaps classified "secret" or "top secret." if that Member should, following this session, divulge that information to the press or to third persons not authorized to receive that information. It seems to me that under the rules of the House we would violate those rules as individual Members should we reveal classified information.

The SPEAKER pro tempore. The Chair feels that the same rule should prevail which prevails in executive sessions of committees of the House. The Chair does not wish to prejudge the nature or the import of the information to be revealed because the Chair is not privy to that knowledge.

The Chair believes that the Members of the House possess sufficient honor that they will do the right thing in determining, after having heard the

information, whether or not its sanctity should be preserved or it should be revealed at the will of the Members. The Chair trusts the Members of the House to make the right decision.

Mr. McCLOSKEY. I thank the Chair.

Mr. [Robert N.] GIAIMO [of Connecticut]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GIAIMO. Mr. Speaker, under those circumstances should not attendance be kept as to whether or not a Member actually is in the Chamber or not, because there are some of us—and I feel very strongly about this kind of session because I have found out in the past through experience that I usually learn just as much outside a secret session as I do in it, and the information, if I find out the information outside of this session—I do not want to be gagged by the fact that I may or may not have been in this session at the time. It seems to me that the Chair ought to have attendance of Members.

The SPEAKER pro tempore. The Chair would observe that the gentleman from Connecticut or any other Member might have the privilege, if he or she so desires, to move a call of the House, and thereby could ascertain the presence of Members. Beyond that, the Chair is not of the disposition to impose upon the Members of the House any rule beyond those rules which are expressly written in the rules of the House. The Chair is of the disposition to trust implicitly the honor and the integrity of the Members of the U.S. House of Representatives.

Mr. [Carroll A.] CAMPBELL, [Jr., of South Carolina]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CAMPBELL. Mr. Speaker, in view of the fact that a number of the committees have received permission to sit under the 5-minute rule, I wonder if the Chair is taking steps to notify these committees of the pending proceedings.

The SPEAKER pro tempore. The Chair will respond, as the gentleman would understand, of course, that we are not now under the 5-minute rule and will not be proceeding under the 5-minute rule after we resume following the recess which the Chair will very presently declare.

The Chair would presume that the bells signaling the recess and the bells signaling the resumption of the convening of the House would be sufficient notice to warrant knowledge on the part of those who might be in committee sessions or elsewhere on Capitol Hill.

Mr. CAMPBELL. I thank the Chair.

Mr. [Bill D.] BURLISON [of Missouri]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BURLISON. Mr. Speaker, it is my understanding from the conversation I have heard thus far that there will be classified information presented to the body; confidential, secret, top secret. Is that a fair statement?

The SPEAKER pro tempore. In response to the gentleman's question, the Chair is not in a position to characterize the nature, the character, the quality, or the veracity of the information which will be divulged. The Chair is not privy to that knowledge.

Mr. BURLISON. A further parliamentary inquiry: Do the rules of the House not require that in those instances where classified material is to be received, that the reporters and the staff members and the officers of the House who may be present other than Members of the House be cleared for that classified information?

The SPEAKER pro tempore. The Chair is going to read to the gentleman an oath which employees and officers of the House are required to sign:

I do solemnly swear that I will preserve inviolable secrecy on all confidential business of the House of Representatives that may come to my knowledge until especially absolved therefrom, so help me God.

Every employee and officer of the House will be expected to sign this oath if permitted to be privy to the session. Members of the House will not be requested nor required to sign such an oath.

Mr. BURLISON. Mr. Speaker, my parliamentary inquiry is whether the rules of the House require, in such a session, that the reporters and the staff members and others have the requisite clearances to be present and to conduct the business.

The SPEAKER pro tempore. The Chair will respond to the gentleman's request in the following manner: Members of the U.S. House of Representatives are not members of the executive branch of Government, who may be bound by laws exclusively applicable to members of the executive branch of Government.

The Chair will state again that Members of the House, after hearing the nature of this information, what-

ever it may be, must judge on their own or as ordered by the House as to whether it is of sufficient import or secret in character to require continued silence. On previous occasions, the Chair discovers on reading the precedents, Members of the House, having heard information thus divulged, usually have voted to allow that information to become known publicly.

Mr. BURLISON. Is the Speaker saying that the rules of the House do not require that the staff, House officers, and others be cleared to receive the information? My parliamentary inquiry is whether there is such a House rule.

The SPEAKER pro tempore. There is no such House rule, the Chair will respond.

Mr. [Thomas J.] DOWNEY [of New York]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DOWNEY. Mr. Speaker, if I understand the ruling of the Chair then, the employees of the House of Representatives coming into the session will be privy to receive information secret, top secret, classified, that is so designated by U.S. statute. What concerns me, Mr. Speaker, is that we have no rule governing classification of House employees with respect to the receiving of secret information. That is not a rule just of the executive branch; that is United States statutory law with respect to who can receive and under what circumstances classified, secret, and top secret information.

The SPEAKER pro tempore. The employees of the House, the Chair will advise the gentleman, are subject to applicable provisions of law and to the

disciplinary action of the House, and the special rule for them requires that secrecy of the proceedings be maintained until absolved from that responsibility by the House.

The Members of the House, in context, are also subject to the disciplinary rules of the House with respect to the Standards of Official Conduct Committee and under the Constitution.

Mr. DOWNEY. I thank the Chair.

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### RECESS

The SPEAKER pro tempore. The Chair declares a recess.

Accordingly (at 12 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

At 12 o'clock and 38 minutes the House proceeded to meet in secret session.

(House proceedings held in secret session.)

At 2 o'clock and 11 minutes the House dissolved its proceeding being held in secret session.

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### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 30 minutes p.m.

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### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(4)</sup> The Chair will make the following statement:

4. Thomas P. O'Neill, Jr. (MA).

The Chair would remind the Members that the House has not at this point voted to remove the injunction of secrecy and that Members are bound not to release or to make public any of the transcript of the closed session until further order of the House.

To enable the House to evaluate the transcript of the secret session, the Chair will refer the transcript to the Permanent Select Committee on Intelligence and to the Committee on Merchant Marine and Fisheries for their report thereon as soon as possible. The committees' report will remain executive session record of those committees for examination by the Members and ultimate disposition by the House.

The Chair further would state that he would believe that the item could go to the Committee on Rules and the House could go back into a secret session for a time allotted before making the transcript public record.

### *Informal Meeting With the President*

#### **§ 3.11 The House stood in recess in order to permit informal meetings with the President in the Speaker's office.**

On May 1, 1945,<sup>(1)</sup> a Member announced that the President of the United States was in the House and had expressed the desire to meet the Members. He asked unanimous consent that the

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1. 91 CONG. REC. 4018, 4019, 79th Cong. 1st Sess.

House stand in recess subject to the call of the Chair.

## ANNOUNCEMENT

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, the President of the United States, Mr. Truman, is in the building and has expressed a desire to meet the Members of the House of Representatives. I make this brief announcement that the President will be glad to meet the Members of the House in the Speaker's office. They will file through the door nearest the elevator and then out through the Speaker's outer office. As I stated, the President is in the Capitol and has expressed a desire to meet the Members of the House.

Mr. Speaker, I ask unanimous consent that the House stand in recess, subject to the call of the Chair.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Accordingly (at 1:47 minutes p.m.) the House stood in recess, subject to the call of the Chair.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 12 minutes p.m.

*Parliamentarian's Note:* President Truman had lunch in the Speaker's private office with the Speaker and the Majority and Minority Leaders of the two Houses and then met the Members of the

2. Jere Cooper (TN).

House informally in the Speaker's office.

***Following Reconvening From Leadership Recall***

**§ 3.12 Where the Speaker and the Senate Majority Leader had exercised joint House-Senate recall authority pursuant to a concurrent resolution of adjournment to a date certain, the Speaker immediately exercised his authority under Rule I clause 12(a)<sup>(1)</sup> to declare a recess subject to the call of the Chair upon recitation of the joint recall and the prayer and before the approval of the Journal, in order to avoid any motion or vote.**

On Mar. 20, 2005,<sup>(2)</sup> the following proceedings occurred in the House:

NOTIFICATION OF REASSEMBLING OF CONGRESS

The SPEAKER.<sup>(3)</sup> The Chair lays before the House the text of the formal notification sent to Members on Saturday, March 19, 2005, of the reassembling of the House. . . .

1. *House Rules and Manual* § 638 (2007).
2. 151 CONG. REC. 5546, 5547, 109th Cong. 1st Sess.
3. J. Dennis Hastert (IL).

## PRAYER

The Reverend Dr. Donald F. Christian, Pastor, Evangelical Lutheran Church in America, Fairfax, Virginia, offered the . . . prayer[.] . . .

## RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1705

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5 o'clock and 5 minutes p.m.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved. . . .

## RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2103

## AFTER RECESS

The recess having expired, the House was called to order at 9 o'clock and 3 minutes p.m.





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DESCHLER—BROWN—JOHNSON PRECEDENTS

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## CHAPTER 40

# *Adjournment*

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**Ch. 40**

DESCHLER-BROWN-JOHNSON PRECEDENTS

§ 18. Business Subsequent to

# Adjournment

## A. Generally; Adjournments of Three Days or Less

### § 1. In General

Art. I, § 5 of the United States Constitution, together with clause 4 of Rule XVI of the rules of the House,<sup>(1)</sup> establish the fundamental precedence in parliamentary procedure of the House of Representatives of the motion to adjourn. Under the Constitution, the motion to adjourn is given such primacy that it is one of only two motions (the other being the motion to compel the attendance of absentees) which can be adopted in the absence of a quorum. *Jefferson's Manual* states "A motion to adjourn simply takes place of all others; for otherwise the House might be kept sitting against its will, and indefinitely. Yet this motion cannot be received after another question is actually put and while the House is engaged in voting."<sup>(2)</sup>

Adjournments in the House include: (1) adjournments of three days or less, which are taken pursuant to motion (or by unanimous

consent during pro forma sessions when only the Chair is in the Chamber);<sup>(3)</sup> (2) adjournments for more than three days, which require the consent of the Senate;<sup>(4)</sup> and (3) an adjournment *sine die*, which ends each session of a Congress, and requires the consent of the Senate or the arrival of the constitutionally prescribed end of session on Jan. 3, and which may be combined with either single-House or two-House majority leadership recall authority (converting a *sine die* adjournment to adjournment to a day certain specified in (or pursuant to) the recall).<sup>(5)</sup>

Adjournment is to be distinguished from recess.<sup>(6)</sup> Adjournments are normally taken from day to day or to a day certain and terminate a legislative day, whereas recesses are taken during a legislative day. Following an adjournment, the Mace is removed from the upper pedestal at the rostrum in the custody of the Sergeant at Arms (rather than remain on the rostrum) and the

1. *House Rules and Manual* §§ 911–913 (2007).

2. *Id.* at § 439.

3. See Division A, *infra*.

4. See Division B, *infra*.

5. See Division C, *infra*.

6. See Ch. 39, *infra*.

House is no longer in a receptive mode for business. The hopper is removed and bills may not be introduced nor reports filed through the hopper. Restrictions on access to the floor are relaxed for invited visitors in periods of adjournment as provided in clause 3 of Rule IV,<sup>(7)</sup> but not during recesses. While under clause 4 of Rule XVI the motion to adjourn is of the highest privilege, the declaration of a recess for a “short time” under clause 12(a) of Rule I<sup>(8)</sup> is in order when no question is pending, such as when a Member indicates his desire to offer a motion to adjourn but has not yet been recognized by the Chair for that purpose.<sup>(9)</sup>

Beginning in the 108th Congress, declarations of emergency recesses pursuant to clause 12(b) of Rule I<sup>(10)</sup> are in order whenever the Speaker is notified of an imminent danger to the safety of the House. Such declarations take precedence over pending business and could even interrupt a pending motion to adjourn.

In the 108th Congress, the rules were amended to permit the

7. *House Rules and Manual* § 679 (2007).

8. *Id.* at § 638.

9. See Ch. 39 § 2.22, *supra*.

10. *House Rules and Manual* § 639 (2007).

Speaker to alter the time for reconvening during an adjournment period of three days or less, if notified by the Sergeant at Arms of the imminent impairment of the place of reconvening and after consultation with the Minority Leader, either by postponing or advancing the established time for reconvening for a duration within the established three-day period, and in an advanced reconvening solely to declare a recess within the three-day limit.<sup>(11)</sup>

## § 2. Adjournment to Another Place

While an adjournment normally implies a reconvening in the Chamber from which the House adjourned, under clause 12(d) of Rule I<sup>(1)</sup> adopted in the 108th

11. Compare this formal authority for early reconvening following overnight adjournment with the twice-used Senate practice of unauthorized early reconvening followed by ratification by unanimous consent. See 109 CONG. REC. 22697–99, 88th Cong. 1st Sess., Nov. 25, 1963; and 147 CONG. REC. 16865, 107th Cong. 1st Sess., Sept. 12, 2001. The Senate felt that it had no other option in this circumstance than to “convene and ratify.”

1. *House Rules and Manual* § 639 (2007). The seat of government was transferred to the District of Columbia by the Act of July 16, 1790 (1



Congress, the Speaker may convene the House in a place within the seat of government, the District of Columbia, other than the Hall of the House. Prior to that time and by precedent since 1949, the House could by simple resolution adjourn to reconvene at another place within the seat of government, the concurrence of the Senate not being necessary.<sup>(2)</sup>

During any adjournment the President may, by law, convene Congress at a place outside the seat of government due to the existence of hazardous circumstances within the seat of government.<sup>(3)</sup>

After Sept. 11, 2001, authority contained in concurrent resolutions adjourning both Houses for more than three days, or *sine die*, which includes joint leadership authority to recall the two Houses, has allowed reassembly at such place as may be designated.<sup>(4)</sup>

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Stat. 30), and provided that “all offices attached to the said seat of government be removed to the District.”

2. Ch. 1 §4.1, *supra*. See also §2.3, *infra*.
3. 2 USC §27.
4. See §2.2, *infra*.

The House, by unanimous consent, has also considered and adopted a concurrent resolution (H. Con. Res. 449) providing that the Congress “conduct a special meeting in Fed-

On Jan. 7, 2003, the opening day of the 108th Congress, the House, consistent with art. I, §5 of the Constitution, granted anticipatory consent for the two Houses to assemble at a place outside the seat of government whenever, in the opinion of the joint leadership (or their designees) after bipartisan consultation, the public interest shall warrant it. House Concurrent Resolution 1 was called up as privileged in the House. The House adopted the concurrent resolution on Feb. 13, 2003.<sup>(5)</sup> This concurrent resolution

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eral Hall in New York, New York” on Sept. 6, 2002, in remembrance of Sept. 11, 2001. The resolution provided for a strictly ceremonial meeting. See Ch. 36 §16.4, *supra*. Congress has engaged in ceremonial functions outside the seat of government. For example, Members of both Houses traveled to Philadelphia for organized festivities surrounding the bicentennial anniversary of the Constitution on July 16, 1987. See Ch. 36 §4.5, *supra*. On that occasion, a concurrent resolution authorized the Speaker and the President pro tempore to appoint an official bicameral delegation to represent the Congress at a ceremonial session. After a preliminary joint ceremony in Independence Hall, delegations met separately in their respective chambers in Congress Hall for ceremonial sessions. At no time was consideration given to making the proceedings be an actual session of Congress.

5. See §2.1, *infra*.

allowed the Houses to meet only at the same place outside the seat of government. A concurrent resolution rather than a law was thought prudent to enable each successive Congress to reaffirm such bicameral consent contemporaneously.

**§ 2.1 The House adopted a privileged concurrent resolution (offered by the chairman of the Committee on Rules) granting anticipatory consent for the two Houses to assemble at a place outside the seat of government whenever, in the opinion of the joint leadership (or their designees) after bipartisan consultation, the public interest shall warrant it.**

On Jan. 7, 2003,<sup>(1)</sup> the following occurred:

1. 147 CONG. REC. 21, 107th Cong. 1st Sess. For the Senate concurrence see 147 CONG. REC. 4080, 108th Cong. 1st Sess., Feb. 13, 2003.

On the opening day of the 109th Congress the House considered as privileged and adopted H. Con. Res. 1 to permit the two Houses to meet outside the seat of government. However, the Senate took no action on either of those concurrent resolutions, although that body had acted in the 108th Congress in 2003. See 151 CONG. REC. 68, 109th Cong. 1st Sess., Jan. 4, 2005.

REGARDING CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Mr. [David] DREIER [of California]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 1) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1

*Resolved by the House of Representatives (the Senate concurring),* That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Eighth Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 2.2 After Sept. 11, 2001, authority contained in concurrent resolutions adjourning both Houses for more than three days, or *sine die*, which includes joint leadership authority to recall the two Houses, has allowed reassembly during that adjournment period at such place inside or outside the seat of government as may be designated.**

On Nov. 22, 2002,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> laid the following privileged concurrent resolution before the House:

PROVIDING FOR THE SINE DIE  
ADJOURNMENT OF THE 107TH  
CONGRESS, SECOND SESSION

The SPEAKER pro tempore (Mr. KERNS) laid before the House the privileged Senate concurrent resolution (S. Con. Res. 160) providing for the sine die adjournment of the One Hundred Seventh Congress, Second Session.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 160

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate adjourns at the close of business on any day from Wednesday, November 20, 2002 through Saturday, November 23, 2002, or from Monday, November 25, 2002, through Wednesday, November 27, 2002, or on a motion offered pursuant to this concurrent resolution by its Majority Leader, or his designee, it stand adjourned sine die, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate

1. 148 CONG. REC. 23512, 107th Cong. 2d Sess.
2. Brian D. Kerns (IN).

whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

***Adjournment to House Caucus Room***

**§ 2.3 The House adopted a resolution providing for adjournment to the caucus room in a House office building for convenings there until otherwise ordered.**

On Nov. 22, 1940,<sup>(1)</sup> a House resolution was presented calling for the House to convene following its adjournment (over the weekend) at another place.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I offer resolution (H. Res. 637) and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 637

*Resolved,* That when this House adjourns on Friday, November 22, 1940, it will adjourn to meet in the caucus room in the New House Office Building on Monday, November 25, 1940, and it shall continue to meet there until otherwise ordered.

*Resolved,* That all rules relating to the Hall of the House shall be applicable to the caucus room.

*Resolved,* That the Clerk communicate these resolutions to the President of the United States and to the Senate of the United States.

1. 86 CONG. REC. 13715, 76th Cong. 3d Sess.

The resolution was agreed to.

*Parliamentarian's Note:* The House continued to hold its sessions in a caucus room in a House office building until the opening of the 77th Congress. Likewise, the Senate provided that its meetings should be held in the Capitol Chamber formerly occupied by the Supreme Court. These actions were necessary because of the precarious condition of the roofs in the two Chambers.<sup>(2)</sup> The Majority Leader inserted in the *Congressional Record* a letter from the Architect of the Capitol explaining the urgency of the roof construction in detail.

### § 3. When in Order; Precedence and Privilege of Motion

When the House has fixed the daily hour of meeting (as it normally does on the first day of each session by standing order), the motion to adjourn, authorized by clause 4 of Rule XVI,<sup>(1)</sup> is in order in simple form only (that the House do now adjourn), and may not direct an immediate adjournment to a day or time certain, or to a day beyond three days and

2. *Ibid.*

1. *House Rules and Manual* §911 (2007).

beyond the constitutional term of that Congress.<sup>(2)</sup>

Only in a case in which the hour of daily meeting has not been fixed may the simple motion to adjourn fix the hour of meeting.<sup>(3)</sup>

The motion to fix the day to which the House should adjourn was included within the rule as to the precedence of motions but was dropped in 1890 and again in 1895 until 1973, because of its use in obstructive tactics.<sup>(4)</sup> In 1973, clause 4 of Rule XVI was revised to restore to the highest privileged status, equal with the simple motion to adjourn, the nondebatable motion that when the House adjourns on that day it stand adjourned to a day and time certain (within three days) but only if the Speaker, in the Speaker's discretion, recognized a Member for that purpose.

In the interim between 1895<sup>(5)</sup> until 1973, the motion that the adjournment on that day be one to a day and time certain was not privileged against the demand for the regular order.<sup>(6)</sup>

2. *Ibid.* See also *House Rules and Manual* §912; and §3.27, *infra*.

3. *House Rules and Manual* §912 (2007).

4. *Ibid.* See also 5 Hinds' Precedents §6740.

5. See 5 Hinds' Precedents §5301.

6. See §3.2, *infra*.

The Chair cannot refuse to recognize a Member having the floor for a simple motion to adjourn.<sup>(7)</sup>

The motion to adjourn may be withdrawn.<sup>(8)</sup>

The motion to adjourn not only has the highest precedence when a question is under debate, but with certain restrictions, under all other conditions as well.<sup>(9)</sup> The entry of the motion to reconsider, while highly privileged, is not preferential to the motion to adjourn.<sup>(10)</sup>

The House may adjourn before the Journal is approved.<sup>(11)</sup>

The motion to adjourn may be made during the consideration of a rule reported from the Committee on Rules, as long as the motion be not made when another Member has the floor, and must be in writing on demand of any Member.<sup>(12)</sup>

The motion to adjourn may not interrupt a Member who has the floor.<sup>(13)</sup> The motion is not in

order during time yielded for a parliamentary inquiry.<sup>(14)</sup> The motion may not be repeated in the absence of intervening business.<sup>(15)</sup>

The motion to adjourn takes precedence over a motion to suspend the rules,<sup>(16)</sup> but only one motion to adjourn is in order pending a motion to suspend the rules.<sup>(17)</sup>

The motion to adjourn is in order pending a point of order that a quorum is not present.<sup>(18)</sup>

The motion to adjourn has precedence over a motion for a call of the House, but not after a call of the House has been ordered and the Clerk directed to call the roll.<sup>(19)</sup>

The motion to adjourn takes precedence over questions of privilege.<sup>(20)</sup>

The motion to adjourn may not be made prior to a vote on final passage when the previous question is ordered by operation of a special rule to final passage without intervening motion.<sup>(21)</sup>

7. See § 3.3, *infra*.

8. See §§ 3.31, 3.32, *infra*.

9. See §§ 3.4–3.16, 3.26 *infra*.

10. See Rule XIX clause 3, *House Rules and Manual* § 1003 (2007).

11. See § 3.8, *infra*.

12. See § 3.6, *infra*. Under clause 1 of Rule XVI, *House Rules and Manual* § 902 (2007), a motion must be reduced to writing on the demand of any Member, including the motion to adjourn, see § 3.13, *infra*.

13. See also §§ 3.15–3.17, *infra*.

14. See § 3.18, *infra*.

15. See § 3.19, *infra*.

16. See § 3.7, *infra*.

17. Rule XV clause 1(b), *House Rules and Manual* § 890 (2007). See also § 3.14, *infra*.

18. See §§ 3.20, 3.25, *infra*.

19. See §§ 3.21–3.24, *infra*.

20. Rule IX clause 2(a), clause 2(b), *House Rules and Manual* §§ 699, 700 (2007). See also § 3.26, *infra*.

21. See § 3.12, *infra*.

On Sept. 19, 1979,<sup>(22)</sup> the House rejected a joint resolution on final passage, after having by ordinary motion under clause 4 of Rule XVI ordered the previous question to “final passage”, and not pursuant to any special rule ordering the previous question to final passage without intervening motion except one motion to recommit. The House did not dispose of the motion to reconsider on that day but later adjourned until the next day. On Sept. 20, 1979,<sup>(23)</sup> a Member moved to reconsider the vote of the previous day and the House voted to reconsider the vote on final passage. Pending the question on final passage, the Speaker entertained a motion to adjourn “as preferential and in order” pending the putting of the question on final passage for the second time. Thus, the motion to adjourn was held in order pending final passage where the previous question has been ordered by motion “to final passage”.

The motion to adjourn may be made by any Member, including a minority Member.<sup>(24)</sup>

The Chair may declare the House adjourned by unanimous consent when no Member is available to offer the motion.<sup>(25)</sup>

22. 125 CONG. REC. 25345, 25353, 96th Cong. 1st Sess. (H.J. Res. 399).

23. See § 3.12, *infra*.

24. See § 3.30, *infra*.

25. See §§ 3.28, 3.29, *infra*.

In at least one instance, the House adjourned out of respect for a Member’s death without adopting a resolution marking the day’s adjournment.<sup>(26)</sup>

**§ 3.1 In response to a parliamentary inquiry, the Speaker pro tempore indicated that an amendment in the nature of a substitute in the form of a concurrent resolution providing for the *sine die* adjournment of a session of Congress would not be germane to a simple motion to adjourn.**

On Dec. 30, 1970,<sup>(1)</sup> during a vote on adjournment, a Member attempted to interrupt with a parliamentary inquiry. As soon as the result of the vote had been announced, the Speaker permitted the Member to make his inquiry, which had to do with amending a simple motion to adjourn.

#### ADJOURNMENT

Mr. [W. C.] DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. MILLS).<sup>(2)</sup> The question is on the motion to adjourn.

26. See § 3.33, *infra*.

1. 116 CONG. REC. 44190, 91st Cong. 2d Sess.

2. Wilbur D. Mills (AR).

Mr. [Durwood G.] HALL of Missouri. Mr. Speaker—

The SPEAKER pro tempore. The Chair would request that the gentleman from Missouri permit the Chair to put the question.

The question was taken; and the Speaker pro tempore announced that the ayes had it.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Speaker, is a privileged amendment in the form of a substitute as a concurrent resolution in order on a motion to adjourn?

The SPEAKER pro tempore. The Chair will advise the gentleman from Missouri that it is not in order on a simple motion to adjourn.

**§ 3.2 Between 1895 and 1973,<sup>(1)</sup> a motion that the adjournment on that day be one to a day and time certain was not in order against a demand for the regular order.**

In the early morning hours of the legislative day of Wednesday, Feb. 22, 1950,<sup>(2)</sup> a Member moved that the House adjourn to a day certain, the calendar day of Fri-

1. For the current practice, see Rule XVI clause 4(c), *House Rules and Manual* §§ 911, 912 (2007).

2. 96 CONG. REC. 2254, 81st Cong. 2d Sess., Feb. 23, 1950 (calendar day).

day, Feb. 24. The subsequent objection of another Member served in effect as a demand for the regular order.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move that when the House adjourns today it adjourn to meet on Friday next at 12 o'clock noon.

Mr. [Joseph W.] MARTIN [Jr.] of Massachusetts. Mr. Speaker, a point of order.

The SPEAKER.<sup>(3)</sup> The gentleman will state it.

Mr. MARTIN of Massachusetts. The gentleman cannot do that. As I understand it, we must come in at noon today for the Thursday session unless unanimous consent is secured to go over until Friday. Is that the proper parliamentary situation?

The SPEAKER. If the gentleman makes that point.

Mr. MARTIN of Massachusetts. I think the gentleman ought to proceed in the regular way.

Mr. McCORMACK. Of course, the gentleman is absolutely correct. I was trying to have an adjournment to a definite time.

Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Friday next at 12 o'clock.

Mr. [John F.] KENNEDY [of Massachusetts]. Mr. Speaker, I object.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn until 12 o'clock today.

3. Sam Rayburn (TX).

The motion was agreed to; accordingly (at 3 o'clock and 19 minutes a. m.), the House adjourned until 12 o'clock noon of Thursday, February 23, 1950.

**§ 3.3 The Chair cannot refuse to recognize a Member having the floor for a simple motion to adjourn.**

On Mar. 16, 1945,<sup>(1)</sup> at the culmination of a series of exchanges pertaining to the parliamentary situation at the time, the Speaker indicated that the motion to adjourn is always in order, and that a Member with the floor is entitled to recognition to so move.

Mr. [Clare E.] HOFFMAN [of Michigan]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.<sup>(2)</sup> The gentleman will state it.

Mr. HOFFMAN. What is the regular order now?

The SPEAKER. The regular order is to see if a quorum develops.

Mr. HOFFMAN. Is it in order to adjourn?

The SPEAKER. That motion is always in order in the House.

Mr. HOFFMAN. If there is not a quorum, Mr. Speaker, I move we adjourn.

The SPEAKER. Will the gentleman withhold that for a moment?

Mr. HOFFMAN. If the Chair is refusing recognition, I will.

1. 91 CONG. REC. 2380, 79th Cong. 1st Sess.
2. Sam Rayburn (TX).

The SPEAKER. The Chair cannot do that.

***Precedence***

**§ 3.4 The motion to adjourn, though most preferential under clause 4 of Rule XVI,<sup>(1)</sup> is not available when the previous question has been ordered (by special rule) to final passage without intervening motion.**

On June 14, 2001,<sup>(2)</sup> during debate in the House on an amendment to a bill on which the previous question had been ordered, the following proceedings occurred:

Mr. [John J.] LAFALCE [of New York]. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. Cooksey).<sup>(3)</sup> The Chair is unable to entertain the gentleman's point of order until the Chair has put the question on the amendment.

Mr. LAFALCE. Would the Chair restate that position? I thought that I would be able at any point that I was recognized to get up and made a point of order that a quorum was not present.

The SPEAKER pro tempore. Under the rules of the House, the Chair may

1. *House Rules and Manual* §§ 911, 912 (2007).
2. 147 CONG. REC. 10725, 107th Cong. 1st Sess.
3. John Cooksey (PA).



not recognize the absence of a quorum during debate. The only time the point of order may be entertained is when the Chair puts the question to the House on the gentleman's amendment.

Mr. LAFALCE. So you could debate within the House of Representatives without a quorum?

The SPEAKER pro tempore. A point of order of no quorum is not permitted during the debate, no.

Mr. LAFALCE. Mr. Speaker, I move to adjourn.

The SPEAKER pro tempore. The Chair is unable to recognize the motion.

The previous question is ordered under the rule without such intervening motion.

Mr. [Michael G.] OXLEY [of Ohio]. Point of inquiry. Does the request have to be in writing?

The SPEAKER pro tempore. On demand, the motion needs to be in writing.

Mr. OXLEY. The gentleman from New York was recognized for what particular purpose?

The SPEAKER pro tempore. With the previous question having been ordered to passage without intervening motion pending is the debate on the amendment controlled by the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE). Under the special rule, no other motions are permissible.

Mr. LAFALCE. A motion to adjourn is not permissible at this time?

The SPEAKER pro tempore. The gentleman is correct.

#### PARLIAMENTARY INQUIRY

Mr. LAFALCE. Mr. Speaker, I have a parliamentary inquiry. When is a motion to adjourn permissible?

The SPEAKER pro tempore. With the previous question being ordered to final passage without intervening motion under the rule that motion can be entertained after the question of passage of the bill.

Mr. LAFALCE. Not before passage of the bill?

The SPEAKER pro tempore. That is the ruling of the Chair.

### § 3.5 Although a motion to instruct conferees is privileged under clause 1(c) of Rule XXVIII<sup>(1)</sup> a motion to adjourn remains preferential even after the motion to instruct has been read.

On Sept. 30, 1997,<sup>(2)</sup> the following proceedings occurred in the House:

MOTION TO INSTRUCT CONFEREES ON H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999, AND EUROPEAN SECURITY ACT OF 1997

Mr. [Lloyd A.] DOGGETT [of Texas]. Mr. Speaker, I offer a privileged motion.

The SPEAKER.<sup>(3)</sup> The Clerk will report the motion.

The Clerk read as follows:

Mr. DOGGETT moves that the managers on the part of the House at the conference on the disagreeing votes

1. Now Rule XXII clause 7(c)(1), *House Rules and Manual* § 1079 (2007).
2. 143 CONG. REC. 20886, 20887, 105th Cong. 1st Sess.
3. Newt Gingrich (GA).

of the two Houses on the bill, H.R. 1757, be instructed to reject section 1601 of the Senate amendment, which provides for payment of all claims against the Iraqi Government before those of U.S. veterans and the U.S. Government (i.e., U.S. taxpayers).

MOTION TO ADJOURN

Mr. [C. Joseph] SCARBOROUGH [of Florida]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. A motion to adjourn is in order.

Mr. SCARBOROUGH. Mr. Speaker, I had asked earlier for a question. We can do a motion to adjourn, if I can ask the gentleman from Texas a question?

The SPEAKER. A motion to adjourn is not debatable, and the gentleman was not recognized prior to this time.

□ 0015

Does the gentleman from Florida insist on his motion to adjourn?

Mr. SCARBOROUGH. Yes, Mr. Speaker.

Mr. DOGGETT. Mr. Speaker, has the motion been reduced to writing?

The SPEAKER. Yes. The question is on the motion to adjourn offered by the gentleman from Florida [Mr. SCARBOROUGH].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DOGGETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 183, not voting 44, as follows:

[Roll No. 479] . . .

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 12 o'clock and 34 minutes a.m.) the House adjourned until today, Wednesday, October 1, 1997, at 10 a.m.

§ 3.6 The motion to adjourn may be made during the consideration of a rule reported from the Committee on Rules pursuant to clause 4(b) of Rule XI,<sup>(1)</sup> as long as the motion is not made when another Member has the floor and is reduced to writing on demand of any Member.

On Sept. 27, 1993,<sup>(2)</sup> where the House adjourned during the consideration of a special order reported from the Committee on Rules, further consideration of the rule would become the unfinished business when the House next reconvened; and when the consideration of unfinished business resumed in the House, debate did not begin anew but recommenced from the point at which it was interrupted.<sup>(3)</sup> The following occurred.

1. Now Rule XIII, clause 6, see *House Rules and Manual* § 857 (2007).
2. 139 CONG. REC. 22608, 22609, 103d Cong. 1st Sess.
3. 139 CONG. REC. 22719, 103d Cong. 1st Sess.

## MOTION TO ADJOURN

Mr. [Dan] BURTON of Indiana. For that reason, and because of this rule and because I cannot bring it to the floor to debate it, Madam Speaker, I move the House do now adjourn, with apologies to my colleague, the gentleman from New York [Mr. SOLOMON].

The SPEAKER pro tempore (Mrs. Meek).<sup>(4)</sup> Will the gentleman from Indiana withhold that motion momentarily?

Mr. BURTON of Indiana. As long as it is not going to be overlooked, Madam Speaker.

The SPEAKER pro tempore. The gentleman's debate time has expired. Does the gentleman from Indiana still insist on that motion?

Mr. BURTON of Indiana. I do insist, Madam Speaker.

## PARLIAMENTARY INQUIRY

Mr. [Gerald B. H.] SOLOMON [of New York]. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will please state his inquiry.

Mr. SOLOMON. Madam Speaker, I do not believe that the motion is in writing.

I would like to continue the debate, if we could, and let the gentleman make it in a timely manner, if that is all right with the gentleman.

Mr. BURTON of Indiana. No, Madam Speaker, I do insist on my motion, with apologies to my colleague.

The SPEAKER pro tempore. The motion must be in writing.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Madam Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. BURTON of Indiana. Madam Speaker, there is a pending motion on the floor.

The SPEAKER pro tempore. The gentleman from New York has insisted that the motion be in writing. Meanwhile, the gentleman from Florida [Mr. MICA] is recognized for 2 minutes. . . .

Mr. SOLOMON. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

## POINT OF ORDER

Mr. BURTON of Indiana. Madam Speaker, I have a point of order.

The SPEAKER pro tempore (Mrs. MEEK). The gentleman will state his point of order.

Mr. BURTON of Indiana. The Speaker in the chair a few moments ago asked if I would defer for a few moments while she talked to somebody up there at the desk. I did defer. Now I want my motion to be voted upon. The gentlewoman in the Chair, the gentlewoman from Florida [Mrs. MEEK], has it in writing. She asked me to wait. I did wait. Now I would like the motion to be heard.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BURTON of Indiana moves that the House do now adjourn.

## PARLIAMENTARY INQUIRIES

Mr. [George W.] GEKAS [of Pennsylvania]. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

4. Carrie P. Meek (FL).

Mr. GEKAS. Madam Speaker, I assume that if the gentleman's motion is considered by the Chair and put to the House, there would be an immediate vote on it. My parliamentary inquiry then would be:

If it should be defeated, would we go on with the regular order of business?

We should. I assume that we would go on with the regular order of business.

My parliamentary inquiry is:

In the event that it should not fail, that it should prevail, and this House do adjourn, is it in order to ask prior to the vote being taken that the adjournment be held over until special orders are completed?

The SPEAKER pro tempore. The Chair will not entertain that request.

Mr. [Martin] FROST [of Texas]. Regular order, Madam Speaker.

Mr. GEKAS. Could I ask the gentleman from Indiana [Mr. BURTON], in a colloquy pursuant to my parliamentary inquiry—

Mr. FROST. Mr. Speaker, I ask for regular order.

The SPEAKER pro tempore. The Chair must put the question on the motion to adjourn.

Mr. GEKAS. Madam Speaker, I have a point of parliamentary inquiry as to that.

The SPEAKER pro tempore. Will the gentleman from Pennsylvania please state his parliamentary inquiry?

Mr. GEKAS. Is it proper, is it within regular order, to ask the sponsor of the motion to adjourn to defer adjournment, even if his motion prevails, until after special orders? Would the gentleman agree to that condition?

The SPEAKER pro tempore. Once that motion is agreed to, the House must adjourn immediately.

Mr. GEKAS. Madam Speaker, I am trying to get across that we have special orders we would like to get to.

Mr. SOLOMON. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Madam Speaker, is it now true that, if the motion to adjourn is forced on the body, we would have to start this debate on this rule all over, and that we have just 5 minutes left on the debate today, and we could do that without further inconveniencing any of the Members if the gentleman would just withhold for 5 minutes?

Madam Speaker, we have a lot of very, very important business to take care of on this floor tomorrow, and I would plead with the gentleman from Indiana [Mr. BURTON] to withhold his motion for 5 minutes.

The SPEAKER pro tempore. If the House adjourns now, the resolution will be unfinished business tomorrow.

Mr. SOLOMON. And we would be starting all over again, Madam Speaker?

The SPEAKER pro tempore. Not necessarily.

Mr. [Robert L.] LIVINGSTON [of Louisiana]. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LIVINGSTON. Might I inquire of the Chair if it is possible to vote on a motion to adjourn by voice vote?

The SPEAKER pro tempore. Yes. If the ayes have it, then the House could adjourn.

Mr. FROST. Madam Speaker, once again I must ask for regular order.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Indiana [Mr. BURTON].

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 28, 1993, at 10 a.m.

**§ 3.7 The motion to adjourn is of the highest privilege under Rule XVI clause 4,<sup>(1)</sup> and thus takes precedence over the motion to suspend the rules.**

On Aug. 11, 1992,<sup>(2)</sup> the Speaker entertained parliamentary inquiries while counting for a quorum on a negative vote on a motion to adjourn:

The SPEAKER pro tempore (Mr. McNULTY).<sup>(3)</sup> The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 2144, as amended.

The question was taken.

Mr. [Ron] MARLENEE [of Pennsylvania]. Mr. Speaker, on that I demand the yeas and nays.

The question was taken.

1. *House Rules and Manual* §§ 911, 912 (2007).
2. 138 CONG. REC. 23085, 23086, 102d Cong. 2d Sess. See also 117 CONG. REC. 38536, 38537, 92d Cong. 1st Sess., Nov. 1, 1971.
3. Michael R. McNulty (NY).

Mr. MARLENEE. Mr. Speaker, I object to the vote on the grounds that a quorum is not present, and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

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PARLIAMENTARY INQUIRY

Mr. MARLENEE. Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, at this time is a motion to adjourn in order? Is it a privileged motion?

The SPEAKER pro tempore. A motion to adjourn is a privileged motion.

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FALSE CLAIMS AMENDMENTS  
ACT

Mr. [Barney] FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 4563, with an amendment.

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PARLIAMENTARY INQUIRY

Mr. MARLENEE. Mr. Speaker, I had a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MARLENEE. Mr. Speaker, I did not receive a response on my parliamentary inquiry.

The SPEAKER pro tempore. The gentleman did receive a response. The motion is a privileged motion.

#### MOTION TO ADJOURN

Mr. MARLENEE. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MARLENEE. Mr. Speaker, I object to the vote on the ground that a quorum is no present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count for a quorum.

#### PARLIAMENTARY INQUIRIES

Mr. [George W.] GEKAS [of Pennsylvania]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEKAS. Mr. Speaker, is the Chair empowered to declare a recess?

The SPEAKER pro tempore. No; he is not. The Chair is counting for a quorum.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, in light of the fact that the gentleman who is objecting was upset that bills cost money, is it relevant that the next bill is a saving to the taxpayer, according to OMB and CBO, since it is a False Claims Amendment Act? Maybe the gentleman would like to let us save a few million dollars.

The SPEAKER pro tempore. The Chair cannot entertain that inquiry, which is not a parliamentary inquiry, when he is counting for a quorum.

Mr. FRANK of Massachusetts. I knew that, Mr. Speaker, but the gentleman was listening.

□ 1930

Mr. MARLENEE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. (Mr. McNulty). The gentleman will state his parliamentary inquiry.

Mr. MARLENEE. Mr. Speaker, what would be the effect of my withdrawing the point of order?

The SPEAKER pro tempore. If the gentleman withdrew his point of order, the Chair would rely on his earlier declaration that the noes had it on the voice vote and the motion would not be agreed to.

Mr. MARLENEE. . . .

Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws his point of order of no quorum.

So the motion to adjourn was rejected.

**§ 3.8 The motion to adjourn takes precedence over the Chair's putting the question on the Speaker's approval of the Journal. Where less than a quorum rejects a motion to adjourn, the House may not consider business but may dispose of motions to secure the attendance of absent Members.**

On Nov. 2, 1987,<sup>(1)</sup> the following proceedings occurred in the House:

#### THE JOURNAL

The SPEAKER.<sup>(2)</sup> The Chair has examined the Journal of the proceedings of the second legislative day of Thursday, October 29, 1987.

The question is on approval of that Journal.

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#### ADJOURNMENT

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion. The Clerk read as follows:

Mr. FOLEY moves that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. [F. James] SENSENBRENNER [Jr., of Wisconsin]. Mr. Speaker, I ask for a division.

The SPEAKER. A division is requested.

A division was taken; and the Speaker announced that ayes were 12 and noes were 15.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum

is not present and make the point of order that a quorum is not present.

Mr. SENSENBRENNER. Mr. Speaker, I have a point of order.

Mr. Speaker, that is not a proper motion to make. The House can adjourn without a quorum.

The SPEAKER. That is true, but when the vote is a negative vote the House is not adjourned unless the vote were established to be an affirmative vote. The Chair counted 12 ayes and 15 noes.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman can object to the negative division vote on the ground that a quorum is not present, and evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 92, nays 100, not voting 241, as follows:

[Roll No. 396] . . .

#### PARLIAMENTARY INQUIRY

Mr. FOLEY (during the voting). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOLEY. Mr. Speaker, is it the case that until a majority appears to adjourn the House may not adjourn? Is that correct.

The SPEAKER. The gentleman is correct.

Mr. FOLEY. And, Mr. Speaker, is it also true that the House may not do any other business?

Mr. SENSENBRENNER. Mr. Speaker, the House is not in order.

1. 133 CONG. REC. 30386-90, 100th Cong. 1st Sess.

2. James C. Wright, Jr. (TX).

The SPEAKER. The House is not in order.

Will all Members of the House please kindly desist from private conversations?

Mr. FOLEY. Mr. Speaker, is it also correct that the House may not take up any other business pending their conclusion of this vote by rollcall on adjournment?

The SPEAKER. The gentleman is correct.

Mr. FOLEY. And the House must remain in session pending an affirmative vote to adjourn, a quorum appearing in support, or a quorum appearing?

The SPEAKER. The gentleman is correct.

#### POINT OF ORDER

Mr. [Robert S.] WALKER [of Pennsylvania] (during the voting). Mr. Speaker, I have a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WALKER. Under what rule are we holding discussion while a vote is still open?

The SPEAKER. Parliamentary inquiries have been propounded to the Chair. Under the precedents, the Chair is responding to parliamentary inquiries relating to the pending situation.

Mr. WALKER. While the vote is being taken and that is an appropriate procedure during the course of a vote, is that correct, Mr. Speaker?

Mr. FOLEY. Point of order, Mr. Speaker. If the parliamentary inquiry is not in order, then the gentleman's point of order is not in order.

Mr. SENSENBRENNER. Mr. Speaker, I call for the regular order.

The SPEAKER. The Chair will respond to the gentleman's inquiry.

The precedents hold that it is in order for the Chair to recognize Members for points of parliamentary inquiry if those points of parliamentary inquiry apply to the business at hand.

#### PARLIAMENTARY INQUIRY

Mr. WALKER (during the voting). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKER. Mr. Speaker, should this vote fail, there is a process by which the House could ask the Sergeant at Arms to round up the absent Members, is that not correct?

The SPEAKER. The gentleman is correct.

Mr. WALKER. And that motion would be in order immediately following this vote?

The SPEAKER. After the Chair has announced the vote, that motion would be in order.

#### PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER (during the voting). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SENSENBRENNER. Mr. Speaker, when would that announcement take place?

The SPEAKER. The announcement will take place when the Chair announces it, which the Chair is about to do.

The Chair is advised that there are Members on the way to the Chamber.

On this vote, the yeas are 92, the nays are 100, and the motion is not agreed to.



So the motion was rejected.  
The result of the vote was announced as above recorded.

□ 1230

MOTION OFFERED BY MR.  
SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer a privileged motion.  
The Clerk read as follows:

Mr. SENSENBRENNER moves, pursuant to rule XV, clause 2(a), that the Sergeant at Arms be directed to arrest the absent Members.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 65, nays 130, not voting 238, as follows:

[Roll No. 397] . . .

MOTION TO ADJOURN

Mr. FOLEY. Mr. Speaker, I offer a highly privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. FOLEY moves that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 95, nays 102, not voting 236, as follows:

[Roll No. 398] . . .

The SPEAKER. Are there other Members in the Chamber who desire to vote?

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that in the event the Sergeant at Arms were instructed to go and to find and arrest absent Members, the Sergeant at Arms has informed the Chair that he already has enough volunteers to find and arrest Members from Hawaii.

Are there other Members in the Chamber who desire to vote?

Are there Members who desire to change their votes?

Mr. DE LA GARZA changed his vote from “nay” to “yea.”

The SPEAKER. Are there in the Chamber those who just have not realized that a vote is being taken?

Are there other Members who are on the way from their offices?

Have we received urgent requests from Members to hold the vote open?

Are there Members in the elevators?

If there are no other Members who desire to vote or to change their votes, all time has expired.

So the motion was rejected.

The result of the vote was announced as above recorded.

PRIVILEGED MOTION OFFERED BY MR.  
WALKER

Mr. WALKER. Mr. Speaker, I offer a privileged motion that I send to the desk.

Mr. [Henry B.] GONZALEZ [of Texas]. Mr. Speaker, I have a parliamentary inquiry.

Mr. WALKER. I have a privileged motion, Mr. Speaker.

The SPEAKER. The Clerk will report the motion.

Mr. WALKER moves pursuant to clause 2, rule XV that the Speaker be authorized to compel the attendance of absent Members.

Mr. GONZALEZ. Mr. Speaker, I did not hear the reading of that motion.

The SPEAKER. The Clerk will read the motion again slowly and in a clear voice.

The Clerk reread the motion.

Mr. GONZALEZ. I move to table that motion.

The SPEAKER. A motion to table is not in order.

Mr. WALKER. Is that motion at the desk, Mr. Speaker?

If the motion is not at the desk, Mr. Speaker, it is not in order.

The SPEAKER. The Chair is of the opinion that since this is neither a debatable nor an amendable motion that a motion to table is not in order under the circumstances.

The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the Chair be instructed to compel the attendance of absent Members.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 102, nays 96, not voting 235, as follows:

[Roll No. 399] . . .

Mr. SHUSTER changed his vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. Pursuant to the motion, the Chair directs that the Sergeant at Arms proceed with such steps as may be necessary and efficacious to compel the attendance of absent Members.

Members who have not been heretofore recorded will give their names to the Clerk upon arriving, and until the establishment of a quorum no other business can be conducted.

□ 1330

#### PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SENSENBRENNER. Mr. Speaker, would it be in order to grant the Speaker authority to declare a recess today to a time certain at this point?

The SPEAKER. The Chair is advised that in the absence of a quorum no motion which requires unanimous consent may be entertained, and that would be such a motion.

Therefore, the Chair regrets that the motion would not be in order.

Members will observe and stand by.

#### PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKER. Mr. Speaker, will the House be given notice when sufficient Members have arrived to do business?

Mr. [Larry J.] HOPKINS [of Kentucky]. Mr. Speaker, do we get a 15-minute notice?

The SPEAKER. When a quorum arrives, we will move to dispense with further proceedings under this motion, and at that point additional business may be considered. That is all that can be done under the present circumstances.

Members will stand by and enjoy one another's conviviality.

□ 1510

The SPEAKER. Pursuant to clause 2 of rule XV, the names of those Members who have voluntarily appeared subsequent to rollcall No. 399 shall be spread upon the Journal.

The list of names referred to is as follows:

Messrs. Shaw; Leath of Texas; Williams; Neal; Walgren; Sabo; Mfume; Traxler; Dixon; St Germain; Bonior of Michigan; Volkmer; Jeffords; Andrews; Edwards of California; Roe; Porter; Dymally; Stenholm; Hatcher; Cheney; and Harris; Mrs. Morella; and Messrs. Yates; Nagle; and Cardin.

The SPEAKER. Are there other Members who desire to be recorded?

If not, the Chair recognizes the gentleman from Michigan [Mr. BONIOR].

#### ADJOURNMENT

Mr. BONIOR of Michigan. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan [Mr. BONIOR].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 116, nays 106, not voting 211, as follows:

[Roll No. 400] . . .

Messrs. FRENZEL, HEFLEY, and LOWERY of California changed their votes from “yea” to “nay.”

So the motion was agreed to.

The result of the vote was above recorded.

Accordingly (at 3 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Tuesday, November 3, 1987, at 12 noon.

### § 3.9 Under Rule XVI clause 4,<sup>(1)</sup> the motion to adjourn takes precedence over all other motions and questions, including the filing of a privileged report pursuant to clause 4(a) of Rule XI.<sup>(2)</sup>

On Apr. 29, 1985,<sup>(3)</sup> the motion to adjourn took precedence over the filing of a privileged report on a contested election from the

1. *House Rules and Manual* §§ 911, 912 (2007).
2. Now Rule XIII, clause 5, see *Id.* at § 853 (2007).
3. 131 CONG. REC. 9699, 9700, 99th Cong. 1st Sess.

Committee on House Administration:

REQUEST FOR PERMISSION TO  
SUBMIT A PRIVILEGED REPORT

Mr. [Leon E.] PANETTA [of California]. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report.

Mrs. [Lynn] MARTIN [of Illinois]. Mr. Speaker, I have a privileged resolution at the desk.

Mr. Speaker. I have a privileged resolution that I sent to the desk.

Mr. [Charles E.] SCHUMER [of New York]. Mr. Speaker, will the gentleman yield?

Mrs. MARTIN of Illinois. No; the gentleman cannot with a privileged resolution.

Mr. SCHUMER. Did the gentleman ask for a privileged resolution or resolution?

The SPEAKER pro tempore.<sup>(4)</sup> The House will be in order.

Mrs. MARTIN of Illinois. One may lead to the other.

The SPEAKER pro tempore. The House will be in order.

The Chair had recognized the gentleman from California [Mr. PANETTA], who has sent a privileged report to the desk.

Has the gentleman from California quite finished with his request?

Mrs. MARTIN of Illinois. Mr. Speaker, I believe that my motion has the highest privilege.

The SPEAKER pro tempore. The gentleman will be recognized in due course, if the gentleman will—

Mrs. MARTIN of Illinois. But I believe my motion has precedence.

The SPEAKER pro tempore. The gentleman has not—

Mrs. MARTIN of Illinois. Mr. Speaker, I believe that my motion has precedence.

The SPEAKER pro tempore. The gentleman will be recognized.

The gentleman will state her privileged motion.

MOTION TO ADJOURN

Mrs. MARTIN of Illinois. I thank the Chair.

Mr. Speaker, I move that the House do now adjourn.

□ 1230

The SPEAKER pro tempore. The gentleman does state a privileged motion, and the question is on the gentleman's motion.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. [Jim] KOLBE [of Arizona]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The vote was taken by electronic device, and there were—yeas 124, nays 168, not voting 141, as follows:

[Roll No. 77] . . .

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded. . . .

4. James C. Wright (TX).

REPORT ON RESOLUTION RELATING TO ELECTION OF A REPRESENTATIVE FROM THE EIGHTH CONGRESSIONAL DISTRICT OF INDIANA

Mr. PANETTA, from the Committee on House Administration, submitted a privileged report (Rept. No. 99-58) on the resolution (H. Res. 146) relating to election of a Representative from the Eighth Congressional District of Indiana, which was referred to the House Calendar and ordered to be printed.

**§ 3.10 While the motion to adjourn takes precedence over any other motion under Rule XVI clause 4(a),<sup>(1)</sup> the Speaker may, through the power of recognition, recognize the Majority Leader, by unanimous consent, for one minute where no objection is raised to announce the legislative program prior to entertaining the motion to adjourn.**

On Dec. 14, 1982,<sup>(2)</sup> the following proceedings occurred:

The Clerk announced the following pairs:

On this vote:

Mr. Fary for, with Mr. Thomas against.

Mr. John L. Burton for, with Mr. Chappie against.

So the joint resolution was passed.

1. *House Rules and Manual* § 911 (2007).
2. 128 CONG. REC. 30549, 30550, 97th Cong. 2d Sess.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER.<sup>(3)</sup> The Chair recognizes the majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. [Denny] SMITH [of Oregon]. Mr. Speaker, I have a preferential motion to send to the desk.

The SPEAKER. The gentleman will be seated. The Speaker has the right of recognition.

Mr. SMITH of Oregon. Mr. Speaker, I have a preferential motion.

Mr. [Robert S.] WALKER [of Pennsylvania]. Regular order, Mr. Speaker.

□ 2040

The SPEAKER. The Chair recognizes the majority leader, the gentleman from Texas (Mr. WRIGHT).

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LEGISLATIVE PROGRAM

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, let me simply announce for the benefit of the Members that it is our intention now to have no further votes tonight. We plan to take up the things that we put off last night in order that Members might go and attend the reception in the White House, the remaining suspension, and was agreed with the Republican leadership and our leadership last night, but we will not have any votes. We will roll the votes until tomorrow, let the votes be the first thing tomorrow. . . .

3. Thomas P. O'Neill, Jr. (MA).

PREFERENTIAL MOTION OFFERED BY MR. SMITH OF OREGON

Mr. SMITH of Oregon. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The gentleman will state his preferential motion.

Mr. SMITH of Oregon. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the preferential motion offered by the gentleman from Oregon (Mr. SMITH).

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. SMITH of Oregon. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 122, nays 202, not voting 109, as follows:

[Roll No. 452] . . .

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will make the following statement:

It is the usual and customary practice in this House that when we come to the end of a proceeding, as we did, that the majority leader then announces the program for the remainder of the night. The majority leader had informed me that he was going to make that announcement. Normally it is a unanimous-consent request, and that is what the Chair anticipated that the majority leader would do.

It is the prerogative and the duty of the Speaker of the House to run this body in an expeditious manner and he

should be informed when motions are going to be made, whether they are privileged or otherwise, and when he is suddenly confronted with a privileged motion, then it is my opinion, while the Chair appreciates that he follows the rules of the House, it does not improve the decorum of the House. The Speaker at all times tries to be fair, and thought he was being fair with the Members when he was recognizing the majority leader to inform the membership what the program was for the remainder of the evening.

*Parliamentarian's Note:* The Speaker recognized the Majority Leader to announce the program for the remainder of the day and declined to recognize a Member to offer a motion to adjourn pending that announcement, although the Majority Leader had neglected to obtain unanimous consent to address the House for one minute. The Speaker then suggested that decorum would be maintained by unanimous-consent permission to announce the leadership program pending a motion to adjourn. Any Member can force an immediate vote on a privileged motion to adjourn by objecting to a unanimous-consent request to address the House for one minute to announce the program. The Speaker may entertain a unanimous-consent request pending a privileged motion, but in this instance he merely assumed that the Majority Leader had properly obtained the

floor. Once the floor is obtained for one minute, a motion to adjourn cannot interrupt.

**§ 3.11 The motion to adjourn is highly privileged and may be offered after the House rejects a motion to lay on the table a motion to instruct conferees and before the vote occurs on the motion to instruct.**

On May 29, 1980,<sup>(1)</sup> the House adopted a motion to insist on its disagreement to a Senate amendment and to request a further conference with the Senate, and then adopted a motion to instruct the House conferees, after having rejected a motion to adjourn offered by the manager of the conference report:

MOTION TO INSTRUCT OFFERED BY MR.  
LATTA

Mr. [Delbert L.] LATTA [of Ohio]. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. LATTA moves to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on House Concurrent Resolution 307, first concurrent resolution on the budget for fiscal year 1981, to agree to the figures in functional category 050, national security, of \$153.7 billion in outlays and \$171.3 billion in budget authority.

1. 126 CONG. REC. 12717-19, 96th Cong. 2d Sess.

MOTION TO TABLE OFFERED BY MR.  
GIAIMO

Mr. [Robert N.] GIAIMO [of Connecticut]. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER.<sup>(2)</sup> The question is on the motion to table offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LATTA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 123, nays 165, not voting 145, as follows:

[Roll No. 273] . . .

MOTION FOR ADJOURNMENT

Mr. GIAIMO. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LATTA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 141, nays 145, not voting 147, as follows:

[Roll No. 274] . . .

Mr. TAUZIN changed his vote from “yea” to “nay.”

So the motion was rejected.

The result of the vote was announced as above recorded.

2. Thomas P. O'Neill, Jr. (MA).

The SPEAKER. The question is on the motion to instruct offered by the gentleman from Ohio (Mr. LATTA).

The motion was agreed to.

APPOINTMENT OF CONFEREES ON  
HOUSE CONCURRENT RESOLUTION 307

The SPEAKER. The Chair appoints the following conferees: Messrs. GIAIMO, WRIGHT, ASHLEY, SIMON, MINETA, JONES of Oklahoma, BRODHEAD, WIRTH, PANETTA, GEPHARDT, NELSON, LATTA, CONABLE, Mrs. HOLT, Mr. REGULA, and Mr. RUDD.

**§ 3.12 The motion to adjourn takes precedence over a vote on final passage where the House has reconsidered the first vote on final passage and where the previous question has been ordered by motion to final passage.**

On Sept. 20, 1979,<sup>(1)</sup> the following events occurred in the House:

RECONSIDERATION OF VOTE ON  
HOUSE JOINT RESOLUTION  
399, CONTINUING APPROPRIATIONS, 1980

Mr. [Harold A.] VOLKMER [of Missouri]. Mr. Speaker, having voted on the prevailing side, I move to reconsider the vote whereby House Joint Resolution 399 was not passed.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI).<sup>(2)</sup> The Chair will inquire, did the gentleman vote no on final passage?

Mr. VOLKMER. Mr. Speaker, I voted no on final passage.

1. 125 CONG. REC. 25512, 25513, 96th Cong. 1st Sess.
2. Dan Rostenkowski (IL).

The SPEAKER pro tempore. The gentleman qualifies.

The Clerk will report the motion.

The Clerk read as follows:

Mr. VOLKMER moves to reconsider the vote whereby House Joint Resolution 399 was not passed. . . .

Mr. [Gerald B. H.] SOLOMON [of New York]. Mr. Speaker, I move that motion, that House Joint Resolution 399 be laid upon the table.

The SPEAKER pro tempore. The Chair will state that is not in order. It is not the right motion. The joint resolution itself cannot be laid on the table, the previous question having been ordered yesterday.

The question is on the motion to reconsider offered by the gentleman from Missouri (Mr. VOLKMER).

As many as are in favor of the motion will say aye.

Mr. SOLOMON. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER pro tempore. The Chair will state that he has put the question on the motion offered by the gentleman from Missouri and the question is being taken.

The motion offered by the gentleman from New York (Mr. SOLOMON) to lay on the table has come too late.

The question is on the motion to reconsider offered by the gentleman from Missouri (Mr. VOLKMER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. [John J.] RHODES [of Arizona]. Mr. Speaker, I demand a recorded vote.



A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 196, not voting 24, as follows:

[Roll No. 490] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. GRASSLEY

Mr. [Charles E.] GRASSLEY [of Iowa]. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. GRASSLEY moves to reconsider the vote whereby House Joint Resolution 399 was read a third time and engrossed.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. GRASSLEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GRASSLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the motion was rejected.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

PREFERENTIAL MOTION OFFERED BY  
MR. BETHUNE

Mr. [Ed] BETHUNE [of Arkansas]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The motion to adjourn offered by the gentleman from Arkansas (Mr. BETHUNE) is preferential and in order.

The question is on the preferential motion offered by the gentleman from Arkansas (Mr. BETHUNE).

The preferential motion was rejected.

The SPEAKER pro tempore. The pending question is on the passage of the joint resolution.

As many as are in favor will signify by saying “aye”; as many as are opposed will signify by saying “no.”

In the opinion of the Chair, the ayes have it, and the joint resolution is passed.

RECORDED VOTE

Mr. [Kenneth B.] KRAMER [of Colorado]. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. A recorded vote is demanded.

Mr. [George E.] DANIELSON [of California]. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The demand for a recorded vote is in order.

So many as are in favor will stand and remain standing until counted.

Forty-seven Members have arisen. A recorded vote is ordered.

PARLIAMENTARY INQUIRY

Mr. [Mario] BIAGGI [of New York]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BIAGGI. Mr. Speaker, we had a voice vote on the previous question,

and then we had intervening business, a motion to adjourn. This is not in order.

The SPEAKER pro tempore. The question on the passage was never disposed of.

Forty-seven Members have arisen, a sufficient number. A recorded vote is ordered.

As many as are in favor of the resolution will vote "aye"; as many as are opposed will vote "no."

The vote was taken by electronic device, and there were—ayes 196, noes 212, not voting 26, as follows:

[Roll No. 491] . . .

So the joint resolution was rejected.

The result of the vote was announced as above recorded.

*Parliamentarian's Note:* In light of this precedent, the question becomes whether the motion to adjourn is in order pending reconsideration after an initial vote on final passage where instead the previous question has been ordered by adoption of a special order governing consideration of the pending measure to final passage without intervening motion (except one motion to recommit) and not by the ordinary motion for the previous question. It has been held that the motion to adjourn is not in order during consideration of a bill where by special order "the previous question shall be considered as ordered . . . and final passage of the bill; and then, without intervening mo-

tion, the vote shall be taken upon the third reading thereof, and upon the final passage of the bill, and, should a motion to reconsider be made, upon a motion to lay the latter motion on the table."<sup>(3)</sup> Similarly, the motion to adjourn was held out of order pending the question of reconsideration of the vote on third reading, under a special rule ordering the previous question on the bill "to its passage whereupon, without intervening motion, votes shall be taken on said bill until the same shall have been fully disposed of."<sup>(4)</sup> These examples address the denial of intervening motions, including motions to adjourn not only "to" but "through" final disposition of the motion to reconsider. A measure is not considered "finally" disposed of until the motion to reconsider is disposed of.<sup>(5)</sup> While clause 3 of Rule XIX specifically gives the motion to adjourn precedence over the entry of a motion to reconsider under the general rules of the House,<sup>(6)</sup> an interpretation of a typical contemporary supervening special order as reversing this priority and foreclosing the motion to adjourn

3. 4 Hinds' Precedents § 3212.

4. *Id.* at § 3213.

5. See Ch. 23 § 33, *infra*.

6. *House Rules and Manual* § 1003 (2007).

until final passage has been finally voted, rather than merely reached, would be appropriate and not governed by the 1979 ruling, consistent with the Hinds' Precedents cited above and the proper meaning of "final passage" without intervening motion. Only where a record vote on a motion to reconsider is postponed pursuant to clause 8 of Rule XX<sup>(7)</sup> may the motion to adjourn then be entertained (since the business of passage of the bill would no longer be pending).<sup>(8)</sup>

**§ 3.13 A motion to adjourn has the highest privilege in the House, regardless of the lack of Senate action on a collateral matter.**

On Friday, July 30, 1971,<sup>(1)</sup> a Member inquired whether a motion to adjourn would be in order, given the parliamentary situation at that time.

PARLIAMENTARY INQUIRY

Mr. [John] CONYERS [Jr., of Michigan]. Mr. Speaker, a parliamentary inquiry.

7. *Id.* at § 1030.

8. See § 6.5, *infra*, for discussion of clause 6(c) of Rule XX (*House Rules and Manual* § 1025 [2007]) on a motion to adjourn pending the result of a yea and nay vote.

1. 117 CONG. REC. 28332, 28333, 92d Cong. 1st Sess.

The SPEAKER.<sup>(2)</sup> The gentleman from Michigan (Mr. CONYERS) will state his parliamentary inquiry.

Mr. CONYERS. Mr. Speaker, in view of the fact that the Senate has put the Lockheed matter over until Monday, would a motion to adjourn be in order?

The SPEAKER. The Chair will state that of course a motion to adjourn is always in order, and the relevance of side or collateral issues is unimportant.

Mr. CONYERS. I thank the Speaker.

**§ 3.14 Only one motion to adjourn is admissible during consideration of a motion to suspend the rules.<sup>(1)</sup>**

On July 21, 1947,<sup>(2)</sup> the following took place in the House after a motion to suspend the rules was moved and seconded:

MOTION TO ADJOURN

Mr. [Tom] PICKETT [of Texas]. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. PICKETT) there were—ayes 42, noes 261.

Mr. PICKETT. Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. GAMBLE and Mr. PICKETT.

The House again divided; and the tellers reported that there were—ayes, 51, noes 149.

2. Carl Albert (OK).

1. Rule XV clause 1(b), *House Rules and Manual* § 890 (2007).

2. 93 CONG. REC. 9523, 80th Cong. 1st Sess.

Mr. PICKETT. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 85, nays 299, not voting 46, as follows:

[Roll No. 126]

Subsequently, during debate on the motion to suspend the rules, a second motion to adjourn was made:<sup>(3)</sup>

Mr. [Thomas J.] MURRAY of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.<sup>(4)</sup> That motion is not in order. Under the precedents, a motion to adjourn is not in order until the final vote upon the motion to suspend the rules and pass the bill.

***When Another Member Has the Floor***

**§ 3.15 While the motion to adjourn is of highest privilege under clause 4 of Rule XVI,<sup>(1)</sup> it may not be made while another Member has the floor in debate.**

On Mar. 25, 1993,<sup>(2)</sup> the following proceedings occurred on the floor of the House:

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

- 3. *Id.* at p. 9529.
- 4. Joseph W. Martin, Jr. (MA).
- 1. *House Rules and Manual* §911 (2007).
- 2. 139 CONG. REC. 6372, 6373, 103d Cong. 1st Sess.

Mr. [Robert H.] MICHEL [of Illinois]. Mr. Speaker, I ask for this extended moment to inquire of the distinguished majority leader the program for the next week.

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding. . . .

Mr. [Robert K.] DORNAN [of California]. . . .

What are we doing here? What is this ugliness and rudeness? This is the worst session I have ever seen ever and where is the Speaker, for God's sake? He disappeared a week ago.

The SPEAKER pro tempore (Mr. LEWIS of Georgia).<sup>(3)</sup> The Chair would advise the gentleman from California, the Speaker is in the chair.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I simply want to say to the minority leader that as he knows, we have had a number of conversations that are continuing. We are trading proposals and ideas for how to reasonably deal with special orders that would be an appropriate way for all the Members and that Members could agree to.

We will continue to work as hard and as quickly on that as we can and try to bring back to the membership a set of ideas that we hope can gain support.

- 3. John R. Lewis (GA).

REQUEST FOR MOTION TO  
ADJOURN

Mr. [Gene] TAYLOR [of Mississippi]. Mr. Speaker, there being no further legislative business before this body, I move that we adjourn.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MICHEL] has the floor.

**§ 3.16 A motion to adjourn, while privileged, cannot be entertained while another Member holds the floor but may be offered as soon as the floor is yielded.**

On June 6, 1968,<sup>(1)</sup> shortly after the House convened at noon, Mr. Richard L. Ottinger, of New York, attempted to call up a motion to adjourn which he had placed at the desk. However, the Minority Leader, Gerald R. Ford, of Michigan, had just been granted the floor by unanimous consent for one minute.

## LEGISLATIVE PROGRAM

Mr. Gerald R. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of asking the distinguished majority leader the program for today.

The SPEAKER.<sup>(2)</sup> Without objection, it is so ordered.

1. 114 CONG. REC. 16225, 16226, 90th Cong. 2d Sess. See also 112 CONG. REC. 27727, 89th Cong. 2d Sess., Oct. 19, 1966.
2. John W. McCormack (MA).

There was no objection.

Mr. OTTINGER. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER. The Chair will state that the gentleman from Michigan [Mr. GERALD R. FORD] has the floor at the present time and has been recognized.

When Mr. Ford's time was up, Mr. Ottinger again offered his privileged motion, which was rejected.<sup>(3)</sup>

PRIVILEGED MOTION TO AD-  
JOURN OFFERED BY MR. OT-  
TINGER

Mr. OTTINGER. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. OTTINGER moves that the House do now adjourn.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. [Benjamin S.] ROSENTHAL [of New York]. Mr. Speaker—

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. I object to the vote on the ground that a quorum is not present.

The SPEAKER. The Chair will protect the gentleman who is making the motion.

Mr. OTTINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

3. 114 CONG. REC. 16225, 90th Cong. 2d Sess., June 6, 1968.

The SPEAKER. The gentleman from New York [Mr. OTTINGER] objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 70, nays 301, not voting 62. . . .

So the motion was rejected.

*Parliamentarian's Note:* Mr. Ottinger, who offered the motion to adjourn shortly after the House convened, had urged the Speaker to agree to the early adjournment of the House as a tribute to the late Senator Robert F. Kennedy, who had died in the early hours of that morning from bullet wounds inflicted in Los Angeles, California, the previous evening.

The Speaker pointed out to Mr. Ottinger that the Senate was planning to conduct business prior to its adjournment and that precedents of the House indicated that it was customary to proceed with business on such occasions. Mr. Ottinger had nonetheless remained most anxious to offer the motion and so was recognized.

**§ 3.17 A motion to adjourn is not in order while another Member holds the floor unless the Member with the floor yields for such motion.**

On Oct. 18, 1945,<sup>(1)</sup> a Member yielded to another Member, who then moved for adjournment.

Mr. [John Edward] SHERIDAN [of Pennsylvania]. Mr. Speaker, will the gentleman yield?

Mr. [Edward E.] COX [of Georgia]. I yield to the gentleman from Pennsylvania.

Mr. SHERIDAN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.<sup>(2)</sup> Does the gentleman from Georgia yield for that purpose?

Mr. COX. Mr. Speaker, I do not yield for that purpose, and the gentleman should not have taken advantage of the courtesy I extended to him.

### *During Parliamentary Inquiries*

**§ 3.18 The motion to adjourn is not in order when offered during time yielded for a parliamentary inquiry.**

On June 3, 1964,<sup>(1)</sup> a Member who had the floor for debate and who yielded for a parliamentary inquiry could not then be deprived of the floor by a motion to adjourn:

Mr. [Alphonzo] BELL [of California]. Mr. Speaker, it is my feeling that the

1. 91 CONG. REC. 9814, 79th Cong. 1st Sess. See also 109 CONG. REC. 10152, 88th Cong. 1st Sess., June 4, 1963.
2. Sam Rayburn (TX).
1. 110 CONG. REC. 12522, 88th Cong. 2d Sess.

Job Corps proposal does not provide the specialized instruction to meet this need.

Such retraining must be carried out where the facilities, the equipment, and the trained personnel are available.

Mr. [Paul C.] JONES of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore.<sup>(2)</sup> Does the gentleman yield for a parliamentary inquiry?

Mr. BELL. Mr. Speaker, I yield.

Mr. JONES of Missouri. Mr. Speaker, is a motion to adjourn now in order?

The SPEAKER pro tempore. If the gentleman yields for that purpose.

Mr. JONES of Missouri. This is a parliamentary inquiry. I tried to propound a parliamentary inquiry a minute ago, but I could not get any response.

Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman's motion is out of order.

Mr. JONES of Missouri. It is out of order?

The SPEAKER pro tempore. Unless the gentleman yields for that purpose.

Mr. BELL. Mr. Speaker, I do not yield.

### ***May Not Be Repeated in Absence of Intervening Business***

#### **§ 3.19 While the motion to adjourn has the highest privilege in the House under clause 4 of Rule XVI,<sup>(1)</sup> it may**

2. Carl Albert (OK).

1. *House Rules and Manual* §911 (2007).

### **not be repeated in the absence of intervening business.**

On July 31, 1975,<sup>(2)</sup> the following proceedings occurred in the House:

Mr. [Charles J.] GARNEY [of Ohio]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.<sup>(3)</sup> The gentleman from Ohio moves that the House do now adjourn.

Mr. [John J.] RHODES [of Arizona]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 184, nays 195, answered “present” 1, not voting 54, as follows:

[Roll No. 474] . . .

So the motion was rejected.

The Clerk announced the following pair:

On this vote:

Mr. O'Hara for, with Mr. Ruppe, against.

Mr. [Philip E.] RUPPE [of Michigan]. Mr. Speaker, I have a live pair with the gentleman from Michigan (Mr. O'HARA). If he were present he would have voted “yea.” I voted “nay.” I withdraw my vote and vote “present.”

The result of the vote was announced as above recorded.

Mr. John L. BURTON [of California]. Mr. Speaker, I move that the House do now adjourn.

2. 121 CONG. REC. 26243, 94th Cong. 1st Sess.

3. Carl Albert (OK).

The SPEAKER. The motion is not in order since we just had a vote on a similar motion and there has been no intervening business or debate.

Mr. John L. BURTON. Mr. Speaker, I thought a motion to adjourn is always in order.

The SPEAKER. The Chair will take unanimous-consent requests.

### *Calls of the House*

#### **§ 3.20 A motion to adjourn is in order following a call of the House, and it is not necessary that the Chair announce that a quorum has failed to respond before entertaining the motion to adjourn.**

On Oct. 14, 1969,<sup>(1)</sup> a quorum not being present, a motion to adjourn was made following a call of the House.

Mr. [Gillespie V.] MONTGOMERY [of Mississippi]. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER.<sup>(2)</sup> Evidently a quorum is not present.

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

1. 115 CONG. REC. 30054, 30055, 91st Cong. 1st Sess.
2. John W. McCormack (MA).

[Roll No. 223] . . .

Mr. [Donald M.] FRASER [of Minnesota]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRASER. I would like to ask, if I may, where the matter stands now of the call of the House which was made by the majority leader. As I understand it, there is not yet a quorum recorded at the desk.

The SPEAKER. The gentleman is correct.

Mr. FRASER. Now, Mr. Speaker, what are the options open to the House at this point?

The SPEAKER. The Chair is patiently waiting to see. Regular order is the establishment of a quorum. If a quorum is not established, then a motion to adjourn would be in order.

Mr. FRASER. Mr. Speaker, am I correct that if a quorum is not established, there are only two choices open to the House—either a motion to adjourn or a motion to instruct the Sergeant at Arms to produce the missing Members?

The SPEAKER. The gentleman is correct.

Mr. FRASER. Mr. Speaker, so long as a quorum is not produced and in the event the House should instruct the Sergeant at Arms, would it be possible for the House to proceed, or would the House have to stand in abeyance with no further proceedings?

The SPEAKER. The Chair will state that the House cannot do business without a quorum.

Mr. FRASER. Mr. Speaker, a further parliamentary inquiry.



The SPEAKER. The gentleman will state it.

Mr. FRASER. Mr. Speaker, in order to see if I have that point clearly in mind, if there were an instruction to bring in absent Members and it did not succeed during the period of time, during that period of time the House could proceed with no other business; is that correct?

The SPEAKER. The House cannot proceed at all until a quorum is established.

Mr. [James H.] QUILLEN [of Tennessee]. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. QUILLEN. Mr. Speaker, due to the lack of a quorum, I move that the House do now adjourn.

Mr. [Sidney R.] YATES [of Illinois]. Mr. Speaker, on that I ask for the yeas and nays.

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Louisiana will state his parliamentary inquiry.

Mr. BOGGS. Mr. Speaker, does it require a quorum to adjourn?

The SPEAKER. The Chair will state to the gentleman from Louisiana that it does not require a quorum.

**§ 3.21 A quorum not being present, no motion is in order but for a call of the House or a motion to adjourn, and the motion to adjourn takes precedence over a motion for a call of the House.**

On June 12, 1963,<sup>(1)</sup> when a motion for a call of the House and a motion to adjourn were both before the House, the Speaker announced that the question was on the motion to adjourn.

Mr. [Frank. J.] BECKER [of New York]. Mr. Speaker, I make the point of order a quorum is not present.

Mr. [Donald C.] BRUCE [of Indiana]. Mr. Speaker, I move a call of the House.

Mr. [Wayne L.] HAYS [of Ohio]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore.<sup>(2)</sup> The question is on the motion that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. Bruce) there were—ayes 23, noes 34.

So the motion was rejected.

**§ 3.22 A motion to adjourn in the absence of a quorum is**

1. 109 CONG. REC. 10739, 88th Cong. 1st Sess.

*Parliamentarian's Note:* Following a point of order that a quorum was not present and prior to the ascertainment thereof by the Chair, a Member moved a call of the House. Another Member immediately moved to adjourn. The Chair recognized the latter and put the question on the higher privileged motion to adjourn. On a division vote, the House refused to adjourn. In response to a parliamentary inquiry, the Chair stated that the point of order that a quorum was not present had not been renewed after the House had refused to adjourn.

2. W. Homer Thornberry (TX).

**not entertained after a call of the House has been ordered by motion.**

On June 4, 1963,<sup>(1)</sup> time allotted to two Members of the minority under previous order of the House was interrupted by seven quorum calls, seven division votes, a yea and nay vote, and various motions, including a motion to adjourn. The motion to adjourn was not entertained because the absence of a quorum had been noted and a quorum call had already been ordered.

Mr. [John Bell] WILLIAMS [of Mississippi]. Mr. Speaker, since 45 or 50 Members have left the floor, I make the point of order a quorum is not present.

The SPEAKER.<sup>(2)</sup> Evidently a quorum now is not present.

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

Mr. WILLIAMS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair will state that a call of the House has been ordered.

The Clerk will call the roll.

**§ 3.23 A motion to adjourn is in order pending a point of**

1. 109 CONG. REC. 10152, 88th Cong. 1st Sess.
2. John W. McCormack (MA).

**order that a quorum is not present, but is not entertained after the Clerk has commenced to call the roll after a call of the House is ordered and a Member has responded to his name.**

On June 3, 1960,<sup>(1)</sup> the following took place in the House with regard to the timing of a motion to adjourn:

CALL OF THE HOUSE

Mr. [Silvio O.] CONTE [of Massachusetts]. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. ALBERT).<sup>(2)</sup> Obviously a quorum is not present.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

Mr. [Clare E.] HOFFMAN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN of Michigan. Is a motion to adjourn in order?

The SPEAKER pro tempore. Not now. The Chair will advise that a call of the House has been ordered.

Mr. HOFFMAN of Michigan. Can a member of the minority—

The regular order was demanded.

The SPEAKER pro tempore. The regular order is demanded. The Clerk will call the roll.

1. 106 CONG. REC 11828, 11829, 86th Cong. 2d Sess.
2. Carl Albert (OK).

**§ 3.24 The motion to adjourn takes precedence of a motion for a call of the House.**

On Apr. 24, 1956,<sup>(1)</sup> a point of order was made that a quorum was not present and, prior to ascertainment thereof by the Chair, a Member moved a call of the House, and another Member immediately moved to adjourn; the Chair recognized the latter and put the question on the higher privileged motion to adjourn. The following took place in the House:

Mr. [Wayne L.] HAYS of Ohio. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.<sup>(2)</sup> If the gentleman from Georgia retains the floor, that motion is not in order.

Mr. [Carl] VINSON [of Georgia]. I retain it, Mr. Speaker. I am just moving around to get a little exercise.

The SPEAKER. Does the gentleman from Mississippi insist upon his point of no quorum?

Mr. [William M.] COLMER [of Mississippi]. Mr. Speaker, I insist upon the point of no quorum.

The SPEAKER. The Chair will count. Evidently there is no quorum present.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move a call of the House.

Mr. HAYS of Ohio. Mr. Speaker, I move that the House do now adjourn.

1. 102 CONG. REC. 6891, 84th Cong. 2d Sess.
2. Sam Rayburn (TX).

The SPEAKER. The motion to adjourn is a privileged motion. The question is on the motion.

The motion was rejected.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts.

A call of the House was ordered.

**§ 3.25 A motion to adjourn is in order pending a point of order that a quorum is not present.**

On Aug. 24, 1949,<sup>(1)</sup> after a point of order was made that a quorum was not in attendance, but before any action had been taken on the point of order, a motion to adjourn was entertained, voted on, and agreed to:

ADJOURNMENT

Mr. [Frank B.] KEEFFE [of Wisconsin]. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. [J. Percy] PRIEST [of Tennessee]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.<sup>(2)</sup> The question is on the motion.

The question was taken; and on a division (demanded by Mr. KEEFFE) there were—ayes 49, noes 38.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 132, not voting 114, as follows:

1. 95 CONG. REC. 12191, 81st Cong. 1st Sess.
2. Sam Rayburn (TX).

[Roll No. 197] . . .

So the motion was agreed to.

### ***Precedence Over Questions of Privilege***

#### **§ 3.26 A question of privilege is not entertained pending a vote on a motion to adjourn.**

On Apr. 15, 1970,<sup>(1)</sup> a Member moved for adjournment, and while that motion was pending, another Member rose to a point of privilege.

Mr. [Wayne L.] HAYS [of Ohio]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore.<sup>(2)</sup> The question is on the motion offered by the gentleman from Ohio.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HAYS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. Justice Douglas has been on the Bench for a great many years, and he can wait for one more night. I have not had my dinner.

The SPEAKER pro tempore. The Chair will count.

Mr. HAYS. Mr. Speaker, I am willing to withhold my motion if the gentleman wants to ask permission to insert his remarks, but obviously all these speeches were written by the

1. 116 CONG. REC. 11940, 11941, 91st Cong. 2d Sess.
2. Charles M. Price (IL).

same author, and I do not think we ought to have to sit here and listen to them.

Mr. [William L.] SCOTT [of Virginia]. Mr. Speaker, if the gentleman will yield, my remarks will not take more than 10 minutes.

Mr. HAYS. I have been hearing that for a long time now.

Mr. [Louis C.] WYMAN [of New Hampshire]. Mr. Speaker, I rise to a point of special privilege.

The SPEAKER pro tempore. There is a motion pending.

Mr. HAYS. Mr. Speaker, I insist on the point of order.

The SPEAKER pro tempore. The gentleman from Ohio insists on the point of order.

Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

### ***Beyond Constitutional Term***

#### **§ 3.27 A motion that when the House adjourns that day it stand adjourned until a date beyond the constitutional term of that Congress is not in order under art. I clause 4 of the Constitution, and under clause 4 of Rule XVI.<sup>(1)</sup>**

On Apr. 18, 2002,<sup>(2)</sup> a motion that the House adjourn to a stated

1. *House Rules and Manual* §911 (2007).
2. 148 CONG. REC. 4969, 107th Cong. 2d Sess.

date nine years hence was ruled out of order:

Mr. [Charles B.] RANGEL [of New York]. Mr. Speaker, I yield 2 1/2 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

REQUEST FOR MOTION TO ADJOURN

Mr. [Gerald D.] KLECZKA [of Wisconsin]. Mr. Speaker, I move that the House, upon conclusion of today's business, adjourn until noon, January 1, 2011.

The SPEAKER pro tempore.<sup>(3)</sup> That motion is not in order at this time.

Mr. KLECZKA. Well, Mr. Speaker, if it was in order, it would give some rationale to the bill before the House.

*By Chair's Initiative*

**§ 3.28 The Speaker pro tempore, the only Member present in the Chamber: (1) convened the House; (2) led the House in the pledge of allegiance; and (3) adjourned the House (by unanimous consent *sua sponte*).**

On Feb. 3, 2000,<sup>(1)</sup> the following proceedings took place in the House:

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. RYAN of Wisconsin). . . .

3. Michael K. Simpson (ID).

1. 146 CONG. REC. 596, 107th Cong. 1st Sess.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore.<sup>(2)</sup> The Chair will lead the House in the Pledge of Allegiance. . . .

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m. on Monday next.

There was no objection.

Accordingly (at 10 o'clock and 2 minutes a.m.), under its previous order, the House adjourned until Monday, February 7, 2000, at 2 p.m.

*Parliamentarian's Note:* This form of unanimous consent is now common practice on "pro forma days" when no special orders or one-minute speeches are scheduled.<sup>(3)</sup>

2. Paul Ryan (WI).

3. This was the first instance of this kind in the 106th Congress. For similar instances see 144 CONG. REC. 4297, 4298, 105th Cong. 2d Sess., Mar. 23, 1998; 144 CONG. REC. 2847, 2848, 105th Cong. 2d Sess., Mar. 9, 1998; 143 CONG. REC. 19614, 105th Cong. 1st Sess., Sept. 22, 1997; 143 CONG. REC. 11732, 105th Cong. 1st Sess., June 21, 1997; 143 CONG. REC. 10344, 105th Cong. 1st Sess., June 7, 1997; 143 CONG. REC. 9648, 9649, 105th Cong. 1st Sess., May 30, 1997; 143 CONG. REC. 9646, 105th Cong. 1st Sess., May 27, 1997; 142 CONG. REC. 2763, 2764, 104th Cong. 2d Sess., Feb. 16, 1996; and 141 CONG. REC. 28740, 28774, 104th Cong. 1st Sess., Oct. 20, 1995.

**§ 3.29 The Speaker has adjourned the House overnight on his own initiative by unanimous consent.**

On Dec. 11, 1944,<sup>(1)</sup> the following transpired in the House:

The SPEAKER.<sup>(2)</sup> Without objection, the House will stand adjourned until 12 o'clock noon tomorrow.

There was no objection; thereupon (at 5 o'clock and 44 minutes p.m.) the House adjourned until tomorrow, Tuesday, December 12, 1944, at 12 o'clock noon.

*By Minority Member*

**§ 3.30 The Speaker pro tempore having attempted by unanimous consent to adjourn the House at the end of special-order speeches and there being an objection, the objecting minority member on the floor was then recognized to move adjournment—there being no majority member on the floor at that time.<sup>(1)</sup>**

1. 90 CONG. REC. 9209, 78th Cong. 2d Sess.

2. Sam Rayburn (TX).

1. This was customarily the prerogative for recognition through the 98th Congress.

*Parliamentarian's Note:* While no longer the current practice, in 1984 the Parliamentarian could not recall a recent example of a minority Member moving adjournment at the end

On May 23, 1984,<sup>(2)</sup> the following events occurred on the floor of the House:

ADJOURNMENT

The SPEAKER pro tempore.<sup>(3)</sup> Without objection, the House stands adjourned.

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, I object.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania (Mr. WALKER) have a motion?

Mr. WALKER. Mr. Speaker, I have always wanted to do this.

The SPEAKER pro tempore. The Chair is going to recognize the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 37 minutes p.m.) the House adjourned until tomorrow, Thursday, May 24, 1984, at 10 a.m.

*Withdrawal of Motion*

**§ 3.31 A motion to adjourn may be withdrawn by the mover thereof, and unanimous consent for that action is not required.**

On Oct. 14, 1969,<sup>(1)</sup> when a Member asked unanimous consent

of special-order speeches on a day, nor could he recall the Chair adjourning the House by unanimous consent.

2. 130 CONG. REC. 13960, 98th Cong. 2d Sess.

3. Sander M. Levin (MI).

1. 115 CONG. REC. 30055, 91st Cong. 1st Sess.

to withdraw his motion to adjourn, two Members objected. The Speaker ruled unanimous consent unnecessary and allowed the Member to withdraw his motion.

Mr. [Sidney R.] YATES [of Illinois]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.<sup>(2)</sup> The gentleman will state it.

Mr. YATES. Is there not a motion to adjourn pending upon which I have asked for the yeas and nays?

The SPEAKER. The gentleman's inquiry is correct.

Mr. [James H.] QUILLEN [of Tennessee]. Mr. Speaker, I ask unanimous consent to withdraw my motion to adjourn.

Mr. YATES. Mr. Speaker, I object.

Mr. [William S.] MOORHEAD [of Pennsylvania]. Mr. Speaker, I object.

The SPEAKER. The Chair will state that it does not require unanimous consent to withdraw the gentleman's motion.

Mr. QUILLEN. Mr. Speaker, I withdraw my motion and I yield to the majority leader.

**§ 3.32 Where a Member moves to adjourn and then withdraws the motion, the Member loses the floor, and the Speaker may then recognize another Member of the House to renew the motion.**

On Oct. 14, 1969,<sup>(1)</sup> a Member withdrawing his motion to ad-

2. John W. McCormack (MA).

1. 115 CONG. REC. 30055, 91st Cong. 1st Sess.

journal stated his intention to yield to the Majority Leader. The Speaker advised the Member that on withdrawing his motion to adjourn he would lose the floor.

Mr. [James H.] QUILLEN [of Tennessee]. Mr. Speaker, I withdraw my motion [to adjourn] and I yield to the majority leader.

The SPEAKER.<sup>(2)</sup> The Chair will state the gentleman from Tennessee does not have that privilege. The Chair has the privilege of recognition when the gentleman has withdrawn his motion. The Chair recognizes the gentleman from Oklahoma.

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I would prefer not to make this motion at this time, but in view of the parliamentary situation, I move that the House do now adjourn.

Mr. [Sidney R.] YATES [of Illinois]. Mr. Speaker, on that I demand the yeas and nays.

### *In Memory*

**§ 3.33 In at least one instance, a Member has offered a motion to adjourn "in memory of" a deceased Member without the House having adopted a resolution so marking the day's adjournment.**

On Oct. 28, 1997,<sup>(1)</sup> the House adjourned in memory of Rep. Walter H. Capps, of California, who had died earlier that day:

2. John W. McCormack (MA).

1. 143 CONG. REC. 23557, 105th Cong. 1st Sess. For additional information

## ADJOURNMENT

Mr. [Vic] FAZIO of California. Mr. Speaker, it is with great regret that I move that the House do now adjourn in memory of the late Honorable WALTER H. CAPPS, our dear departed colleague.

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 29, 1997, at 10 a.m., in memory of the late Honorable WALTER H. CAPPS of California.

#### § 4. In Committee of the Whole

##### § 4.1 The motion to adjourn is not in order in the Committee of the Whole.<sup>(1)</sup>

On Feb. 22, 1950,<sup>(2)</sup> the following transpired in the Committee of the Whole during consideration of the Federal Fair Employment Practices Act (H.R. 4453):

The CHAIRMAN.<sup>(3)</sup> . . .

The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.—*

on adjourning out of respect for deceased Members, see Ch. 38 *infra*.

1. *House Rules and Manual* §§ 333, 912 (2007).
2. 96 CONG. REC. 2218, 81st Cong. 2d Sess. See also 95 CONG. REC. 5616, 5617, 81st Cong. 1st Sess., May 4, 1949.
3. Francis E. Walter (PA).

## SHORT TITLE

SECTION 1. This act may be cited as the "Federal Fair Employment Practices Act."

Mr. [Paul W.] SHAFER [of Michigan]. Mr. Chairman, I move that we now adjourn.

The CHAIRMAN. That motion is not in order in Committee.

*Parliamentarian's Note:* In the Committee of the Whole, the proper motion is that the Committee "do now rise", which motion, if adopted, would then permit a motion to adjourn in the House.

#### § 5. Debate on Motion; Amendments

Because debate on the simple motion to adjourn or on the motion to fix the day to which the House shall adjourn is precluded by clause 4(b) and clause 4(c) of Rule XVI,<sup>(1)</sup> a prefatory statement leading up to the motion is not in order as debate on the motion and is not carried in the *Congressional Record*.<sup>(2)</sup>

The motion to lay on the table the motion to adjourn is not in order since under clause 4 of Rule XVI, the motion to adjourn is not debatable.<sup>(3)</sup>

1. *House Rules and Manual* §911 (2007).
2. See § 5.1, *infra*.
3. *House Rules and Manual* §911 (2007). See also § 5.2, *infra*.



The motion to adjourn is not subject to amendment fixing the time of adjournment.<sup>(4)</sup>

**§ 5.1 Pursuant to clause 4 of Rule XVI, the motion to adjourn is not debatable.<sup>(1)</sup>**

On Feb. 13, 2002,<sup>(2)</sup> the following proceedings took place:

MOTION TO ADJOURN

Mr. [John] LEWIS [of Georgia]. Mr. Speaker, I move that the House do now adjourn.

PARLIAMENTARY INQUIRY

Mr. [Mark] FOLEY [of Florida]. Mr. Speaker, if this is the most important bill to be sent to the floor by discharge petition by the minority, then why is it they call for adjournment on the day of the bill's presentation on the floor?

The SPEAKER pro tempore (Mr. CULBERSON).<sup>(3)</sup> The gentleman from Florida is recognized for a proper parliamentary inquiry. The gentleman will state his inquiry.

Mr. FOLEY. Mr. Speaker, does the bill, as presented under the rule, comply with the dictates of the discharge petition, or are we operating under a substitute version?

The SPEAKER pro tempore. The House is operating under the terms of House Resolution 344.

4. See § 5.3, *infra*.

1. *House Rules and Manual* § 911 (2007).

2. 148 CONG. REC. 1291, 107th Cong. 1st Sess.

3. John Abney Culberson (TX).

A motion to adjourn has been offered, and it is not debatable. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LEWIS of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 13, noes 405, not voting 16, as follows:

[Roll No. 18] . . .

So the motion to adjourn was rejected.

**§ 5.2 A motion under clause 4(c) of Rule XVI that when the House adjourns it stand adjourned to a time certain is not debatable, and thus is not subject to the motion to lay on the table.<sup>(1)</sup>**

On Nov. 17, 1981,<sup>(2)</sup> the following proceedings occurred in the House:

(FIRST LEGISLATIVE DAY)

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT). . . .

1. *House Rules and Manual* § 911 (2007).

2. 127 CONG. REC. 27768–71, 97th Cong. 1st Sess.

## PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. MURTHA).<sup>(3)</sup> This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

A motion to reconsider was laid on the table.

Mr. [Edward P.] BOLAND [of Massachusetts]. Mr. Speaker, I ask unanimous consent that further reading of the Private Calendar be dispensed with.

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. BOLAND. Mr. Speaker, I move further reading of the Private Calendar be dispensed with.

## POINT OF ORDER

Mr. [F. James] SENSENBRENNER [Jr., of Wisconsin]. Mr. Speaker, I make a point of order against the motion.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. SENSENBRENNER. Mr. Speaker, clause 6 of rule XXIV, the second paragraph says that—

On the third Tuesday of each month after the disposal of such business on the Speaker's table as requires reference only, the Speaker may direct the Clerk to call the bills and resolutions on the Private Calendar.

There is a precedent that the Private Calendar may be dispensed with, but

3. John P. Murtha, Jr. (PA).

that was only before the first bill was called on the Private Calendar.

I would state that since the first bill has been called on the Private Calendar, in order to comply with clause 6 of rule XXIV, the complete Private Calendar must be called unless dispensed with by unanimous consent. The unanimous-consent request has been objected to.

I believe that the point of order should be sustained and the motion should be ruled out of order.

The SPEAKER pro tempore. The Chair will note that under clause 6, rule XXIV on the first Tuesday of each month, a two-thirds vote is required to dispense with the call of Private Calendar, that call being automatic. The Speaker's authority to direct the call is discretionary on the third Tuesday, and so the rule is silent on the motion to dispense with the call, and consistent with that discretionary authority and absent any precedent to the contrary, the point of order should be overruled.

Mr. SENSENBRENNER. Mr. Speaker, I appeal the decision of the Chair.

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I move that the motion to appeal the Chair's decision be laid on the table.

The SPEAKER pro tempore. The question is on the motion to lay the appeal from the Chair's decision on the table.

The question was taken; and on a division (demanded by Mr. SENSENBRENNER) there were—yeas 75, nays 37.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

Mr. FOLEY. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FOLEY moves that when the House adjourns today it adjourn to meet at 4 p.m. today.

Mr. WALKER. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. Under the last sentence of clause 4, rule XVI, that motion to adjourn is not debatable and therefore cannot be laid on the table.

The question is on the motion.

□ 1245

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 191, nays 172, not voting 70, as follows:

[Roll No. 306] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded. . . .

□ 1300

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#### ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Washington (Mr. FOLEY).

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 188, nays 172, not voting 73, as follows:

[Roll No. 307] . . .

So the motion was agreed to.

Accordingly (at 1 o'clock and 19 minutes p.m.) the House adjourned until 4 o'clock p.m.

*Parliamentarian's Note:* This was the first occasion on which the motion under clause 4 of Rule XVI was utilized to adjourn to a later time on the same calendar day, although its use for that purpose has been previously discussed. The only other occasions where the House held more than one legislative session on the same legislative day which appear to be a matter of record occurred in the Second and Fourth Congresses.<sup>(4)</sup>

**§ 5.3 A motion to fix the time to adjourn is not a permissible motion and thus does not take precedence over the simple motion to adjourn, and a simple motion to adjourn is not subject to**

4. See 5 Hinds' Precedents § 6724, fn. 1.

### amendment fixing the time of adjournment.

On Feb. 15, 1950,<sup>(1)</sup> a Member inquired whether it would be in order to amend a simple motion to adjourn.

Mr. [Clare E.] HOFFMAN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.<sup>(2)</sup> The gentleman will state it.

Mr. HOFFMAN of Michigan. Does a motion to fix time to adjourn take precedence over a motion to adjourn?

The SPEAKER. It does not.

Mr. HOFFMAN of Michigan. A further parliamentary inquiry, Mr. Speaker: Is it in order to offer to a motion to adjourn, an amendment seeking to fix the time of adjournment?

The SPEAKER. It is not.

*Parliamentarian's Note:* The motion to set the day and time of reconvening is of equal privilege, at the Speaker's discretion, to the simple motion to adjourn under clause 4(c) of Rule XVI,<sup>(3)</sup> but is to be distinguished from a motion to "fix the time of adjournment" which is not in order.<sup>(4)</sup>

1. 96 CONG. REC. 1808, 81st Cong. 2d Sess.
2. Sam Rayburn (TX).
3. *House Rules and Manual* §911 (2007).
4. *Id.* at §913.

## § 6. Voting; Effect of Adoption

### § 6.1 The motion to adjourn is subject to a record vote.

On Feb. 8, 1964,<sup>(1)</sup> a Member inquired whether a motion to adjourn would be subject to a roll call vote. The exchange between the Member and the Speaker was as follows:

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.<sup>(2)</sup> The gentleman will state it.

Mr. HALLECK. When the motion to adjourn is made, could that be subject to a rollcall vote?

The SPEAKER. If a sufficient number stand. . . .

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion.

Mr. [William M.] McCULLOCH [of Ohio]. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 220, nays 175; not voting 36. . . .

So the motion to adjourn was agreed to.

### § 6.2 Adoption of a concurrent resolution providing for adjournment *sine die* or adjournment to a day certain

1. 110 CONG. REC. 2616, 2639, 88th Cong. 2d Sess.
2. John W. McCormack (MA).

**does not preclude a demand for the yeas and nays on the subsequent motion to adjourn on that day.**

On the legislative day of Sept. 26, 1961,<sup>(1)</sup> a Member called up a privileged Senate concurrent resolution for immediate consideration:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I call up for immediate consideration a privileged Senate resolution, Senate Concurrent Resolution 55.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring), That the two Houses shall adjourn on Wednesday, the 27th day of September 1961, and that when they adjourn on said day they stand adjourned sine die.*

Mr. ALBERT. Mr. Speaker, I move the previous question on the resolution.

Mr. [H. Carl] ANDERSEN of Minnesota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore.<sup>(2)</sup> The gentleman will state it.

Mr. ANDERSEN of Minnesota. Mr. Speaker, in case the privilege is not given to Members to vote by yea and nay on this particular motion will it not be equally possible for a Member of the House to request a yea-and-nay vote on the final adjournment of the House?

1. 107 CONG. REC. 21528, 21529, 87th Cong. 1st Sess.

2. John W. McCormack (MA).

The SPEAKER pro tempore. The answer to that is in the affirmative; the gentleman can submit the request.

The question is on ordering the previous question.

The question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. ANDERSEN of Minnesota) there were—yeas 192, nays 6.

Mr. ANDERSEN of Minnesota. Mr. Speaker, I object to the vote on the ground a quorum is not present, and make the point of order a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Two hundred and thirty-two Members are present, a quorum.

Mr. ANDERSEN of Minnesota. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. ANDERSEN of Minnesota. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. ANDERSEN of Minnesota. Mr. Speaker, the provisions of the Legislative Reorganization Act of 1946 are applicable to both Houses.

Mr. Speaker, I quote section 132 as follows:

Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress.

Mr. Speaker, I make a point of order against the resolution.

The SPEAKER pro tempore. The Chair is aware that we have a state of

national emergency, and overrules the point of order.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### § 6.3 A division vote may be held on a motion to adjourn.

On June 15, 1951,<sup>(1)</sup> a Member inquired as to whether a division vote would be in order on a question of adjournment.

Mr. [Arthur L.] MILLER of Nebraska. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.<sup>(2)</sup> The gentleman will state it.

Mr. MILLER of Nebraska. Mr. Speaker, I expect to make a point of order that a quorum is not present. Should a motion then be made to adjourn, will it be in order to ask for a division on the question of adjournment?

The SPEAKER. It will.

### § 6.4 Where the Speaker counted the Members rising to second a demand for the yeas and nays on a motion to adjourn and then counted the total number of Members present to determine whether one-fifth seconded such demand, he declined to honor the request of a Member that a new count be taken on the ground that

1. 97 CONG. REC. 6620, 6621, 82d Cong. 1st Sess.

2. Sam Rayburn (TX).

### some Members entered the Chamber and were counted after the count of those seconding the demand.

On Jan. 23, 1950,<sup>(1)</sup> the following transpired in the House:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move that the House do now adjourn.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER.<sup>(2)</sup> [after counting]. Fifty-four Members have arisen, not a sufficient number.

Mr. [Earl] WILSON of Indiana. Mr. Speaker, a point of order. There were many Members who came in and were counted after the standing count was taken. I ask that the vote be taken again.

The SPEAKER. The Chair is not going to make the count again because he has just counted both the total number of Members and the number standing to demand the yeas and nays.

The question is on the motion to adjourn.

Mr. MARCANTONIO. On that I demand tellers, Mr. Speaker.

Tellers were ordered, and the Speaker appointed as tellers Mr. MCCORMACK and Mr. MARCANTONIO.

The House divided; and the tellers, reported that there were—ayes 167, noes 109.

So the motion was agreed to.

### § 6.5 When a quorum fails to vote on a roll call, the Speaker may entertain a motion to

1. 96 CONG. REC. 785, 81st Cong. 2d Sess.

2. Sam Rayburn (TX).

**adjourn, if seconded by a majority of those present, to be ascertained by actual count of the Speaker.**

On Oct. 10, 1940,<sup>(1)</sup> the following transpired after an “automatic” roll call vote on the issue of referring a vetoed bill to the Committee on Immigration and Naturalization:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker—

The SPEAKER.<sup>(2)</sup> The gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, may I inquire the result of the roll call just taken?

The SPEAKER. On this roll call 213 Members have answered—108 yeas and 105 nays. This is 3 short of a quorum.

## ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, in view of the situation that exists, which is obvious to all of us, and of necessity, I move that the House do now adjourn.

Mr. [John C.] SCHAFER of Wisconsin. Mr. Speaker, I demand a second to the motion.

The SPEAKER. Under the rule the demand for a second is in order. The question is on ordering a second.

The question was taken; and there were—ayes 144, noes 3.

So a second was ordered.

Mr. [Samuel] DICKSTEIN [of New York]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DICKSTEIN. The vote on the motion to refer the bill to the committee being yeas 108, nays 105, what will happen to the motion if the House adjourns?

The SPEAKER. The motion will be the continuing business before the House when it convenes on Monday.

The question is on the motion to adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p.m.) the House, pursuant to its previous order, adjourned until Monday, October 14, 1940, at 12 o'clock noon.

*Parliamentarian's Note:* While clause 6(c) of Rule XX<sup>(3)</sup> provides that “[a]t any time after Members have had the requisite opportunity to respond by the yeas and nays, but before a result has been announced, a motion that the House adjourn shall be in order if seconded by a majority of those present, to be ascertained by actual count by the Speaker. If the House adjourns on such a motion, all proceedings under this clause shall be considered as vacated.”; this clause should be read in light of the analysis in § 3, *supra*, where the availability of a motion to adjourn under the standing rules may be foreclosed by a special order of business adopted by

1. 86 CONG. REC. 13535, 76th Cong. 3d Sess.  
2. Sam Rayburn (TX).

3. *House Rules and Manual* § 1025 (2007). This clause was formerly clause 4 of Rule XV.

the House which orders the previous question on a (bill) to final passage without intervening motion except one motion to recommit, with or without instructions. The same rationale precluding the motion to adjourn where supervening language of a special rule is operative should be interpreted to foreclose a motion to adjourn pending the announcement of the result of a yea and nay vote during the operation of such supervening language, whether ordered by one-fifth of those present or automatic under clause 6(a) of Rule XX.<sup>(4)</sup>

On the occasion of Oct. 10, 1940, the general rules of the House were operating on the motion to refer a vetoed bill and the House was not operating a special order of business ordering the previous question to final passage without intervening motion.

## § 7. Quorum Requirements

The Constitution provides that “a majority of each [House] shall constitute a quorum to do business; but a smaller number may adjourn from day to day . . .”<sup>(1)</sup>

### 4. *Id.*

1. U.S. Const. art. I, § 5, clause 1. See also *House Rules and Manual* § 52 (2007) and Ch. 20, generally, *supra*.

Accordingly, a quorum is not required to adjourn from day to day, but is required to adjourn to a day and time certain.<sup>(2)</sup> And if the Speaker is to entertain a motion to adjourn under clause 6 of Rule XX after the completion of a roll call, but before the result has been announced, the motion must be seconded by a majority of those present to be ascertained by an actual count of the Speaker.<sup>(3)</sup>

**§ 7.1 It is not in order to demand an “automatic” roll call under clause 4, Rule XV<sup>(1)</sup> on an affirmative vote on the motion to adjourn, since the motion to adjourn from day-to-day may be agreed to by less than a quorum.**

**Instance where the yeas and nays were ordered on a motion to adjourn, which was rejected.**

On Nov. 4, 1983,<sup>(2)</sup> the following events occurred:

### MOTION TO ADJOURN

Mr. [Dan E.] LUNGREN [of California]. Mr. Speaker, I move that the House do now adjourn.

2. *House Rules and Manual* § 913 (2007).
3. *Id.* at § 1025 (2007).
1. Now Rule XX clause 6, *House Rules and Manual* § 1025 (2007).
2. 129 CONG. REC. 30946, 30947, 98th Cong. 1st Sess.



The SPEAKER pro tempore.<sup>(3)</sup> The question is on the motion offered by the gentleman from California (Mr. LUNGREN).

The question was taken, and on a division demanded by Mr. LUNGREN there were —ayes 3; noes 1.

Mr. [Henry B.] GONZALEZ [of Texas]. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. The Chair would advise the gentleman from Texas that he cannot do that on an affirmative vote to adjourn, only on a negative vote.

Mr. GONZALEZ. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. The gentleman cannot get a recorded vote in the House based now on the number now present.

Does the gentleman demand the yeas and nays?

Mr. GONZALEZ. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Those in favor of taking this vote by the yeas and nays will stand.

#### PARLIAMENTARY INQUIRY

Mr. GONZALEZ. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GONZALEZ. Mr. Speaker, it certainly is not my intention to inconvenience Members who on the assurances that there would be no recorded votes have left the premises.

On the other hand, I think that the gentleman offering the motion to ad-

journal has acted quite unjustly and capriciously in depriving those of us who have arranged for special orders to be heard, once the gentleman has had his privilege of being heard.

I would like to ask the gentleman from California if he could withhold that motion to adjourn, if such a request is in order.

The SPEAKER pro tempore. Without objection, the gentleman from Texas may pursue an inquiry.

There was no objection. . . .

Mr. LUNGREN. When the majority leadership decides they will not even show the least courtesy to the minority here, we have to use the rules that are available to us. There are very few rules available to use any more because of the change in rules we had.

Mr. Speaker, I insist on my motion.

The SPEAKER pro tempore. Does the gentleman from Texas insist on his demand for the yeas and nays?

Mr. GONZALEZ. I do Mr. Speaker.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 99, nays 120, answered “present” 1, not voting 213, as follows:

[Roll No. 456] . . .

So the motion was rejected.

The result of the vote was announced as above recorded.<sup>(4)</sup>

### § 7.2 Where less than a quorum of the House rejects a motion

4. While a quorum is not required on an affirmative motion to adjourn, a negative vote on that motion by division may precipitate an “automatic” roll call pursuant to clause 6 of Rule XX (*House Rules and Manual* § 1025 [2007]). See § 6.3, *supra*.

3. David Bonior (MI).

**to adjourn, the Speaker may not entertain unanimous-consent requests until a quorum is established.**

On Dec. 22, 1973,<sup>(1)</sup> a Member called attention to the absence of a quorum. Another Member moved for adjournment and demanded the yeas and nays. The motion to adjourn was rejected but by less than a quorum. A parliamentary inquiry was raised as to whether a unanimous-consent request could be entertained before establishment of a quorum.

Mr. [Otis G.] PIKE [of New York]. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER.<sup>(2)</sup> The Chair recognizes the gentleman from Massachusetts (Mr. O'NEILL).

MOTION TO ADJOURN OFFERED  
BY MR. O'NEILL

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion made by the gentleman from Massachusetts (Mr. O'NEILL) that the House do now adjourn.

Mr. PIKE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

1. 119 CONG. REC. 43321, 93d Cong. 1st Sess.
2. Carl Albert (OK).

The SPEAKER. The Chair will inform the gentleman from New York (Mr. PIKE) that a quorum is not needed for action upon a motion to adjourn the House.

Mr. PIKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were yeas 39, nays 160, not voting 233, as follows:

[Roll No. 725] . . .

So the motion was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. O'NEILL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Massachusetts will state it.

Mr. O'NEILL. Mr. Speaker, realizing the fact that now a call of the House is in order, is it permissible for me to ask unanimous consent that I may address the House for 1 minute?

The SPEAKER. Not in the absence of a quorum.

**§ 7.3 While a quorum is not required to adjourn, a point raised against a negative vote on the motion to adjourn precipitates an automatic roll call under the rule.**

On June 15, 1951,<sup>(1)</sup> the following occurred:

POINT OF ORDER

Mr. [A. L.] MILLER of Nebraska. Mr. Speaker, I renew my point of order that a quorum is not present.

1. 97 CONG. REC. 6621, 82d Cong. 1st Sess.

Mr. [Leslie C.] ARENDS [of Illinois]. Mr. Speaker, will the gentleman from Nebraska withhold that long enough for me to find out what the program will be for next week?

Mr. MILLER of Nebraska. Mr. Speaker, I think we should have a quorum here to hear the program for next week.

The SPEAKER.<sup>(2)</sup> Evidently, a quorum is not present.

MOTION TO ADJOURN

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion.

The question was taken; and on a division (demanded by Mr. MILLER of Nebraska) there were—ayes 33, noes 53.

Mr. MILLER of Nebraska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. [John E.] RANKIN [of Mississippi]. Mr. Speaker a point of order.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. You do not have to have a quorum to adjourn.

The SPEAKER. The vote was negative; ayes 33, noes 53. The Clerk will call the roll.

Mr. RANKIN. There has been no roll call demanded. The vote has already been taken.

The SPEAKER. The gentleman made the point of order that a quorum was not present on the vote on the motion to adjourn.

Mr. RANKIN. That point of order is not in order for the simple reason you do not have to have a quorum to adjourn.

The SPEAKER. But the House refused to adjourn on the vote.

Mr. RANKIN. I understand, but a roll call is not in order unless it is demanded by the House.

The SPEAKER. This matter has been up many times since the present occupant has been in the chair, and the decision always has been just what the Chair stated it to be.

Mr. RANKIN. The Chair is in error.

The SPEAKER. The Chair has been following the rules and precedents established for over 150 years.

Mr. RANKIN. The Chair is still wrong; that never has been the rule.

The SPEAKER. Evidently, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 75, nays 161, not voting 198, as follows:

[Roll No. 77] . . .

So the motion to adjourn was rejected.

## § 8. Dilatory Motions; Repetition of Motion

A motion to adjourn may be ruled out of order as dilatory—that is, made solely for the purpose of delaying the legislative

2. Sam Rayburn (TX).

process—pursuant to a point of order raised against the motion by another Member or at the initiative of the Chair.<sup>(1)</sup>

Repeated motions to adjourn are allowed in the House, if other business has intervened.<sup>(2)</sup>

**Repeated Motions to Adjourn**

**§ 8.1 The transaction of a unanimous-consent request to delete a Member’s name from the list of cosponsors of a bill is such “intervening business” as would enable repetition of the motion to adjourn.**

On Nov. 18, 1999,<sup>(1)</sup> a Member made a motion that the House adjourn:

MOTION TO ADJOURN

Mr. [Ron] KIND [of Wisconsin]. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

1. 5 Hinds’ Precedents §§ 5721, 5731; 8 Cannon’s Precedents §§ 2796, 2813; and *House Rules and Manual* §§ 902, 903 (2007).
2. See §§ 8.1–8.3, *infra*.
1. 145 CONG. REC. 30644, 30645, 106th Cong. 1st Sess. For an example of how the motion to adjourn may not be repeated in absence of “intervening business” see § 3.19, *supra*.

RECORDED VOTE

Mr. [David R.] OBEY [of Wisconsin]. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 25, noes 395, not voting 13, as follows:

[Roll No. 603] . . .

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2420

Mr. [Sherwood L.] BOEHLERT [of New York]. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2420.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from New York?

There was no objection.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion to adjourn offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Speaker announced that the noes appeared to have it.

**§ 8.2 After the Speaker has entertained a motion that the**

2. J. Dennis Hastert (IL).

**House adjourn, it is too late to make the point of order that the motion is dilatory on the ground that the House rejected such a motion an hour previously.**

On Feb. 22, 1950,<sup>(1)</sup> the Speaker, having entertained a motion to adjourn, did not sustain a point of order that the motion to adjourn was dilatory.

The SPEAKER.<sup>(2)</sup> The gentleman from Florida [Mr. SIKES] moves that the House do now adjourn.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, a point of order on the motion.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. Mr. Speaker, I submit the motion to adjourn is dilatory. While I recognize that intervening business has been transacted, such as voting on the motion to dispense with Calendar Wednesday business, it seems to me that the House has expressed its will on this matter about an hour ago and the House refused to adjourn. I think it is obvious to the Speaker that the House has refused to adjourn and the motion, therefore, is dilatory.

The SPEAKER. The Chair has already entertained the motion. The question is on the motion offered by the gentleman from Florida.

### **§ 8.3 After a motion to adjourn has been made and rejected,**

1. 96 CONG. REC. 2161, 81st Cong. 2d Sess.
2. Sam Rayburn (TX).

**a second motion that the House adjourn is held not dilatory and in order if other business has intervened.**

On Feb. 15, 1950,<sup>(1)</sup> a Member made a point of order against a motion to adjourn, claiming it was dilatory:

#### MOTION TO ADJOURN

Mr. [Ed] GOSSETT [of Texas]. Mr. Speaker, I move that the House do now adjourn.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, a point of order.

The SPEAKER.<sup>(2)</sup> The gentleman will state it.

Mr. MARCANTONIO. Just preceding the last roll call the House refused to adjourn. I submit that this motion is dilatory. I understand that it is entirely within the Speaker's discretion to rule on these motions, but in view of the fact that we have just had a motion to adjourn this one obviously is dilatory.

Mr. GOSSETT. Mr. Speaker, if the Chair will hear me on the point of order, other business has been transacted and another roll call has intervened.

The SPEAKER. The Chair is prepared to rule. Business has intervened. The Chair holds the motion to be in order.

### ***Refusal of Recognition***

### **§ 8.4 Where a motion to adjourn is rejected pending a**

1. 96 CONG. REC. 1809, 81st Cong. 2d Sess.
2. Sam Rayburn (TX).

**motion to dispense with further proceedings under a call of the House and that motion is then adopted, recognition for the immediate repetition of a motion to adjourn may be denied pending the calling up of a bill on Calendar Wednesday.**

On Feb. 15, 1950,<sup>(1)</sup> the Speaker exercised his discretion not to recognize Members for motions to adjourn:

CALL OF THE HOUSE

Mr. [J. Percy] PRIEST [of Tennessee]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 49] . . .

The SPEAKER.<sup>(2)</sup> On this roll call 326 Members have answered to their names, a quorum.

Is there objection to dispensing with further proceedings under the call?

Mr. [Tom] PICKETT [of Texas]. Mr. Speaker, I object.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts [Mr. McCORMACK.]

1. 96 CONG. REC. 1810-12, 81st Cong. 2d Sess.
2. Sam Rayburn (TX).

The question was taken; and on a division (demanded by Mr. PICKETT) there were—ayes, 126, noes 17.

Mr. PICKETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

Mr. [Clare E.] HOFFMAN of Michigan. Mr. Speaker, I move that we do now adjourn.

The SPEAKER. The Chair will count. [After counting.] Evidently a quorum is not present.

Mr. HOFFMAN of Michigan. Mr. Speaker, a preferential motion. I move that the House do now adjourn; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 198, not voting 108, as follows:

[Roll No. 50] . . .

So the motion to adjourn was rejected.

The Clerk announced the following pairs: . . .

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. McCORMACK] to dispense with further proceedings under the call.

Mr. PICKETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKETT. Mr. Speaker, at the time the gentleman from Michigan moved to adjourn, the Speaker had just stated what the question was—which was the motion of the gentleman from Massachusetts [Mr. McCORMACK] to dispense with further proceedings under a preceding call of the House. I

objected to the vote, as was revealed by a division on the question, on the ground that a quorum was not present. Is not now the order of business an automatic roll call on the motion of the gentleman from Massachusetts [Mr. MCCORMACK]?

The SPEAKER. No; it is not. The vote now comes de novo.

The question is on the motion of the gentleman from Massachusetts [Mr. MCCORMACK].

The question was taken; and on a division (demanded by Mr. PICKETT) there were—ayes 138, noes 6.

Mr. [William M.] COLMER [of Mississippi]. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I make the point of order that a quorum is not present.

Mr. [Anthony] CAVALCANTE [of Pennsylvania]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAVALCANTE. Under the rules of the House, are the cloakrooms a part of the Hall of the House?

The SPEAKER. The Chair cannot count any Members that he cannot see.

The Chair will count. [After counting.] Evidently there is no quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 243, nays 86, answered “present” 1, not voting 102, as follows:

[Roll No. 51] . . .

So the motion was agreed to.

The Clerk announced the following pairs: . . .

## CALENDAR WEDNESDAY

The SPEAKER. The Clerk will call the committees.

The Clerk called the Committee on the District of Columbia.

Mr. [Clare E.] HOFFMAN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair does not yield to the gentleman for a parliamentary inquiry at this time.

Mr. [Howard W.] SMITH of Virginia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Clerk has called the Committee on the District of Columbia. The Chair recognizes the gentleman from South Carolina [Mr. McMillian].

Mr. SMITH of Virginia. Mr. Speaker, I move that the House do now adjourn. That motion is always in order.

The SPEAKER. The Chair has recognized the gentleman from South Carolina [Mr. McMILLIAN].

Mr. [William M.] COLMER [of Mississippi]. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The gentleman from South Carolina [Mr. McMILLAN] has been recognized.

Mr. COLMER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from South Carolina [Mr. McMILLIAN] has been recognized.

*Parliamentarian's Note:* Repeated motions and roll calls were sought in this instance in an effort to delay business under the Calendar Wednesday rule, and there was no intervening business

at this point prior to the calling up of the bill.

### § 9. To a Day Certain; Three-day Limit

The House, in adjourning for not more than three days, must take into the count either the day of adjourning or the day of the meeting. Sunday is not taken into account in making this computation unless the House, by special order, provides for a session on a Sunday.<sup>(1)</sup>

The House has declared itself in a series of recesses subject to the constraint that the House not adjourn for more than three days without the consent of the Senate.<sup>(2)</sup> The Committee on Rules also has reported a rule authorizing the Speaker to declare recesses subject to the call of the Chair, each consistent with the constitutional requirement that neither House adjourn or recess for more than three days without the consent of the other House.<sup>(3)</sup>

The House has adopted a resolution reported from the Committee on Rules providing that the

1. *House Rules and Manual* § 83 (2007). See also §§ 9.7–9.10, *infra*; and 5 Hinds' Precedents §§ 6673, 6674.
2. See Ch. 39, § 2.21, *supra*.
3. See § 9.1, *infra*.

House meet only Tuesdays and Fridays for a stipulated period, whereupon the Speaker advised the House that no business on those days would be conducted, including recognition for unanimous consent.<sup>(4)</sup>

**§ 9.1 The House adopted a privileged rule reported by the Committee on Rules to authorize, *inter alia*, the Speaker to declare the House in recesses subject to the call of the Chair during five discrete periods, each consistent with the constitutional constraint that neither House (recess or) adjourn for more than three days without consent of the other House.**

On Jan. 5, 1996,<sup>(1)</sup> the following proceedings occurred:

Ms. [Deborah W.] PRYCE [of Ohio]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

*Resolved*, That (a) the Speaker may declare recesses subject to the call of the Chair on the calendar days of Friday, January 5, 1996,

4. See § 9.6, *infra*.
1. 142 CONG. REC. 357, 104th Cong. 2d Sess.



through Tuesday, January 9, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Tuesday, January 9, 1996.

(b) The Speaker may declare recesses subject to the call of the Chair on the calendar days of Tuesday, January 9, 1996, through Friday, January 12, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Friday, January 12, 1996.

(c) The Speaker may declare recesses subject to the call of the Chair on the calendar days of Friday, January 12, 1996, through Tuesday, January 16, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Tuesday, January 16, 1996.

(d) The Speaker may declare recesses subject to the call of the Chair on the calendar days of Tuesday, January 16, 1996, through Friday, January 19, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Friday, January 19, 1996.

(e) The Speaker may declare recesses subject to the call of the Chair on the calendar days of Friday, January 19, 1996, through Tuesday, January 23, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Tuesday, January 23, 1996.

SEC. 2. The requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee before the calendar day of Wednesday, January 24, 1996, and providing for consideration or disposition of any of the following measures: . . .

The SPEAKER pro tempore.<sup>(2)</sup> The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. . . .

By recessing rather than adjourning, the House will effectively be on standby, ready to return should the White House come to meet its responsibility and submit legislation, as promised, that achieves a balanced budget and puts the Government back into full operation.

*Parliamentarian's Note:* Similarly, as in Ch. 39, § 2.21, *supra*, an "overlap" between three-day periods (one ending and another beginning on the same calendar day) is considered not infirm under art. I, § 5 clause 4 of the Constitution. The resolution was within the authority of the Committee on Rules to report. It did not violate any procedural restriction in the Constitution. It did not permit the House to be in adjournment or uninterrupted recess for more than three days (excepting Sundays).

**§ 9.2 The House adopted a privileged concurrent resolution providing for adjournment of the two Houses on any of three days to a day certain in excess of three days on motions of respective Majority Leaders or designees, and the House by**

2. Jack Kingston (GA).

**unanimous consent permitted an adjournment for three days contingent upon Senate action on the concurrent resolution.**

On Nov. 20, 1987,<sup>(1)</sup> the following occurred in the House:

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM FRIDAY, NOVEMBER 20, 1987, OR MONDAY, NOVEMBER 23, 1987, OR TUESDAY, NOVEMBER 24, 1987, TO MONDAY, NOVEMBER 30, 1987, AND OF THE SENATE FROM FRIDAY, NOVEMBER 20, 1987, OR MONDAY, NOVEMBER 23, 1987, OR TUESDAY, NOVEMBER 24, 1987, TO MONDAY, NOVEMBER 30, 1987

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 220) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 220

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on Friday, November 20, 1987, or Monday, November 23, 1987, or Tuesday, November 24, 1987, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Monday, November 30, 1987, and that when the Senate adjourns on Friday, November 20, 1987, or Monday, November 23, 1987, or Tuesday, November 24, 1987, pursuant to a motion made

by the majority leader, or his designee, in accordance with the resolution, it stand adjourned until 10 o'clock ante meridiem on Monday, November 30, 1987.

The SPEAKER pro tempore.<sup>(2)</sup> Without objection, the previous question is ordered on the concurrent resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. [Steven] GUNDERSON [of Wisconsin]. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 181, not voting 42, as follows:

[Roll No. 447] . . .

PROVIDING FOR POSSIBLE ADJOURNMENT TO MONDAY, NOVEMBER 23, 1987

Mr. [Tony] COELHO [of California]. Mr. Speaker, I ask unanimous consent that when the House adjourns today, unless it adjourns pursuant to the provisions of House Concurrent Resolution 220, that it stand adjourned to meet at noon on Monday next.

The SPEAKER.<sup>(3)</sup> Is there objection to the request of the gentleman from California?

1. 133 CONG. REC. 33029, 33030, 100th Cong. 1st Sess.

2. James J. Howard (NJ).

3. James C. Wright, Jr. (TX).

Mr. [Robert F.] WALKER [of Pennsylvania]. Reserving the right to object, is that a change in the schedule as previously announced?

Mr. COELHO. No. This is just in case something would happen that we are protected and can meet if necessary.

Mr. WALKER. I would like to have an explanation of this.

The SPEAKER. Let the Chair respond to the inquiry of the gentleman from Pennsylvania.

This is only a stand-by in the event that the Senate failed to complete the action on the adjournment resolution so that we would have a pro forma session. We do not expect that to occur.

Mr. WALKER. I thank the Speaker.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

**§ 9.3 On consecutive privileged motions of the Majority Leader, pursuant to clause 4 of Rule XVI<sup>(1)</sup> and at the Speaker's discretion, the House voted that when it adjourned on that day it adjourn to meet at 3:15 p.m. for a second legislative day on that calendar day, and then adjourned [in order to reconvene a new session and consider a special order re-**

1. *House Rules and Manual* § 911 (2007).

**ported by the Committee on Rules on the first legislative day without a two-thirds vote on "same-day" consideration].**

On Oct. 29, 1987,<sup>(2)</sup> the House was concluding consideration of a special order reported from the Committee on Rules, as follows:

Mr. [Butler] DERRICK [of South Carolina]. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore.<sup>(3)</sup> The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. [Trent] LOTT [of Mississippi]. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 217, not voting 13, as follows:

[Roll No. 385] . . .

Mr. WATKINS changed his vote from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

2. 133 CONG. REC. 29918, 29919, 29932–35, 100th Cong. 1st Sess.

3. Harold L. Volkmer (MO).

THE VOTE ON HOUSE  
RESOLUTION 296

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. [Robert H.] MICHEL [of Illinois]. Mr. Speaker, I ask for this 1-minute for the purpose to say that under somewhat otherwise normal conditions, noting our unanimous vote on this side, we would be elated with this victory.

Mr. Speaker, we do not look upon it that way. The majority in this House has said here there ought not be a quick rush to judgment, that we recognize the urgency of the overall objective, but this procedure would do it harm. It has been my feeling for the last week or so in view of what the President has said and in view of some of our colleagues meeting over in the other body as they have, that men of good will could bring their divergent thoughts together, and reach agreement. Had this scenario unfolded this afternoon the way it was originally described, however, I am just afraid the tenor of that debate would have given the wrong signal.

I think from the few remarks we might have made earlier and some of the others, this feeling was shared by Members on both sides of the aisle and, so, yes, I for one am grateful for that vote to defeat the rule, but we are not gloating over it.

I just want to say to the distinguished Speaker that there might be an inclination to quickly go to the Rules Committee, come back with a stripped-down version, but it should be known now the Members have attempted to express their desire to give

this bipartisan negotiating team a chance. The distinguished gentleman from Washington [Mr. FOLEY] serves on that negotiating team. I think he would probably buttress what I have said from the standpoint that there is some movement. There is a good feeling, and frankly maybe in a shorter time span than one might feel is possible, I think agreement can be reached.

□ 1215

Then out of that meeting I would think would come a much better signal, the kind that all of us would like to project.

With that, Mr. Speaker, I have nothing further to say other than I would hope that it would signal our intention and certainly our ability to work together, hand and glove, in a bipartisan way to come to a final resolution.

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LEGISLATIVE PROGRAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, I ask for this time in order to speak to the question of the schedule and program for the balance of the week.

I appreciate what my friend, the gentleman from Illinois [Mr. MICHEL], the minority leader, has suggested. He has been consistent, suggesting all along that we delay, and see if we can get some signal as to what the President will accept before we try to pass anything.

If we do that, it puts the total initiative in the hands of the executive

branch of Government over something that the Constitution declared was the primary business of the House of Representatives.

I bow to the majority. That is a part of the business of this chamber. We recognize that when a majority speaks, we owe them our respect. The majority quite obviously did not want to vote on this particular rule. At least 25 or 30 Members have told me personally in the last couple of days that they just did not believe it appropriate to be considering this deficit reduction bill at the same time and in the same package that we were considering a welfare reform bill. A great many of those Members professed that they liked the welfare reform bill and that they believe we need welfare reform, but they thought it inappropriate to consider the two somewhat different matters together.

The distinguished gentleman from Illinois made that suggestion to me, as a matter of fact, 2 weeks ago. Obviously a substantial number of Members feel that way.

Therefore, the Rules committee will convene at 12:45 and we will be seeking another rule which separates those two somewhat distinguishable items and takes welfare reform out of it.

I do believe that we have the responsibility as the U.S. House of Representatives to do our best to come forward with a reasonable, fair, constructive deficit reduction package so that we have something that represents our majority to take and put on the table when we negotiate with the White House. Otherwise, we go bereft of any suggestions, having said in effect that the House cannot make up its mind and has no suggestions to offer.

Therefore, I am going to ask that the Rules Committee meet and bring us back a rule that bows to the express wishes of a great many Members of the House. I have had a great many Members say to me that they cannot imagine a fairer revenue measure than the one that we have to consider. We will give the House that opportunity and see if a majority of the Members wish to go forward with at least that much deficit reduction action. And we will stay in session here until we do that.

So I do implore my colleagues, the minority party, to work with us. You have chosen throughout this year a course that I recognize has been a difficult one for you. I could have wished that we would have had more bipartisan cooperation when the Budget Committee was trying to come to a mix. For reasons of your own—and I do not criticize you for it—you chose to stay out of these meetings, to boycott them. And then we invited you to participate and wished you had participated along with other Members of the Ways and Means Committee in putting together a revenue package. And it was your choice and decision to boycott those meetings.

Notwithstanding that, exactly half the revenues in that bill are out of the President's request—things that he specifically requested. So we do want to be reasonable: we want to be bipartisan. We want to fulfill the wishes of the responsible majority of this House. That is what we have tried to so that we do not go home this week having said that we are incapable or unwilling to face the reality of the need for real deficit reduction.

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#### ANNOUNCEMENT OF MEETING OF RULES COMMITTEE

Mr. DERRICK. Mr. Speaker, the chairman of the Committee on Rules

has authorized me to announce that the Committee on Rules will meet at 1:15 this afternoon to consider H.R. 3545. . . .

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REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3545, BUDGET RECONCILIATION ACT OF 1987

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 100-411) on the resolution (H. Res. 298) providing for the consideration of the bill (H.R. 3545) to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988, which was referred to the House Calendar and ordered to be printed. . . .

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MOTION TO ADJOURN UNTIL 3:15 P.M. TODAY

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I move, pursuant to clause 4 of rule XVI, that when the House adjourns today it adjourn to meet at 3:15 p.m. today.

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. [Trent] LOTT [of Mississippi]. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 243, nays 166, not voting 25, as follows:

[Roll No. 386] . . .

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LEGISLATIVE PROGRAM

(By unanimous consent, Mr. FOLEY was allowed to proceed out of order for 1 minute.)

Mr. FOLEY. Mr. Speaker, I take this time to advise the Members on both sides of the aisle of what we intend for the program this afternoon. The Committee on Rules has reported and the rule to provide for consideration of the Guaranteed Deficit Reduction Reconciliation Act has been filed. Because the Rules of the House require a two-thirds vote for it to be brought up on the same day, it was our intention to ask for unanimous consent so that this might occur. Since I have been advised, however, that will not be granted, we now intend to move that the House adjourn today, and, should that motion be adopted, we would reconsider the rule, the general debate, and complete action on the Guaranteed Deficit Reduction Reconciliation Act.

We feel frankly, that this is in the interest of Members on both sides of the aisle since it avoids the possibility of a prolonged session tomorrow and the inconvenience this would cause because of commitments made earlier on the assumption the House would not be in session this Friday.

So the purpose of this announcement is to suggest to Members on both sides of the aisle that, assuming adoption of

the motion, the adjournment of the House will not signal the end of business today. We will reconvene at 3:15.

Mr. [Edward R.] MADIGAN [of Illinois]. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois [Mr. MADIGAN].

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Speaker, do I understand that the purpose of our having 2 legislative days in 1 calendar day is so that the House avoids the necessity of having a two-thirds majority to be able to consider this and can consider it only with a simple majority, is that the gentleman's point?

Mr. FOLEY. Actually, there is not any requirement for a special vote to consider it on the next legislative day. A two-thirds vote is required to consider it on the same day. The rule could be adopted under these circumstances with a majority vote. . . .

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#### ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 236, nays 171, not voting 27, as follows:

[Roll No. 387] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 3 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until today, Thursday, October 29, 1987, at 3:15 p.m.

*Parliamentarian's Note:* Because the Majority Leader held the floor beyond 3 p.m. before moving to adjourn, even though the House was to reconvene at 3:15 p.m., the east clock (facing the chair) had to be stopped to permit the 15-minute vote by electronic device on the motion to adjourn to remain open for 15 minutes before 3:15 p.m., the precise time at which the House had voted to reconvene.

**§ 9.4 A motion that when the House adjourns, it stand adjourned to a day and time certain under clause 4 of Rule XVI<sup>(1)</sup> is only in order if offered on the legislative day to which the adjournment applies and may not merely set a different time for convening on a subsequent day beyond the next legislative day.**

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1. *House Rules and Manual* §§ 911, 912 (2007).

On Sept. 23, 1976,<sup>(2)</sup> the following unanimous-consent request was made:

Mr. [John M.] MURPHY [of New York]. Mr. Speaker, I ask unanimous consent that when the House convenes on Tuesday, September 28, 1976, it convene at 10 o'clock a.m.

The SPEAKER pro tempore.<sup>(3)</sup> Is there objection to the request of the gentleman from New York?

Mr. [Clarence E.] MILLER of Ohio. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. MURPHY of New York. Mr. Speaker, I move that when the House convenes on Tuesday next, it convene at 10 o'clock a.m.

The SPEAKER pro tempore. The Chair will state that the motion is not in order at this time.

*Parliamentarian's Note:* Upon adjourning on Sept. 23, 1976, the House met on Monday, Sept. 27, 1976, on which day the motion to set the convening time for Sept. 28, 1976, would have been in order.

**§ 9.5 The motion that the adjournment on that day be one to a day and time certain requires a quorum for adoption.<sup>(1)</sup>**

2. 122 CONG. REC. 32104, 94th Cong. 2d Sess.

3. Thomas P. O'Neill, Jr. (MA).

1. *House Rules and Manual* §§911, 912 (2007). See also 4 Hinds' Precedents

On June 19, 1975,<sup>(2)</sup> the following occurred in the House:

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I move that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow morning. . . .

The SPEAKER.<sup>(3)</sup> The question is on the motion offered by the gentleman from Massachusetts (Mr. O'NEILL).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. [John M.] ASHBOOK [of Ohio]. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device; and there were—yeas 384, nays 13, not voting 31, as follows:

[Roll No. 321] . . .

So the motion was agreed to.

***Serial Adjournments to Days Certain***

**§ 9.6 The House agreed to a resolution providing that the House meet only Tuesdays and Fridays for a stipulated**

§ 2954. See also § 7, *supra*, for additional information on quorum requirements.

2. 121 CONG. REC. 19789, 19790, 94th Cong. 1st Sess.

3. Carl Albert (OK).



**period. The Speaker advised the membership that when the House met on those days, it would meet only to adjourn.**

On Aug. 25, 1949,<sup>(1)</sup> the House, by two-thirds vote, agreed to consider on that same day a resolution reported out from the Committee on Rules. The proceedings on the resolution were as follows:

Mr. [Edward E.] COX [of Georgia], from the Committee on Rules, submitted the following resolution (H. Res. 345), which was referred to the House Calendar and ordered printed:

*Resolved*, That until Wednesday, September 21, 1949, the House shall meet only on Tuesday and Friday of each week unless otherwise ordered.

Mr. COX. Mr. Speaker, I ask for immediate consideration of the resolution.

The SPEAKER.<sup>(2)</sup> The question is, Will the House consider the resolution?

The question was taken; and (two thirds having voted in favor thereof) the House decided to consider the resolution.

The Clerk read the resolution (H. Res. 345) as follows:

*Resolved*, That until Wednesday, September 21, 1949, the House shall meet only on Tuesday and Friday of each week unless otherwise ordered.

The resolution was agreed to.

A Member then asked whether business would be permitted on those Tuesdays and Fridays.

1. 95 CONG. REC. 12287, 12288, 81st Cong. 1st Sess.
2. Sam Rayburn (TX).

Mr. [Earl C.] MICHENER [of Michigan]. Mr. Speaker, it is understood that the House will take 3-day recesses as provided in the resolution.

What business will be permitted on the days the House meets?

The SPEAKER. The Chair will state, in answer to the inquiry of the gentleman from Michigan, that if the Senate had agreed to cooperate with us and had passed the resolution as the House passed it yesterday, of course, there would have been an adjournment from tomorrow until September 21. The Senate did not see fit to cooperate with us in that. Of course, during that time there would have been no business whatever transacted.

The Chair thinks, under the circumstances, that when the House meets on Tuesdays and Fridays it will meet only to adjourn. No public business will be transacted; there will be no 1-minute speeches or extensions of remarks.

And, as the gentleman made this inquiry, the Chair takes the opportunity to give all Members assurance that there will be no business of any kind transacted until the 21st of September.

### ***Adjournments to Sunday Session***

**§ 9.7 By unanimous consent, the House established a Sunday as a legislative day.**

On Aug. 20, 1994,<sup>(1)</sup> the following occurred:

1. 140 CONG. REC. 23367, 103d Cong. 2d Sess.

ADJOURNMENT TO SUNDAY,  
AUGUST 21, 1994

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on Sunday, August 21, 1994.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Missouri.

There was no objection.

**§ 9.8 By unanimous consent the House ordered a legislative session to convene on a Sunday, ordinarily a “dies non”.**

On Nov. 17, 1989,<sup>(1)</sup> the following occurred in the House:

ADJOURNMENT TO SUNDAY,  
NOVEMBER 19, 1989

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on Sunday, November 19, 1989.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Missouri?

There was no objection.

**§ 9.9 By unanimous consent, the House may provide for a session of the House on a Sunday, traditionally a “dies non” under the precedents of the House.<sup>(1)</sup>**

2. Thomas S. Foley (WA).

1. 135 CONG. REC. 30029, 101st Cong. 1st Sess.

2. Thomas S. Foley (WA).

1. 5 Hinds' Precedents §§ 6673, 6674.

On Dec. 18, 1987,<sup>(2)</sup> the following proceedings occurred in the House:

ADJOURNMENT OF THE HOUSE  
FROM SATURDAY, DECEMBER  
19, 1987, TO SUNDAY, DECEMBER  
20, 1987

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I ask unanimous consent that when the House adjourns from any session on Saturday, December 19, 1987, that it adjourn to meet at 1 p.m. on Sunday, December 20, 1987.

The SPEAKER pro tempore.<sup>(3)</sup> Is there objection to the request of the gentleman from Washington?

There was no objection.

**§ 9.10 By unanimous-consent request of the Majority Leader, a session of the House on Sunday (a “dies non” under the precedents of the House) was made in order (thus permitting a subsequent motion to adjourn from Saturday until Sunday).**

On Dec. 17, 1982,<sup>(1)</sup> the following occurred in the House:

AUTHORIZING THE HOLDING OF  
A SESSION ON SUNDAY, DE-  
CEMBER 19, 1982

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, I ask unanimous consent that it shall be in order for a session to be held on Sunday next.

2. 133 CONG. REC. 36352, 100th Cong. 1st Sess.

3. Kenneth J. Gray (IL).

1. 128 CONG. REC. 31946, 31948, 97th Cong. 2d Sess.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Texas? . . .

Mr. [Manuel] LUJAN [Jr., of New Mexico]. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.<sup>(3)</sup>

2. John P. Murtha, Jr. (PA).
3. *Parliamentarian's Note*: The House has, in recent history, continued in

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session beyond midnight Saturday into the calendar day of Sunday, but this appears to be the first instance since that recorded in 5 Hinds' Precedents §§ 6732 (June 29, 1902), 7168 (Feb. 1, 1903), 7169 (Apr. 10, 1904), and 7246 (Feb. 8, 1903), where the House met on separate legislative days on Sundays for eulogies to deceased Members, although those days were counted as legislative days.

**B. Adjournments for More Than Three Days to Date Certain**

**§ 10. In General; House-Senate Adjournments for Differing Periods**

Under art. I, § 5, clause 4 of the Constitution, neither House may adjourn (or recess) for more than three days without the consent of the other. Thus, while the House may adjourn by motion from Thursday to Monday, or from Friday to Tuesday, the House cannot adjourn from Monday to Friday without the Senate's consent.<sup>(1)</sup> Sundays are not included in the calculation unless the House has agreed to meet on Sunday as a separate legislative day.<sup>(2)</sup>

The form which is used for the two Houses to provide their respective consent to the adjournment to the other is the concurrent resolution. The concurrent resolution may set forth the times at which the adjournment is to begin and end, but frequently the resolution will provide optional dates so as to give each House some discretion in determining the exact period of its own adjournment.<sup>(3)</sup> A concurrent resolution may grant the consent of the

1. *House Rules and Manual* §§ 82, 84 (2007).

2. See § 9, *supra*.

3. See, e.g., § 10.7 *supra*.

House for adjournments or recesses of the Senate for periods of more than three days as determined by the Senate during such period,<sup>(4)</sup> or may grant the consent of the Senate to an adjournment of the House for more than three days to a day certain, or to any day before that day as determined by the House.<sup>(5)</sup> Often a concurrent resolution originating in one House and providing only for an adjournment of that House is amended in the other House to provide a separate adjournment date and/or times for that House where those arrangements are not negotiated in advance.<sup>(6)</sup>

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**§ 10.1 The House has adopted a privileged resolution providing for adjournment *sine die* of the House on Monday, Dec. 20, or Tuesday, Dec. 21, pursuant to a motion made by the Majority Leader or his designee in accordance with**

4. See § 10.1, *infra*.

5. See § 10.3, *infra*.

6. See § 10.4, *infra*.

For a discussion of the authority of the President to determine the period of adjournment when the two Houses are unable to agree with respect thereto, see *House Rules and Manual* § 171 (2007).

**the resolution, and providing the consent of the House to adjournment *sine die* of the Senate at any time prior to Jan. 3, 1983, as determined by the Senate, and the consent of the House for adjournments or recesses of the Senate for periods of more than three days as determined by the Senate during such period.**

On Dec. 20, 1982,<sup>(1)</sup> the majority whip offered a concurrent resolution as follows:

ADJOURNMENT SINE DIE OF THE  
HOUSE AND SENATE

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 438) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 438

*Resolved by the House of Representatives (the Senate concurring),* That the House of Representatives shall adjourn Monday, December 20, 1982, or on Tuesday, December 21, 1982, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, and that when it adjourns on said day, it stand adjourned *sine die*; and be it further

*Resolved,* That the consent of the House of Representatives is hereby given to an adjournment *sine die* of

the Senate at any time prior to January 3, 1983, when the Senate shall so determine; and that pending such *sine die* adjournment, the Senate may adjourn or recess for such period or periods in excess of 3 days as it may determine.

Mr. FOLEY. Mr. Speaker, just in order that the Members not believe that this adjournment resolution indicates any imminent action on the part of the leadership to move adjournment *sine die*, it is done for the purpose of referring it to the other body.

The concurrent resolution was agreed to.

*Alternative Dates Certain*

**§ 10.2 The House concurred in a privileged Senate concurrent resolution providing adjournments from and to separate days certain in excess of three days (on either of two days in the House on motion by the Majority Leader or his designee) with joint majority leadership recall authority.**

On Mar. 16, 1989,<sup>(1)</sup> the Speaker<sup>(2)</sup> laid before the House the following Senate concurrent resolution:

1. 135 CONG. REC. 4480, 4481, 101st Cong. 1st Sess.
2. James C. Wright, Jr. (TX).

1. 128 CONG. REC. 32951, 97th Cong. 2d Sess.

CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE FROM MARCH 17, 1989, UNTIL APRIL 4, 1989, AND CONDITIONAL ADJOURNMENT OF THE HOUSE FROM MARCH 23, 1989, OR MARCH 24, 1989, UNTIL APRIL 3, 1989

The SPEAKER laid before the House a privileged Senate concurrent resolution (S. Con. Res. 23) providing for a conditional recess or adjournment of the Senate from March 17, 1989, until April 4, 1989, and a conditional adjournment of the House from March 23 or 24, 1989, until April 3, 1989.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 23

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate recesses or adjourns at the close of business on Friday, March 17, 1989, it stand recessed or adjourned until 2:15 post meridiem on Tuesday, April 4, 1989, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this resolution; and that when the House adjourns on Thursday, March 23, 1989, or on Friday, March 24, 1989, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12:00 o'clock meridian on Monday, April 3, 1989, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this resolution.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in

their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

**§ 10.3 A Senate concurrent resolution, providing for adjournment of the Senate to a day certain and giving the Senate consent for House adjournment for more than three days until a day certain or any prior day determined by the House, was taken from the Speaker's table and laid before the House as privileged by the Speaker.**

On May 27, 1982,<sup>(1)</sup> the following occurred:

1. 128 CONG. REC. 12504, 12505, 97th Cong. 2d Sess.

*Parliamentarian's Note:* The Parliamentarian advised that a quorum was required under clause 4 of Rule XVI (*House Rules and Manual* §913 [2007]) to adopt a motion setting the day and hour of reconvening and that a simple motion to adjourn pursuant to S. Con. Res. 102 to a day certain specified in the motion would have required a quorum since the concurrent resolution required "as determined by the House" and would not have been tantamount to a simple motion to adjourn. Further, any change in the hour of convening was permitted under clause 4 of Rule XVI (*House Rules and Manual* §913

PROVIDING FOR ADJOURNMENT  
OF THE SENATE AND GIVING  
CONSENT FOR ADJOURNMENT  
OF THE HOUSE

The SPEAKER laid before the House a privileged Senate concurrent resolution (S. Con. Res. 102) providing for an adjournment of the Senate from May 27, 1982, May 28, 1982, or May 29, 1982, until June 8, 1982, and giving the consent of the Senate to an adjournment of the House for more than 3 days.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 102

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate adjourns on Thursday, May 27, 1982, Friday, May 28, 1982, or Saturday, May 29, 1982, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand adjourned until 12:00 noon on Tuesday, June 8, 1982.

SEC. 2. That the consent of the Senate is hereby given to an adjournment of more than three days to a day certain by the House of Representatives to begin on May 27, 1982, or any day thereafter and ter-

[2007]) but required a quorum and could not be included in a final simple motion to adjourn. The last time the two Houses agreed to such a concurrent resolution was in the 83d Congress. Such a resolution offers the advantage of flexibility where one House is ready to adjourn but the other cannot yet decide on an adjournment or return date. See 100 CONG. REC. 15554, 83d Cong. 2d Sess., Aug. 20, 1954 (H. Con. Res. 266).

minating on June 8, 1982 or any day before that day as determined by the House of Representatives.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table. . . .

ADJOURNMENT TO  
WEDNESDAY, JUNE 2, 1982

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, pursuant to the provisions of Senate Concurrent Resolution 102, and clause 4, rule XVI, I move that when the House adjourns today it adjourn to meet at noon on Wednesday, June 2, 1982.

The motion was agreed to.

A motion to reconsider was laid on the table.

**§ 10.4 A Senate concurrent resolution providing for the adjournment of the two Houses of Congress to a day certain was amended in the House to provide that the House should reconvene a week later than the Senate.**

On July 2, 1960,<sup>(1)</sup> a Senate concurrent resolution providing for an adjournment of the two Houses to Aug. 8, 1960, was called up by the Majority Leader as privileged in the House:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I call up

1. 106 CONG. REC. 15828, 86th Cong. 2d Sess.

Senate Concurrent Resolution 112 and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

*Resolved by the Senate (the House of Representatives concurring),* That the two Houses shall adjourn on Saturday, July 2, 1960, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Monday, August 8, 1960.

Mr. McCORMACK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCormack: Strike out all after the resolving clause and insert: "That when the two Houses shall adjourn on Sunday, July 3, 1960, the Senate shall stand adjourned until 12 o'clock noon on Monday, August 8, 1960, and the House of Representatives shall stand adjourned until 12 o'clock noon on Monday, August 15, 1960."

Mr. McCORMACK. Mr. Speaker, I move the previous question. . . .

The SPEAKER. (2) Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the resolution.

Mr. [H. R.] GROSS [of Iowa]. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were refused.

. . .

The resolution was agreed to.

2. Sam Rayburn (TX).

**Alternative Departure Dates**

**§ 10.5 The House agreed to a privileged concurrent resolution providing for (recess or) adjournment of each House for more than three days from alternate departure dates to separate dates certain, subject to joint leadership recall at such place and time as they may designate.**

On Feb. 13, 2003,<sup>(1)</sup> the following took place:

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. [Mark] FOLEY [of Florida]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 41) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 41

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Thursday, February 13, 2003, or Friday, February 14, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 25, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 13, 2003, Friday, February 14,

1. 149 CONG. REC. 3917, 108th Cong. 1st Sess.



2003, Saturday, February 15, 2003, or any date from Monday, February 17, 2003, through Friday, February 21, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 24, 2003, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 10.6 The House agreed to a privileged concurrent resolution providing for the “August recess” adjournment of the House from the then-current legislative day of more than three days to a date certain, and of the Senate to recess or adjourn on any day during a week-long period to a different date certain and providing joint majority leadership recall authority.**

On Aug. 3, 1990,<sup>(1)</sup> a Member offered a privileged concurrent resolution as follows:

PROVDING FOR ADJOURNMENT OF THE HOUSE FROM FRIDAY, AUGUST 3, 1990, TO WEDNESDAY, SEPTEMBER 5, 1990, AND ADJOURNMENT OR RECESS OF THE SENATE FROM ANY DAY BETWEEN AUGUST 3 AND AUGUST 10, 1990, TO SEPTEMBER 10, 1990

Mr. [William H.] GRAY [III, of Pennsylvania]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 360) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 360

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Friday, August 3, 1990, it stand adjourned until 12 o'clock meridian on Wednesday, September 5, 1990, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, August 3, 1990, to Friday, August 10, 1990, pursuant to a motion made by the Majority Leader, or his designee, it stand in recess or stand adjourned until 10 o'clock ante meridian on Monday, September 10, 1990, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

1. 136 CONG. REC. 22182, 101st Cong. 2d Sess.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 10.7 The House concurred in privileged Senate amendments to a House concurrent resolution providing for an adjournment of the House for more than three days to a day certain, providing that when the Senate recesses on one of four designated days pursuant to a motion made by the Senate Majority Leader in accordance with the resolution, it stand in recess for more than three days to a day certain.**

On Aug. 17, 1978,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> laid before the House the following communication from the Senate:

1. 124 CONG. REC. 26794, 95th Cong. 2d Sess.
2. Lucien N. Nedzi (MI).

**PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM AUGUST 17 TO SEPTEMBER 6, 1978, AND OF THE SENATE FROM AUGUST 25, 26, 28, OR 29 TO SEPTEMBER 6, 1978**

The SPEAKER pro tempore. The Chair lays before the House the following communication from the Senate.

The Clerk read as follows:

*Resolved*, That the concurrent resolution from the House of Representatives (H. Con Res. 696) entitled "concurrent resolution providing for an adjournment of the House from August 17 to September 6, 1978," do pass with the following amendments: Page 1, line 4, after "1978" insert: "; and that when the Senate recesses on Friday, August 25, Saturday, August 26, Monday, August 28 or Tuesday, August 29, 1978, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand in recess until 10 o'clock a.m. on Wednesday, September 6, 1979".

Amend the title so as to read: "Concurrent resolution providing for an adjournment of the House from August 17 until September 6, 1978, and for a recess of the Senate from August 25, 26, 28, or 29 until September 6, 1978."

The SPEAKER pro tempore. The question is on the Senate amendments.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

***Contingent Adjournment Pending Senate Action***

**§ 10.8 The House, by unanimous consent, fixed the time to which it would adjourn as**

**the second day hence, unless the House sooner were to receive a message from the Senate transmitting its adoption of (1) a conference report providing omnibus appropriations and, (2) a House-originated concurrent resolution of adjournment, in which case the House would stand adjourned pursuant to that concurrent resolution.**

On Feb. 13, 2003,<sup>(1)</sup> the following occurred in the House:

CONDITIONAL ADJOURNMENT  
TO FRIDAY, FEBRUARY 14, 2003

Mr. [Mark] FOLEY [of Florida]. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at 2 p.m. on Friday, February 14, 2003, unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany House Joint Resolution 2 and its adoption of House Concurrent Resolution 41, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Florida?

1. 149 CONG. REC. 3917, 3937, 108th Cong. 1st Sess.

*Parliamentarian's Note:* This form of unanimous-consent request has become standard practice in the House where the House has originated action on a concurrent resolution of adjournment and is awaiting concurrence by the Senate.

2. J. Gresham Barrett (SC).

There was no objection. . . .

ADJOURNMENT

Mr. [Scott] McINNIS [of Colorado]. Mr. Speaker, pursuant to House Concurrent Resolution 41 of the 108th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Friday, February 14, 2003, unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany House Joint Resolution 2 and its adoption of House Concurrent Resolution 41, in which case the House shall stand adjourned until 2 p.m. on Tuesday, February 25, 2003, pursuant to House Concurrent Resolution 41.

Thereupon, (at 9 o'clock and 52 minutes p.m.), pursuant to House Concurrent Resolution 41, 108th Congress, and its previous order, the House adjourned until Tuesday, February 25, 2003, at 2 p.m.

**§ 10.9 The Senate amended a House concurrent resolution providing for an adjournment of the House for more than three days to a day certain by providing that when the Senate completed its disposition of a designated bill, it stand in recess until that same date certain.**

On June 29, 1978,<sup>(1)</sup> the following House concurrent resolution with Senate amendments was laid before the House:

ADJOURNMENT OF CONGRESS  
UNTIL MONDAY, JULY 10,  
1978—COMMUNICATION FROM  
THE SENATE OF THE UNITED  
STATES

The SPEAKER pro tempore (Mr. ROSTENKOWSKI)<sup>(2)</sup> laid before the House the following communication from the Secretary of the Senate of the United States:

*Resolved*, That the concurrent resolution from the House of Representatives (H. Con. Res. 654) entitled "concurrent resolution providing for an adjournment of the House from June 29 until July 10, 1978", do pass with the following amendments:

Page 1, line 5, strike out "1978." and insert "1978, and that when the Senate completes its disposition of H.R. 12426, Calendar No. 883, it stand in recess until 11:00 o'clock a.m. on Monday, July 10, 1978."

Amend the title so as to read: "Concurrent resolution providing for an adjournment of the House from June 29 until July 10, 1978, and for a recess of the Senate from the time H.R. 12426 is disposed of until July 10, 1978".

The SPEAKER pro tempore. The question is on the Senate amendments.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

*Parliamentarian's Note:* While an amendment in the House to

1. 124 CONG. REC. 19466, 95th Cong. 2d Sess.
2. Dan Rostenkowski (IL).

render an adjournment to a day certain, contingent upon completion of specific legislative action, would not normally be germane,<sup>(3)</sup> when the Senate imposes this condition on itself as an amendment, the House must dispose of the amendment.

***Concurrent Resolution Amended to Include the House***

**§ 10.10 A Senate concurrent resolution, providing for an adjournment of that body to a day certain, was amended by the House to provide for its adjournment to a different time.**

On Nov. 24, 1969,<sup>(1)</sup> the two Houses adjourned for a five-day period over the Thanksgiving holiday. The proceedings were as follows:

PROVIDING FOR ADJOURNMENT  
FROM WEDNESDAY, NOVEMBER  
26 TO MONDAY, DECEMBER 1

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I call up Senate Concurrent Resolution 48 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 48

*Resolved by the Senate (the House of Representatives concurring), That*

3. See § 11.2, *infra*.
1. 115 CONG. REC. 35539, 91st Cong. 1st Sess.

when the Senate adjourns on Wednesday, November 26, 1969, it stand adjourned until 10 a.m. Monday, December 1, 1969.

AMENDMENT OFFERED BY MR. ALBERT

Mr. ALBERT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBERT: On page 1, line 4, strike out the period and insert the following: “; and that when the House adjourns on Wednesday, November 26, 1969, it stand adjourned until 12 o’clock noon on Monday, Dec. 1, 1969.”

The amendment was agreed to.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## § 11. Consideration of Concurrent Resolution; Privilege, Amendment, Debate, Budget Act Restrictions

A concurrent resolution providing for an adjournment of the House or of the Senate, or of both Houses, is called up as privileged in the House,<sup>(1)</sup> even though it provides for an adjournment of the two Houses to different days certain.<sup>(2)</sup> Amendments of one House to a concurrent resolution

1. *House Rules and Manual* § 84 (2007).

2. See §§ 10.2–10.4, *supra*, and § 11.1, *infra*.

of the other are also privileged for consideration.<sup>(3)</sup> An adjournment resolution remains privileged, despite its inclusion of additional matter, so long as such additional matter would be privileged in its own right, such as a declaration asserted as a question of the privileges of the House relating to the ability of the House to receive veto messages during the adjournment.<sup>(4)</sup> On the other hand, an adjournment resolution including a provision establishing an order of business for the following session of the Congress is not privileged.<sup>(5)</sup>

In 1985, §§ 309 and 310 of the Congressional Budget Act of 1974 were amended to prohibit the consideration of concurrent resolutions providing adjournments during the month of July in excess of three days until the House had passed general annual appropriation bills within the jurisdictions of all the appropriations subcommittees for the ensuing fiscal year; and until the House had completed action on all reconciliation legislation for the ensuing fiscal year required to be reported by the final adopted concurrent resolution on the budget for that

3. See, *e.g.*, 128 CONG. REC. 1472, 97th Cong. 2d Sess., Feb. 10, 1982.

4. See § 15.4, *infra*.

5. See § 14.13, *infra*.

fiscal year.<sup>(6)</sup> The Balanced Budget and Emergency Deficit Control Act repealed § 310(f) of the Congressional Budget Act of 1974 which had prevented consideration of *sine die* adjournment resolutions until Congress had completed action on the second concurrent resolution and reconciliation legislation required by a second budget resolution.<sup>(7)</sup>

A concurrent resolution providing for an adjournment to a date certain is not debatable (except by unanimous consent or by reserving objection to a unanimous-consent request to dispense with reading)<sup>(8)</sup> and is not amendable if the previous question is ordered thereon.<sup>(9)</sup>

**§ 11.1 Consideration by unanimous consent of a concurrent resolution providing for adjournment of both Houses in July on motions of majority leaders or their designees from alternate days to days certain, subject to joint majority leadership recall.**

On June 23, 1989,<sup>(1)</sup> the following occurred in the House:

6. See *House Rules and Manual* § 1127 (2007).
7. *Ibid.*
8. *Id.* at § 84. See also §§ 11.3, 11.8, 11.9, 11.11, *infra*.
9. See §§ 11.2, 11.12, *infra*.
1. 135 CONG. REC. 13271, 101st Cong. 1st Sess.

PROVIDING CONDITIONAL RECESS OR ADJOURNMENT OF SENATE AND CONDITIONAL ADJOURNMENT OF HOUSE OVER THE JULY 4TH HOLIDAY

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 50) providing for a conditional recess or adjournment of the Senate and a conditional adjournment of the House over the July 4th holiday, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 50

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate recesses or adjourns at the close of business on Thursday, June 22, 1989, Friday, June 23, 1989, Saturday, June 24, 1989, Sunday, June 25, 1989, Monday, June 26, 1989, Tuesday, June 27, 1989, Wednesday, June 28, 1989, Thursday, June 29, 1989, Friday, June 30, 1989, or Saturday, July 1, 1989, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 8:30 a.m. on Tuesday, July 11, 1989, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House adjourns on Thursday, June 29, 1989,

2. Kweisi Mfume (MD).

or Friday, June 30, 1989, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12:00 o'clock noon on Monday, July 10, 1989, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.<sup>(3)</sup>

**§ 11.2 Although a Senate concurrent resolution providing for an adjournment of more than three days to a day certain of the House and Senate is not subject to amendment if the previous question is ordered thereon, a motion to commit to a committee with instructions to report back forthwith with an amendment may be offered after**

3. *Parliamentarian's Note:* Unanimous consent was required for consideration of this resolution covering more than three days in July since under § 309 of the Budget Act the House had not passed all general appropriation bills for the ensuing fiscal year.

**the previous question is ordered.**<sup>(1)</sup>

On Oct. 1, 1980,<sup>(2)</sup> a Senate concurrent resolution was laid before the House as follows:

The SPEAKER laid before the House a privileged Senate concurrent resolution (S. Con. Res. 126) providing for a recess of the Senate and an adjournment of the House of Representatives until Wednesday, November 12, 1980.

The Clerk read the title of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 126

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate recesses on any day beginning with Tuesday, September 30, 1980, but no later than Thursday, October 2, 1980, as determined by the majority leader, after consultation with the minority leader, and as so moved by the majority leader in accordance with this resolution, it stand in recess until 11 a.m. on Wednesday, November 12, 1980, and that when the House of Representatives adjourns on Thursday, October 2, 1980, it stand adjourned until 12 meridian on Wednesday, November 12, 1980.

The SPEAKER.<sup>(3)</sup> Without objection, the previous question is ordered on the Senate concurrent resolution.

There was no objection.

1. See Rule XIX clause 2, *House Rules and Manual* § 1001 (2007).
2. 126 CONG. REC. 28576, 28577, 96th Cong. 2d Sess.
3. Thomas P. O'Neill, Jr. (MA).

MOTION TO COMMIT WITH INSTRUCTIONS OFFERED BY MR. RHODES

Mr. [John J.] RHODES [of Arizona]. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. RHODES moves to commit Senate Concurrent Resolution 126 to the Committee on Rules with instructions that the Committee report the resolution back to the House forthwith with the following amendment:

Strike out "when the House of Representatives adjourns on Thursday, October 2, 1980" and insert in lieu thereof the following, "when the House of Representatives adjourns on the day following the consideration by the House of a second concurrent resolution on the budget for Fiscal Year 1981 pursuant to the provisions of section 305 of Public Law 93-344".

The SPEAKER. The question is on the motion offered by the gentleman from Arizona (Mr. RHODES).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. RHODES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 161, nays 231, not voting 40, as follows:

[Roll No. 614]

*Parliamentarian's Note:* While normally a concurrent resolution of adjournment would not be subject to an amendment making it contingent upon prior legislative action, in this case no germaneness point of order was raised against the contingency.<sup>(4)</sup>

4. See also § 10.9, *supra*, and § 13, *infra*.

**§ 11.3 Although a privileged concurrent resolution providing for an adjournment of the House for more than three days to a day certain is not subject to debate, the Chair may entertain a parliamentary inquiry pending the adoption of the resolution.**

On June 28, 1978,<sup>(1)</sup> the following privileged concurrent resolution was considered and agreed to:

ADJOURNMENT FROM THURSDAY, JUNE 29, 1978 TO MONDAY, JULY 10, 1978

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 654) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 654

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on Thursday, June 29, 1979, it stand adjourned until 12 o'clock meridian on Monday, July 10, 1978.

PARLIAMENTARY INQUIRY

Mr. [Robert E.] BAUMAN [of Maryland]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore.<sup>(2)</sup> The gentleman will state his parliamentary inquiry.

1. 124 CONG. REC. 19390, 95th Cong. 2d Sess.
2. Joseph G. Minish (NJ).



Mr. BAUMAN. Mr. Speaker, do I understand correctly from what the majority leader said previously that the terms of this resolution are such that all Members will have to return to their districts to work and they are not allowed on world junkets or to indulge in any taxpayer financed foreign travel; is that correct?

The SPEAKER pro tempore. The Chair will state that that is not a parliamentary inquiry, but that is what the majority leader implied.

Mr. BAUMAN. I thank the Chair and seriously doubt the majority leader's implication although I endorse it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 11.4 A House concurrent resolution providing for an adjournment of the House to a day certain, with Senate amendments thereto, is laid before the House as privileged by the Speaker.**

On May 23, 1973,<sup>(1)</sup> Speaker Carl Albert, of Oklahoma, laid before the House the following resolution:

ADJOURNMENT OF CONGRESS  
OVER MEMORIAL DAY HOLIDAY

The SPEAKER laid before the House the concurrent resolution (H. Con. Res.

1. 119 CONG. REC. 16804, 93d Cong. 1st Sess.

221) providing for an adjournment of the House from May 24, 1973, until May 29, 1973, together with the Senate amendments thereto.

The clerk read the Senate amendments, as follows:

Page 1, line 4, strike out "1973." and insert: "1973, and that when the Senate adjourns on Wednesday, May 23, 1973, it stand adjourned until 12 o'clock meridian, Tuesday, May 29, 1973."

Amend the title so as to read: "Concurrent resolution providing for the adjournment of the two Houses of Congress over the Memorial Day Holiday."

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

**§ 11.5 The Speaker laid before the House as privileged a House concurrent resolution with a Senate amendment thereto, providing for an adjournment of the two Houses to days certain.**

On Feb. 8, 1973,<sup>(1)</sup> Speaker Carl Albert, of Oklahoma, laid before

1. 119 CONG. REC. 3908, 93d Cong. 1st Sess.

*Parliamentarian's Note:* Under the procedure prior to the 92d Congress, the Majority Leader offered a privileged motion to take the concurrent resolution from the Speaker's table, with the Senate amendment, and to concur in the Senate amendment. Either procedure is appropriate, since the Senate amendments are entitled to privileged consideration in the

the House as privileged House Concurrent Resolution 105. The proceedings were as follows:

ADJOURNMENT OF THE CONGRESS COMMENCING FEBRUARY 8, 1973

The SPEAKER laid before the House the concurrent resolution (H. Con. Res. 105), providing for an adjournment of the House from Thursday, February 8, 1973, to Monday, February 19, 1973, together with the Senate amendment thereto.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, strike out "1973." and insert: "1973, and that when the Senate adjourns on Thursday, February 8, 1973, it stand adjourned until 11 o'clock antemeridian, Thursday, February 15, 1973."

The Senate amendment was concurred in. . . .

A motion to reconsider was laid on the table.

**§ 11.6 A Senate concurrent resolution providing for an adjournment of the Senate to a day certain is laid before the House by the Speaker as privileged and may then be amended by motion to provide for a comparable adjournment by the House.**

House either by motion or by the Speaker putting the question on their adoption.

On Aug. 18, 1972,<sup>(1)</sup> Speaker Carl Albert, of Oklahoma, laid before the House the following privileged Senate concurrent resolution:

ADJOURNMENT OF THE HOUSES FROM AUGUST 18 TO SEPTEMBER 5, 1972

The SPEAKER laid before the House the Senate concurrent resolution (S. Con. Res. 94) providing for an adjournment of the two Houses from August 18, 1972, to September 5, 1972:

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate adjourns on Friday, August 18, 1972, it stand adjourned until 10 o'clock ante meridian on Tuesday, September 5, 1972.

An amendment was then offered from the floor by the Majority Leader:

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'NEILL: Strike out in page 1, line four, "1972.", and insert the following: "1972, and that when the House adjourns on Friday, August 18, 1972, it stand adjourned until 12 noon on Tuesday, September 5, 1972."

The amendment was agreed to.

The Senate concurrent resolution, as amended, was concurred in.

**§ 11.7 A Senate concurrent resolution, providing for an adjournment during the month**

1. 118 CONG. REC. 29136, 92d Cong. 2d Sess.

**of July of the two Houses to a day certain, was called up as privileged.**

On June 30, 1972,<sup>(1)</sup> the Senate concurrent resolution below was called up in the House as privileged and agreed to:

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I call up Senate Concurrent Resolution 88 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 88

*Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Friday, June 30, 1972, they stand adjourned until 12 o'clock noon on Monday, July 17, 1972.*

*Parliamentarian's Note:* Such a concurrent resolution providing for a July adjournment would be liable to a point of order in the House under § 309 of the Congressional Budget Act of 1974, as amended in 1985, if the House has not completed initial action on all general appropriation bills.

**§ 11.8 While a concurrent resolution providing for an adjournment of the House to a day certain is, under the precedents, not debatable, debate under the "one-minute rule" has sometimes**

1. 118 CONG. REC. 23740, 92d Cong. 2d Sess.

**been allowed to proceed by unanimous consent.**

On May 23, 1972,<sup>(1)</sup> Speaker Carl Albert, of Oklahoma, permitted a unanimous-consent request for the Majority Leader to be recognized for one minute while there was pending a House concurrent resolution providing for an adjournment:

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 619) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

*Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, May 24, 1972, it stand adjourned until 12 o'clock meridian, Tuesday, May 30, 1972.*

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. [H. R.] GROSS [of Iowa]. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Iowa. . . .

The SPEAKER. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

On Nov. 6, 1969,<sup>(2)</sup> a privileged concurrent resolution for adjournment was called up. The Speaker

1. 118 CONG. REC. 18545, 18546, 92d Cong. 2d Sess.

2. 115 CONG. REC. 33260, 91st Cong. 1st Sess.

recognized a Member by unanimous consent for one minute:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I again offer the concurrent resolution (H. Con. Res. 441) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 441

*Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, November 6, 1969, it stand adjourned until 12:00 meridian, Wednesday, November 12, 1969.*

Mr. [Durward G.] HALL [of Missouri]. Mr. Speaker—

The SPEAKER.<sup>(3)</sup> Does the gentleman from Missouri desire to be recognized for 1 minute?

Mr. HALL. I do, Mr. Speaker.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HALL. Mr. Speaker, the majority leader has consulted with me since this joint resolution was first brought up today, but I do not yet understand why we adjourned at 12:26 on Monday and why we have had limited debate and bills programmed this week; and why we are not going to work tomorrow but plan to work into the late hours tonight in order to accomplish the completion of the aviation and airport bill under two separate rules, and then we do not plan to meet Monday. Now, surely no one can object to us going over on Armistice Day, but this is November 7, and we approach the yearend. . . .

3. John W. McCormack (MA).

Mr. [H. R.] GROSS [of Iowa] . . .

There is nothing the gentleman from Missouri or the gentleman from Iowa can do that would be effective for it is not within our power to schedule legislation. But we can protest and serve notice that not only for the remainder of this year and certainly at the beginning of next year we can insist that the legislative machinery operate as the citizens of this country expect it to be operated.

The concurrent resolution was agreed to.

**§ 11.9 Although neither a concurrent resolution providing for an adjournment to a day certain nor an amendment thereto are debatable, the Majority Leader was, by unanimous consent, permitted to proceed for one minute.**

On Mar. 26, 1970,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, by unanimous consent, recognized the Majority Leader for one minute while a nondebatable proposed House amendment to a nondebatable House concurrent resolution was pending.

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I call up Senate Concurrent Resolution 59 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

1. 116 CONG. REC. 9467, 9468, 91st Cong. 2d Sess.

## S. CON. RES. 59

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate adjourn on March 26, 1970, it stand in adjournment until 12 o'clock meridian, Tuesday, March 31, 1970.

Mr. ALBERT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBERT: On line 4, page 1, strike out the period and insert: “; and that when the House adjourns on Thursday, March 26, 1970, it stand adjourned until 12 o'clock meridian, Tuesday, March 31, 1970.”

(Mr. Albert asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I rise in support of the amendment.

**§ 11.10 A concurrent resolution providing for an adjournment of the House may be offered as privileged and then withdrawn prior to action thereon.**

On Nov. 6, 1969,<sup>(1)</sup> the following privileged resolution was offered

1. 115 CONG. REC. 33255, 91st Cong. 1st Sess.

*Parliamentarian's Note:* The resolution could have been withdrawn by Mr. Albert without asking unanimous consent since no action had been taken on the resolution. Although a voice vote had been taken, the result had not been finally announced, since the Chair only announced that the ayes “appeared to

in the House by the Majority Leader:

## H. CON. RES. 441

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on Thursday, November 6, 1969, it stand adjourned until 12:00 meridian, Wednesday, November 12, 1969.

The SPEAKER.<sup>(2)</sup> The question is on the concurrent resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. [Durward G.] HALL [of Missouri]. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Missouri objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present.

Mr. HALL. Mr. Speaker, I ask unanimous consent to withdraw the point of order, provided the other request is withdrawn, until other arrangements can be made.

The SPEAKER. The gentleman can withdraw his point of order.

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I ask unanimous consent to withdraw the concurrent resolution temporarily.

have it.” See 5 Hinds' Precedents § 5349, where an announced division vote on a motion to adjourn was superceded by ordering of tellers, thereby rendering the division vote inoperative.

2. John W. McCormack (MA).

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

**§ 11.11 A concurrent resolution providing for adjournment of Congress to a day certain is not debatable.**

On Aug. 28, 1967,<sup>(1)</sup> a Member attempted to debate a concurrent resolution providing for adjournment of Congress to a day certain:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I call up House Concurrent Resolution 497 and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 497

*Resolved by the House of Representatives (the Senate concurring), That the two Houses shall adjourn on Thursday, August 31, 1967, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Monday, September 11, 1967.*

Mr. [H. R.] GROSS [of Iowa]. Mr. Speaker, I move to strike the last word.

The SPEAKER.<sup>(2)</sup> The Chair will state that this is not a debatable resolution. . . .

The concurrent resolution was agreed to.

**§ 11.12 A concurrent resolution providing for an adjourn-**

1. 113 CONG. REC. 24201, 90th Cong. 1st Sess.
2. John W. McCormack (MA).

**ment of the Congress to a day certain is subject to amendment if the previous question has not been ordered.**

On Sept. 22, 1950,<sup>(1)</sup> the Speaker clarified for a Member the circumstances under which an amendment to a concurrent resolution for adjournment to a day certain would be in order:

Mr. [J. Percy] PRIEST [of Tennessee]. Mr. Speaker, I offer a privileged resolution (H. Con. Res. 287), and ask for its immediate consideration.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, September 23, 1950, they stand adjourned until 12 o'clock meridian on Monday, November 27, 1950.*

Mr. PRIEST. Mr. Speaker, I move the previous question.

Mr. [John W.] HESELTON [of Massachusetts]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.<sup>(2)</sup> The gentleman will state it.

Mr. HESELTON. Mr. Speaker, is it possible to offer an amendment to the resolution at this point?

The SPEAKER. Inasmuch as the previous question has been moved, it is not in order; and, of course, if the previous question is ordered, it is not in

1. 96 CONG. REC. 15635, 81st Cong. 2d Sess.
2. Sam Rayburn (TX).

order to offer amendments to the resolution.

Mr. HESELTON. If the previous question is not ordered, then would an amendment be in order?

The SPEAKER. If the previous question is not ordered, then if the gentleman is recognized he may offer an amendment.

The question is on the motion of the gentleman from Tennessee [Mr. PRIEST] for the previous question.

**§ 11.13 A concurrent resolution providing that the two Houses adjourn to a day certain is not operative until agreed to by both, and where the Senate amends the resolution, the amendment is disposed of by privileged motion which requires a quorum for adoption.**

On Mar. 30, 1944,<sup>(1)</sup> the House considered a Senate amendment to a House concurrent resolution adjourning Congress until Apr. 12, 1944:

The SPEAKER pro tempore.<sup>(2)</sup> The Chair lays before the House, House Concurrent Resolution No. 75, with a Senate amendment, which the Clerk will report.

The Clerk read as follows:

Senate amendment: On page 2, line 3, strike out "Thursday, March 30" and insert "Saturday, April 1."

1. 90 CONG. REC. 3318, 78th Cong. 2d Sess.
2. John W. McCormack (MA).

Amend the title so as to read: "Concurrent resolution providing for the adjournment of Congress from Saturday, April 1, 1944, to Wednesday, April 12, 1944."

The SPEAKER pro tempore. Without objection, the amendment is agreed to.

Mr. [Clare E.] HOFFMAN [of Michigan]. Mr. Speaker, reserving the right to object, I make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. What is the procedure?

Mr. [Robert] RAMSPECK [of Georgia]. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. HOFFMAN. Well, Mr. Speaker, I object.

The SPEAKER pro tempore. Is the gentleman propounding a parliamentary inquiry?

Mr. HOFFMAN. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. What is the procedure on this resolution?

The SPEAKER pro tempore. It is a privileged resolution, and the procedure would be for some Member—and the gentleman from Georgia [Mr. RAMSPECK] has done so—to make a motion that the House concur in the Senate amendment.

Mr. HOFFMAN. And then a vote is taken on the motion?

The SPEAKER pro tempore. That is correct.

Mr. HOFFMAN. Does that require a quorum?

The SPEAKER pro tempore. Any action by the House requires a quorum if

the one who takes such step raises that question.

Mr. [John E.] RANKIN [of Mississippi]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANKIN. As I understand the situation, whether there is a quorum present or not, unless this amendment is agreed to the resolution does not become final until this amendment is disposed of. That is correct, is it not?

The SPEAKER pro tempore. The gentleman is correct.

Mr. RANKIN. And therefore we would not be in a position to recess for the time mentioned until this amendment is disposed of one way or the other.

The SPEAKER pro tempore. The understanding of the Chair is the same as that of the gentleman from Mississippi.

The gentleman from Georgia moves that the House concur in the Senate amendment.

The question is on the motion of the gentleman from Georgia.

Mr. HOFFMAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Mr. HOFFMAN. Mr. Speaker, I withdraw the point of no quorum for the time being.

The SPEAKER pro tempore. Without objection, further consideration of the concurrent resolution (H. Con. Res. 75) will be withdrawn.

There was no objection.

*Parliamentarian's Note:* The Speaker pro tempore, having laid

the Senate amendment before the House as privileged, could have withdrawn it as a matter of right without unanimous consent since no action had been taken thereon.

## § 12. August Recess

The Legislative Reorganization Act of 1970 provides for a *sine die* adjournment, or (in an odd-numbered year) for an adjournment of slightly over a month (from that Friday in August which is at least 30 days before Labor Day to the Wednesday following Labor Day) unless the Nation is in a state of war, declared by Congress.<sup>(1)</sup> Prior to that revision, the 1946 Legislative Reorganization Act provided for adjournment *sine die* of the two Houses not later than the last day of July each year, except during time of war or a national emergency proclaimed by the President. Presidentially declared emergencies negated operation of the provision.<sup>(2)</sup>

Congress may waive the current requirement and make other determinations regarding its August adjournment.<sup>(3)</sup> In an odd-numbered year a concurrent resolution

1. 84 Stat. 11140 § 461(b). See also *House Rules and Manual* § 1106 (2007).

2. See § 6.2, *supra*, and § 16, *infra*.

3. *House Rules and Manual* § 84 (2007).



conforming to this requirement is called up as privileged and requires a yeas and nays vote for adoption<sup>(4)</sup> and is not debatable,<sup>(5)</sup> but the House may adjourn by simple motion on July 31 to meet on Aug. 1, and so the statute has no binding effect absent subsequent action.<sup>(6)</sup> In even-numbered and some odd-numbered years, the House has agreed to concurrent resolutions waiving the provisions of this law to provide that the two Houses shall not adjourn for more than three days or *sine die* until they have adopted a concurrent resolution to that effect.<sup>(7)</sup> To obviate the requirement of a concurrent resolution waiving the requirement, the House has included the language “in consonance with section 132(a)” in its concurrent resolution providing for an August adjournment.<sup>(8)</sup>

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**§ 12.1 The House adopted an “August recess” resolution by the yeas and nays, “in consonance with” §132 of the Legislative Reorganization**

4. See §§ 12.2, 12.5, *infra*.
5. See § 12.2, *infra*. See also *House Rules and Manual* § 1106 (2007).
6. See § 12.3, *infra*.
7. *House Rules and Manual* § 1106 (2007).
8. See § 12.1, *infra*. See also *House Rules and Manual* § 1106 (2007).

**Act of 1946, on July 31 of an odd-numbered year requiring a roll call vote.**

On July 31, 1997,<sup>(1)</sup> the House adopted the following concurrent resolution:

PROVDING FOR ADJOURNMENT OF THE HOUSE FROM AUGUST 1, OR AUGUST 2, 1997, TO SEPTEMBER 3, 1997, AND ADJOURNMENT OR RECESS OF THE SENATE FROM JULY 31, AUGUST 1, OR AUGUST 2, 1997, TO SEPTEMBER 2, 1997

Mr. [Porter J.] GOSS [of Florida]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 136) and I ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 136

*Resolved by the House of Representatives (the Senate concurring),* That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Friday, August 1, 1997 or Saturday, August 2, 1997, pursuant to a motion made by the majority leader or his designee, it stand adjourned until noon on Wednesday, September 3, 1997, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, July 31, 1997, Friday, August 1, 1997, or Saturday, August 2, 1997, pursuant to a motion made by the majority leader

1. 143 CONG. REC. 17018, 105th Cong. 1st Sess.

or his designee in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Tuesday, September 2, 1997, or until such time on that day as may be specified by the majority leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore (Mr. LAHOOD).<sup>(2)</sup> Pursuant to section 132 of the Legislative Reorganization Act of 1946, as amended, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 16, not voting 15, as follows:

[Roll No. 351] . . .

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

*Parliamentarian's Note:* § 132 of the Legislative Reorganization Act of 1946 provides that “unless otherwise provided by the Congress, the two houses shall (1) adjourn *sine die* not later than July

2. Ray LaHood (IL).

31 of each year; or (2) in the case of an odd-numbered year, provide, not later than July 31 of such year, by concurrent resolution adopted in each house by rollcall vote, for [an August recess].” Consideration of the adjournment resolution on July 31 meant that (1) the resolution could be treated as privileged; (2) the question of adopting the resolution required a roll call vote; and (3) a concurrent resolution permitting the two Houses to remain in session beyond July 31 in an odd-numbered year was not necessary.<sup>(3)</sup>

**§ 12.2 Pursuant to the Legislative Reorganization Act of 1946, as amended, a concurrent resolution providing in an odd-numbered year for an adjournment for the month of August or until sooner recalled by the joint leadership is called up as privileged, is**

3. For forms of resolutions permitting the two Houses to remain in session beyond July 31 in an odd-numbered year, see, *e.g.*, § 12.2, *infra*, and 141 CONG. REC. 21223, 104th Cong. 1st Sess., July 31, 1995. Notwithstanding the ostensible requirements of § 132, the House could adjourn by simple motion on July 31 to meet on Aug. 1 of an odd-numbered year. See § 12.3, *infra*.

For discussion of the *sine die* requirement in even-numbered years, see § 16, *infra*.

**not debatable, and requires a yeas and nays vote for adoption if considered prior to Aug. 1.**

On July 31, 1991,<sup>(1)</sup> the following privileged concurrent resolution was laid before the House:

ADJOURNMENT OF THE HOUSE  
FROM FRIDAY, AUGUST 2, SATURDAY,  
AUGUST 3, SUNDAY, AUGUST 4, OR MONDAY,  
AUGUST 5, 1991, TO WEDNESDAY,  
SEPTEMBER 11, 1991

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 191) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 191

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on Friday, August 2, Saturday, August 3, Sunday, August 4, or Monday, August 5, 1991, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand adjourned until noon on Wednesday, September 11, 1991, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble whenever, in their opinion, the public interest shall warrant it.

1. 137 CONG. REC. 20675, 20676, 102d Cong. 1st Sess.

PARLIAMENTARY INQUIRY

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER.<sup>(2)</sup> The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, is the resolution before the House debatable?

The SPEAKER. No. The Chair will tell the gentleman, it is not debatable. The vote must be taken by the yeas and nays.

Mr. WALKER. The vote must be taken by the yeas and nays, but the resolution is not subject to an hour's debate?

The SPEAKER. The resolution is not subject to an hour's debate, the gentleman is correct.

Mr. WALKER. Mr. Speaker, I thank the Chair.

The SPEAKER. Under the statute, this vote must be taken by the yeas and nays.

The question is on the concurrent resolution.

The vote was taken by electronic device, and there were—yeas 406, nays 16, not voting 11, as follows:

[Roll No. 246] . . .

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MONTGOMERY).<sup>(3)</sup> Without objection, a motion to reconsider is laid on the table.

Mr. WALKER. Mr. Speaker, I object.

2. Thomas S. Foley (WA).

3. G. V. (Sonny) Montgomery (MS).

The SPEAKER pro tempore. Objection is heard.

Ms. [Louise M.] SLAUGHTER of New York. Mr. Speaker, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. [Peter H.] KOSTMAYER [of Pennsylvania]. Mr. Speaker, I move that the motion to reconsider be laid on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. KOSTMAYER], to lay on the table the motion offered by the gentleman [sic] from New York [Mr. [sic] SLAUGHTER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand tellers.

Mr. [Harold L.] VOLKMER [of Missouri]. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The demand for the yeas and nays takes precedence.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 22, not voting 20, as follows:

[Roll No. 247]

§ 12.3 Each House may, under the Constitution, by simple motion on July 31 adjourn “from day to day” to meet on Aug. 1, unless provided otherwise by concurrent resolution in accordance with a law requiring an “August recess”.

On July 31, 1991,<sup>(1)</sup> the following proceedings occurred:

ADJOURNMENT

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore.<sup>(2)</sup> The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. [Dan] ROSTENKOWSKI [of Illinois]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 342, nays 70, not voting 21, as follows:

[Roll No. 248] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 7 o'clock and 10 minutes p.m.) under the Constitution, the House adjourned until tomorrow, Thursday, August 1, 1991, at 10 a.m.

§ 12.4 By unanimous consent, the House considered, and by voice vote agreed to, a concurrent resolution providing, notwithstanding the requirements of the Legislative Reorganization Act of 1970<sup>(1)</sup>

1. 137 CONG. REC. 20677, 20678, 102d Cong. 1st Sess.
2. G. V. (Sonny) Montgomery (MS).
1. 2 USC § 198.

**that the two Houses adopt, not later than July 31 of an odd-numbered year by roll call vote, a concurrent resolution adjourning for August, that the House and the Senate shall not adjourn for more than three days or *sine die* until they have adopted a subsequent concurrent resolution to that effect.**

On July 29, 1987,<sup>(2)</sup> the Majority Leader called up by unanimous consent House Concurrent Resolution 170, waiving the requirement of the Legislative Reorganization Act of 1970 for “August recess” by roll call by July 31:

RELATIVE TO ADJOURNMENT  
TO A DATE CERTAIN DURING  
THE REMAINDER OF THE  
100TH CONGRESS

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 170), and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore (Mr. TRAXLER).<sup>(3)</sup> The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 170

*Resolved by the House of Representatives (the Senate concurring), That notwithstanding the provisions*

2. 133 CONG. REC. 21459, 21460, 100th Cong. 1st Sess.
3. Bob Traxler (MI).

of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the House of Representatives and the Senate shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses to Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain or for adjournment sine die.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. [Robert H.] MICHEL [of Illinois]. Mr. Speaker, reserving the right to object, and I do not intend to object, but might I just use this opportunity to ask the gentleman from Washington [Mr. FOLEY], the distinguished majority leader, how the program unfolds for the balance of this day and tomorrow?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, it is hoped that we will adopt this resolution which dispenses with the statutory July 31 sine die adjournment of the act, an anachronism unfortunately of other years and times but still a part of the law.

After we dispose of this matter, we have no legislative program for tonight. Tomorrow we will continue to consider Price-Anderson, and we would hope to conclude at a fairly early hour tomorrow. . . .

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, reserving the right to object, if we would fail to pass the resolution before the House, would

the Congress actually have to adjourn as of the end of this month?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding.

That is an interesting question. The gentleman always asks interesting questions.

I do not have a very interesting answer.

Mr. WALKER. I would say to the gentleman that I have many constituents who think the country would be better off if in fact we lived within the law.

Mr. FOLEY. I know there is another theory that a former distinguished Member of the other body, Senator Anderson, held; and that was that the worst mistake that was ever made by the Congress in this century was to air-condition the Capitol in 1938.

Since we are now air-conditioned, and since this is unfortunately a legal anachronism, we would hope that the Members would treat it as such and not attempt to take a premature departure from the legislative business.

Mr. WALKER. Further reserving the right to object, why do we not just repeal the anachronism? It seems to me it would make far more sense rather than go through this exercise, if in fact it would cause major problems for the House to carry out what is in the law.

Mr. FOLEY. I think that is an excellent suggestion, and it was the subject of discussion between the distinguished Republican leader and myself just before this matter was brought forward.

I think we are in essential agreement that it should be repealed; and except for the proper procedures, I would not want to try to do it tonight.

The gentleman's suggestion is very well taken. It is a total anachronism and should be repealed.

Not to engage in further anecdotes, but there was a former Member of this body, I am told, who always adjourned himself personally on the 31st of July in accordance with the statute not regarding the action of the House or the other body.

The Member used to go to the well and say that it was his purpose to obey the law as well as to make it; and since the statute was in existence, he hereby adjourned himself sine die.

The distinguished gentleman died in office.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding.

That gentleman was from my home State of Illinois, and used to sit invariably right where the gentleman from Pennsylvania [Mr. GEKAS] is sitting now.

The gentleman's name is Noah Mason, a former schoolteacher, very precise; and I can just about mimic him perfectly as he used to get up, as you indicated, on the floor and say, "Mr. Speaker, it is July 31, and I just want to inform the membership that this Member is going to abide by the law and return to his home district for the benefit of his constituents" and so forth like that.

□ 1740

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

*Parliamentarian's Note:* While Rep. Foley did not directly respond to Rep. Walker's question whether Congress would be forced to adjourn at the end of July absent adoption of this concurrent resolution, it has been the consistent opinion of House and Senate Parliamentarians that the constitutional requirement that neither House can adjourn for more than three days without the consent of the other (by concurrent resolution) would mandate that the House and Senate would not be forced to adjourn *sine die* under this law. Indeed, each House could by simple motion adjourn overnight to meet on Aug. 1 or could by unanimous consent or motion adjourn for not more than three days. Neither House has treated § 132 as the equivalent of a *sine die* adjournment resolution adopted by both Houses, since no message is transmitted between the two Houses establishing that date as the *sine die* adjournment

day and essentially because the enactment of such a rule separately in each House does not constitute contemporaneous "consent" within the meaning of art. I, § 5 of the Constitution. Absent specific incorporation by both Houses of such statutory provisions enacted in a prior Congress, constituting contemporaneous consent in the current Congress, the Parliamentarians agreed that no point of order would lie against a motion on July 31<sup>(4)</sup> to adjourn overnight absent adoption of a § 132 concurrent resolution, and that language is directory and not mandatory in nature. Since it is not mandatory, no privilege need be attached to the § 132 concurrent resolution described herein permitting the two Houses to remain in session. In the 101st Congress, the House did pass a joint resolution reported from the Committee on Rules repealing this statutory requirement, but the Senate did not act on the measure.<sup>(5)</sup>

**§ 12.5 A Senate concurrent resolution providing for an adjournment of the two Houses from the first Friday in August until the second day after Labor Day in an odd-**

4. See § 12.3, *supra*.

5. See 136 CONG. REC. 20178, 20179, 101st Cong. 2d Sess., July 27, 1990 (H.J. Res. 7).

**numbered year (see 2 USC § 198), or until notified to reassemble pursuant to a joint agreement of the majority or minority leadership of the two Houses, requires a yeas and nays vote for adoption.**

On July 30, 1973,<sup>(1)</sup> the House adopted the following concurrent resolution, called up as privileged from the Speaker's table by the Majority Leader:

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I call up the Senate concurrent resolution (S. Con. Res. 42) providing for a conditional adjournment of the two Houses from August 3 until September 5, 1973, and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 42

*Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Friday, August 3, 1973, they shall stand adjourned until 12:00 noon on Wednesday, September 5, 1973, or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.*

SEC. 2. The President pro tempore of the Senate and the Speaker of the House of Representatives shall notify the Members of the Senate and the House, respectively, to reassemble whenever in their opinion legislative expediency shall warrant it or when-

1. 119 CONG. REC. 26657, 26658, 93d Cong. 1st Sess.

ever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

The SPEAKER.<sup>(2)</sup> The question is on concurring in the Senate concurrent resolution. Under the rules of the House, this vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 370, nays, 22, not voting 41, as follows:

[Roll No. 401] . . .

So the concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

*Parliamentarian's Note:* Beginning in 1976, this joint minority leadership recall provision was eliminated from concurrent resolutions providing joint House-Senate recall authority in subsequent Congresses, where the minority role was consultative only.

**§ 12.6 The vote on a House concurrent resolution providing for an adjournment of the two Houses for the August recess in an odd-numbered year must be taken by the yeas and nays.**

2. Carl Albert (OK).



On July 30, 1971,<sup>(1)</sup> the House adopted the concurrent resolution called up as privileged by the Majority Leader, the Speaker indicating that a roll call vote was required under the applicable statute, 2 USC § 198:

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 384) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 384

*Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, August 6, 1971, they stand adjourned until 12 o'clock meridian on Wednesday, September 8, 1971.*

The SPEAKER.<sup>(2)</sup> Under the rules and under the law, this vote must be taken by the yeas and nays.

The question is on the resolution.

The question was taken; and there were—yeas 334, nays 41, not voting 58, as follows:

[Roll No. 224] . . .

So the concurrent resolution was agreed to. . . .

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

1. 117 CONG. REC. 28332, 92d Cong. 1st Sess.
2. Carl Albert (OK).

### § 13. Conditional Adjournments; Recall

On occasion, a concurrent resolution (or a Senate amendment to a concurrent resolution) providing for adjournment to a date certain included a condition that a designated legislative action first be completed before a motion to adjourn pursuant to the resolution could be offered.<sup>(1)</sup> Inclusion of such a condition does not destroy the privilege of the resolution (or of the Senate amendment). Such a condition, when included in the original text of the resolution (or Senate amendment), is to be distinguished from an amendment offered from the floor to a concurrent resolution which does not have such a contingency, where the amendment proposes to render the adjournment authority provided in the resolution contingent upon completion of a legislative action. In such a case, the proposed amendment would be subject to a point of order as not being germane to the pending concurrent resolution.<sup>(2)</sup>

The two Houses have adjourned to a date certain, with a provision that they may be reassembled earlier by the joint leadership (the Speaker and Majority Leader of

1. See § 10.9, *supra*.
2. See § 11.2, *supra*.

the Senate, acting jointly, upon consultation with the two Minority Leaders), subject to a stated standard for the decision to reassemble early. The standards used for such a decision to reassemble early have included “if legislative expedience so requires” and “wherever the public interest shall warrant it.”<sup>(3)</sup> The two Houses have adjourned to a date certain with a provision that the House be subject to recall by the Speaker. A concurrent resolution may provide that the Senate shall adjourn to a date certain after it has disposed of a certain bill.<sup>(4)</sup> Such recall authority may allow the respective designees of the Senate Majority Leader and the Speaker to reassemble.

In the 78th and 79th Congresses, the two Houses adopted concurrent resolutions adjourning to dates certain for “summer recesses” with leadership recall provisions permitting either the Speaker and President of the Senate acting jointly for legislative expediency, or the Majority Leaders of the two Houses, acting jointly, or the Minority Leaders of the two Houses, acting jointly, to request the consideration of legislation.<sup>(5)</sup> In the 79th Congress, the

form was varied to provide for alternative dates of Senate adjournment during the months of August and September until the same date certain as the House.<sup>(6)</sup>

In the 80th Congress, the form of the concurrent resolution was varied to eliminate the ability of the Minority Leaders of the two Houses, acting jointly, to reconvene the two Houses during a lengthy adjournment to a date certain (from the end of July to the day prior to the expiration of that session in January) authorizing only the presiding officers and the Majority Leaders, all acting jointly, to recall the two Houses where the public interest shall warrant.<sup>(7)</sup> In 1974, the two Houses, on one occasion again provided for minority leadership joint recall during an adjournment to a date certain.<sup>(8)</sup>

On an occasion in 1947, the House was required to amend the Senate concurrent resolution since it had assumed an adjournment on the calendar day of July 26, 1947, and the two Houses had remained in session beyond midnight.<sup>(9)</sup> The modern form of concurrent resolutions provides for adjournments on the “legislative

3. See, e.g., § 13.1, *infra*.

4. See § 10.9, *supra*.

5. See § 13.4, *infra*.

6. See § 13.3, *infra*.

7. See § 13.2, *infra*.

8. See § 13.7, *infra*.

9. See § 13.2, *infra*.

day of” a specified date, in order to account for this possibility and avoid the necessity for an amendment.<sup>(10)</sup>

The 1947 precedent was the first use of leadership recall language wherein the two Houses had shifted political majorities to the party opposite that of the President, and the ability of the President’s minority party leadership to accomplish a joint recall contained in resolutions of the previous two Congresses was eliminated. Thus, President Truman, desiring to recall the two Houses on Nov. 17, 1947, did so by Presidential Proclamation issued Oct. 23, 1947, pursuant to Article I of the Constitution. The session was considered a continuation of the first session of the 80th Congress, rather than an extra special session, because the two Houses had adjourned to a date certain of Jan. 2, 1948, rather than *sine die*. This is in contrast with the reconvening of the Congress by proclamation of President Franklin D. Roosevelt on Sept. 13, 1939, in “extra session”, where the Houses had previously adjourned *sine die* until the next regular session in Jan. 1940.

From the 81st Congress until the 91st Congress, leadership re-

10. See § 13.6, *infra*.

call provisions were not included in concurrent resolutions of adjournment, either to a date certain or *sine die*. Then on July 20, 1970,<sup>(11)</sup> the House and Senate for the first time adopted an “August recess” concurrent resolution authorizing the Speaker to recall the House if legislative expedience so warranted. That single House recall authority was not again contained in a concurrent resolution of adjournment until 1998, when the two Houses adjourned *sine die* on Oct. 20, 1998,<sup>(12)</sup> but also provided for alternative joint leadership recall authority of the two Houses by the two majority leaderships or for a House-only recall by the Speaker in the event the public interest warranted it. That recall authority, of a “lame duck” session of the House, was exercised by Speaker Newt Gingrich, of Georgia, to reassemble the House on Dec. 17, 1998,<sup>(13)</sup> to consider four Articles of Impeachment of President William J. Clinton that had been reported by the Committee on the Judiciary.<sup>(14)</sup>

Joint leadership recall authority was not exercised pursuant to authority provided in a concurrent

11. See § 13.1, *infra*.

12. See § 15.3, *infra*.

13. See § 15.2, *infra*.

14. See § 15, *infra*, for discussion of recall provisions included in *sine die* adjournment concurrent resolutions.

resolution of adjournment until the 109th Congress, when such authority was used twice during the first session. The first instance was on Mar. 20, 2005, when the House was recalled during an adjournment to a date certain (the Senate having remained in session).<sup>(15)</sup> The second instance was on Sept. 2, 2005, during the annual “August recess”, when the two Houses were reconvened (on consecutive days), to consider emergency appropriations legislation for disaster relief arising from Hurricane Katrina on Aug. 29, 2005.<sup>(16)</sup>

**§ 13.1 A concurrent resolution, providing for an adjournment of the House to a date certain or to such earlier date as the House is reassembled by the Speaker, is called up as privileged.**

On July 20, 1970,<sup>(1)</sup> the following privileged concurrent resolution was called up by the Majority Leader:

PROVIDING FOR ADJOURNMENT  
FROM FRIDAY, AUGUST 14, TO  
WEDNESDAY, SEPTEMBER 9

Mr. [Carl] ALBERT [of Oklahoma].  
Mr. Speaker, I offer a privileged con-

15. See § 13.11, *infra*.

16. See § 13.12, *infra*.

1. 116 CONG. REC. 24978, 91st Cong. 2d Sess.

current resolution (H. Con. Res. 689) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 689

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on Friday, August 14, 1970, it shall stand adjourned until 12 o'clock on Wednesday, September 9, 1970, or until 12 o'clock meridian on the third day after Members are notified to reassemble pursuant to provisions of section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. At any time during this adjournment of the House, whenever the Speaker of the House determines that legislative expediency so warrants, he shall notify the Members of the House to reassemble.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

*Parliamentarian's Note:* The House subsequently, on Aug. 10, 1970,<sup>(2)</sup> agreed to a Senate amendment to that concurrent resolution providing for a shorter adjournment of the Senate to a date certain and leaving unamended the House-only recall authority. This is the first instance of Speaker House-only recall authority.

**§ 13.2 The House amended a Senate concurrent resolution to provide that the two**

2. *Id.* at p. 28037.

**Houses adjourn from the calendar day of Sunday, July 27, 1947, until Jan. 2, 1948, and providing authority for the joint majority leadership to reassemble the two Houses if legislative expediency shall so warrant it.**

On July 26, 1947,<sup>(1)</sup> the following Senate concurrent resolution was laid before the House:

ADJOURNMENT RESOLUTION

The SPEAKER.<sup>(2)</sup> The Chair lays before the House a Senate concurrent resolution (S. Con. Res. 33), which the Clerk will report.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Saturday, July 26, 1947, they shall stand adjourned until 12 o'clock meridian on Friday, January 2, 1948, or until 12 o'clock meridian on the third day after the respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.*

SEC. 2. The President pro tempore of the Senate, the Speaker of the House of Representatives, the majority leader of the Senate, and the majority leader of the House of Representatives, all acting jointly, shall notify the Members of the Senate and the House respectively, to reas-

semble whenever, in their opinion, the public interest shall warrant it.

The resolution was agreed to.

A motion to reconsider was laid on the table. . . .

ADJOURNMENT RESOLUTION

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the House concurred in Senate Concurrent Resolution 33.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I offer an amendment to Senate Concurrent Resolution 33 and ask for its immediate consideration.

The Clerk read as follows:

Amendment offered by Mr. HALLECK: On page 1 of the amendment strike out "Saturday, July 26, 1947" and insert "Sunday, July 27, 1947."

The amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

*Parliamentarian's Note:* The need for this amendment changing the calendar day is obviated in modern practice by using "legislative days," rather than calendar days, in the original resolution, thereby allowing the House to recess or otherwise remain in session beyond midnight while still remaining in the same legislative day.

1. 93 CONG. REC. 10521, 80th Cong. 1st Sess. See also 94 CONG. REC. 10247, 80th Cong. 2d Sess., Aug. 7, 1948 (H. Con. Res. 222), and 94 CONG. REC. 9348, 80th Cong. 2d Sess., June 19, 1948 (H. Con. Res. 218).
2. Joseph W. Martin, Jr. (MA).

**§ 13.3 The House agreed to a concurrent resolution providing that the House adjourn from July 21, 1945, to Oct. 8, 1945, giving consent to the Senate to adjourn during the month of August or September until that same date, and making provision for the reassembling of the two Houses upon joint recall from majority or minority leaders if legislative expediency shall so warrant it.**

On July 18, 1945,<sup>(1)</sup> the Majority Leader offered the following concurrent resolution:

ADJOURNMENT OF THE HOUSE UNTIL  
OCTOBER 8, 1945

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I offer a privileged resolution (H. Con. Res. 68) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on Saturday, July 21, 1945, it stand adjourned until 12 o'clock meridian on Monday, October 8, 1945, or until 12 o'clock meridian on the third day after Members are notified to reassemble in accordance with section 3 of this concurrent resolution, whichever occurs first.

1. 91 CONG. REC. 7733, 7734, 79th Cong. 1st Sess. See also 90 CONG. REC. 8108, 8109, 78th Cong. 2d Sess., Sept. 21, 1944 (S. Con. Res. 54).

SEC. 2. That the consent of the House of Representatives is hereby given to an adjournment of the Senate at any time during the month of August or September, 1945, until 12 o'clock meridian on Monday, October 8, 1945, or until 12 o'clock meridian on the third day after Members are notified to reassemble in accordance with section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The President pro tempore of the Senate and the Speaker of the House of Representatives shall notify the Members of the Senate and the House, respectively, to reassemble whenever in their opinion legislative expediency shall warrant it or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation. . . .

The resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 13.4 The House agreed to a Senate concurrent resolution providing for adjournment of the two Houses from July 8, 1943, to Sept. 14, 1943, or until a time when Members were notified to reassemble in accordance with a process set out therein for presiding officers or majority or minority party leaders acting jointly to recall them if legislative expediency so warranted.**

On July 8, 1943,<sup>(1)</sup> the following Senate concurrent resolution was called up by unanimous consent in the House:

## ADJOURNMENT RESOLUTION

Mr. [Robert] RAMSPECK [of Georgia]. Mr. Speaker, I call up Senate Concurrent Resolution 17.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Thursday, July 8, 1943, they shall stand adjourned until 12 o'clock meridian on Tuesday, September 14, 1943, or until 12 o'clock meridian on the third day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.*

SEC. 2. The President of the Senate and the Speaker of the House of Representatives shall notify the Members of the Senate and the House, respectively, to reassemble whenever in their opinion legislative expediency shall warrant it or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

Mr. RAMSPECK. Mr. Speaker, I move the previous question on the resolution.

Mr. [John E.] RANKIN [of Mississippi]. Mr. Speaker, I offer an amendment.

The SPEAKER.<sup>(2)</sup> The question is on ordering the previous question.

The previous question was ordered.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table. . . .

*Parliamentarian's Note:* Because the motion for the previous question took precedence over an amendment, Rep. Rankin was unable to offer an amendment and was relegated to a subsequent explanation<sup>(3)</sup> of his intent, as follows:

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until September 14, 1943, the Clerk of the House be authorized to receive messages from the Senate.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, I wish to explain to the House that the amendment which I proposed to offer a moment ago provided for striking out the words "September 14" in the adjournment resolution and inserting the date of "August 10." In my opinion, Congress is making a serious mistake in adjourning for 2 months in view of the critical conditions now facing the country.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

1. 89 CONG. REC. 7516, 78th Cong. 1st Sess. See also 90 CONG. REC. 6667, 78th Cong. 2d Sess., June 23, 1944.

2. Sam Rayburn (TX).

3. 89 CONG. REC. 7516, 78th Cong. 1st Sess., July 8, 1943.

***Recall Authority***

**§ 13.5 The House concurred in a Senate concurrent resolution (rendered nonprivileged by § 309 of the Budget Act for noncompletion of House action on 13 regular general appropriation bills but considered pursuant to a special order from the Committee on Rules) providing for adjournment (or recess) for more than three days (1) of the House, from a specific legislative day in July to a date certain in September, and (2) of the Senate, from alternate departure dates to a date certain, each subject to joint leadership recall by the Speaker and the Majority Leader or their designees whom the Speaker then named.<sup>(1)</sup>**

On July 26, 2002,<sup>(2)</sup> the Speaker pro tempore laid before the House the following Senate concurrent resolution:

PROVIDING FOR CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE AND ADJOURNMENT OF THE HOUSE

The SPEAKER pro tempore (Mr. SIMPSON).<sup>(3)</sup> Pursuant to section 2 of

1. See also § 15.12, *infra*.
2. 148 CONG. REC. 15138, 15139, 107th Cong. 2d Sess.
3. Michael K. Simpson (ID).

House Resolution 461, the Chair lays before the House the following Senate concurrent resolution:

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 132

*Resolved by the Senate (the House of Representatives concurring),* That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on Thursday, August 1, 2002, Friday, August 2, 2002, or Saturday, August 3, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Tuesday, September 3, 2002, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Friday, July 26, 2002, on a motion offered by its Majority Leader or his designee pursuant to this concurrent resolution, it stand adjourned until 2:00 p.m. on Wednesday, September 4, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.



A motion to reconsider was laid on the table.

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#### RECALL DESIGNEE

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

WASHINGTON, DC,  
July 27, 2002.

Pursuant to section 2 of Senate Concurrent Resolution 132, I hereby designate Representative RICHARD K. ARMEY of Texas to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and the Senate, respectively, of any reassembly under that concurrent resolution. In the event of the death or inability of my designee, the alternate Members of the House listed in the letter bearing this date that I have placed with the Clerk are designated, in turn, for the same purpose.

J. DENNIS HASTERT,  
*Speaker of the House of  
Representatives.*

*Parliamentarian's Note:* Because the Senate concurrent resolution provided for an adjournment in July, it was in violation of § 309 of the Congressional Budget Act of 1974 and hence was not privileged for consideration in the House. It did not require the yeas and nays since consideration was in an even-numbered year. On June 27, 2002,<sup>(4)</sup> the House adopted House

4. 148 CONG. REC. 11754, 107th Cong. 2d Sess.

Resolution 461, a special order reported from the Committee on Rules, providing as follows:

SEC. 2. That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for adjournment of the House and Senate during the month of July.

The special order was necessary to waive points of order against Senate Concurrent Resolution 132 as in violation of § 309 of the Budget Act.

**§ 13.6 In October 2001, after the “9/11” terrorist attacks, the “recall” language in a concurrent resolution of adjournment included for the first time a “place” element (in addition to the customary “time” element) to authorize, during adjournment to a date certain, a joint recall to another place (other than the seat of Government) consistent with clause 4 of § 5 of Article I of the Constitution.**

On Oct. 17, 2001,<sup>(1)</sup> the following privileged concurrent resolution was offered by the Majority Leader:

1. 147 CONG. REC. 20210, 20211, 107th Cong. 1st Sess.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM WEDNESDAY, OCTOBER 17, 2001, TO TUESDAY, OCTOBER 23, 2001, AND FOR CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE FROM WEDNESDAY, OCTOBER 17, 2001, OR THURSDAY, OCTOBER 18, 2001, TO TUESDAY, OCTOBER 23, 2001

Mr. [Richard K.] ARMEY [of Texas]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 251) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 251

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Wednesday, October 17, 2001, it stand adjourned until 12:30 p.m. on Tuesday, October 23, 2001, for morning hour debate, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Wednesday, October 17, 2001, or Thursday, October 18, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 10 a.m. on Tuesday, October 23, 2001, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the

House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassembly at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 13.7 The House concurred in Senate amendments to a House concurrent resolution adding Senate adjournment dates and inserting joint Presiding Officer or separate joint majority or minority leadership recall authority.**

On Apr. 11, 1974,<sup>(1)</sup> the following proceedings occurred in the House:

PROVIDING FOR ADJOURNMENT OF THE CONGRESS FROM APRIL 11, 1974, UNTIL APRIL 22, 1974

The SPEAKER laid before the House the concurrent resolution (H. Con. Res. 475), providing for a conditional adjournment of the House from April 11 until April 22, 1974, with the Senate amendments thereto.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Page 1, strike out line 2 and insert: "when the two Houses adjourn

1. 120 CONG. REC. 10775, 93d Cong. 2d Sess.

on Thursday, April 11, 1974, they stand”.

Page 1, line 4, strike out “its Members” and insert: “their respective Members”.

Page 1, strike out lines 7 to 13, inclusive, and insert:

“SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate, and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.”

Amend the title so as to read: “Concurrent resolution providing for a conditional adjournment of the House and Senate from April 11 until April 22, 1974.”

The Senate amendments were concurred in.

The concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

*Parliamentarian’s Note:* The customary practice in preparing an adjournment resolution is for the leadership of the originating House, after consultation with the leadership of the other House, to include in the resolution alternative or joint adjournment and reconvening dates for both Houses so as to avoid the necessity for amendment by the second House.

However, in the instance set forth above, the House originated the concurrent resolution with no Senate dates and without joint recall authority.

### *Theresa Schiavo*

**§ 13.8 The Senate reconvened on a date earlier than the date to which it had adjourned, such reconvening being ordered under authority previously provided the joint Senate leadership in a Senate resolution of the previous Congress which remained in place as a standing order of the Senate.**

*Parliamentarian’s Note:* In March 2005, during the 109th Congress, as the time for the beginning of the scheduled two-week Easter recess neared, the two Houses became embroiled in events surrounding legal challenges to the removal of life support from a woman in Florida named Theresa Marie Schiavo.

Each of the two Houses had adjourned on Thursday, Mar. 17, to meet on Monday, Mar. 21. The adjournment of the House to Monday, Mar. 21, was conditional: if it sooner received a message transmitting the Senate’s adoption of a concurrent resolution of adjournment originated by the House on that Thursday, then it would have

stood adjourned pursuant to that concurrent resolution. However, the Senate had adjourned without having adopted the adjournment resolution originated by the House.

As Ms. Schiavo's chances for survival decreased daily, pressure built on both Houses to reconvene over the weekend to consider legislation relating to her circumstances.

During the previous year, the Senate had adopted a resolution (S. Res. 296 of the 108th Congress) authorizing its Majority and Minority Leaders, acting jointly, to "modify any order for the time or place of the convening of the Senate" when "such action is warranted by intervening circumstances." (This resolution was adopted by the Senate without advance notice to or consultation with the House, resulting in concern by the House leadership that the Senate might use the authority provided in the Senate resolution to vary the duration of a Senate adjournment of more than three days to which the House had given its consent through adoption of a concurrent resolution. The Senate resolution also concerned the House leadership because it required the "concurrency" of the two Senate leaders rather than mere consultation,

thereby tending to raise the standard for bipartisan action in such matters.) In the March 2005 instance, the Senate was not adjourned for more than three days or pursuant to an adjournment resolution. So, its prospective use of Senate Resolution 296 related only to an over-the-weekend adjournment.

Senate Resolution 296 provided that body with very flexible authority to vary its reconvening from an adjournment overnight or over a weekend. The House has such authority only in the case of an imminent impairment at the place of convening (see Rule I clause 12(c), *House Rules and Manual* § 639 [2007]). The Senate leadership used that authority to reconvene the Senate on Saturday, Mar. 19, in order to adopt the adjournment resolution (H. Con. Res. 103)<sup>(1)</sup> that, in turn, would put the House in adjournment pursuant to that concurrent resolution upon receipt by the House Clerk of the formal notification of that Senate action. Once the House stood adjourned pursuant to that concurrent resolution, the recall authority provided in §2 thereof was available to provide for reassembly of the House on Sunday, Mar. 20.

On Mar. 17, 2005,<sup>(2)</sup> the following proceedings occurred in the Senate:

1. See 151 CONG. REC. 5143, 109th Cong. 1st Sess.
2. *Id.* at pp. 5391, 5392.

ORDERS FOR MONDAY, MARCH  
21, 2005

Mr. [William H.] FRIST [of Tennessee]. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Monday, March 21; I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate begin a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER.<sup>(3)</sup> Without objection, it is so ordered. . . .

ADJOURNMENT UNTIL MONDAY,  
MARCH 21, 2005 AT 4 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:48 p.m., adjourned until Monday, March 21, 2005, at 4 p.m.

On Mar. 19, 2005,<sup>(4)</sup> the following occurred in the Senate:

## THERESA MARIE SCHIAVO

Mr. FRIST. Mr. President, the Congress has been working nonstop over the last 3 days to do its part to uphold human dignity and affirm the culture of life. I am pleased to announce that

3. John E. Sununu (NH).

4. 151 CONG. REC. 5444, 109th Cong. 1st Sess.

the House and Senate Republican leadership have reached an agreement on a legislative solution. The Senate has come in today to pass an adjournment resolution which we will send shortly to the House of Representatives. Procedurally, this action will have the effect of bringing the House into session so they can either pass compromise legislation by unanimous consent on Sunday or place this legislation on the suspension calendar for consideration early Monday morning. The Senate will be prepared to reconvene as soon as the House passes this new legislation.

It has been more than 24 hours since Terri Schiavo's feeding tube was removed. Under the legislation we will soon consider, Terri Schiavo will have another chance. It is a simple bill, only two pages long. It allows Terri's case to be heard in Federal court. More specifically, it allows a Federal district judge to consider a claim "by or on behalf of Theresa Marie Schiavo for the alleged violation of any right of Theresa Marie Schiavo under the Constitution or laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life."

I am pleased with our progress thus far, and I am committed as leader to see this legislation pass and give Terri Schiavo one last chance at life.

**§ 13.9 The Senate agreed to a House concurrent resolution of adjournment, thereby enabling the recall authority provided in § 2 of that resolution.**

*Parliamentarian's Note:* The House adopted House Concurrent

Resolution 103 on Thursday, Mar. 17, 2005, but could not use its recall provision until such time as it actually stood adjourned pursuant to that concurrent resolution<sup>(1)</sup> which depended on its receipt of a message from the Senate announcing the Senate's concurrence therein. A new adjournment resolution (S. Con. Res. 23) was adopted Mar. 20, 2005, to provide for an Easter recess after the reassembly under House Concurrent Resolution 103.

On Mar. 19, 2005,<sup>(2)</sup> the following occurred in the Senate:

ADJOURNMENT OF THE SENATE  
AND THE HOUSE OF REPRESENTATIVES

Mr. [William H.] FRIST [of Tennessee]. Mr. President, I ask unanimous consent that the Senate proceed to the adjournment resolution (H. Con. Res. 103) which is at the desk, provided that the resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore.<sup>(3)</sup> Without objection, it is so ordered.

1. For the notice provided to reassemble the House for impeachment proceedings against President Clinton, see § 15.3, *infra*. For the reassembly of both Houses during an August recess for consideration of legislation relating to Hurricane Katrina, see § 13.12, *infra*.
2. 151 CONG. REC. 5444, 109th Cong. 1st Sess.
3. Richard J. Santorum (PA).

The resolution was agreed to, as follows:

H. CON. RES. 103

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Thursday, March 17, 2005, Friday, March 18, 2005, or Saturday, March 19, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 5, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, March 17, 2005, through Saturday, March 26, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 4, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

Mr. FRIST. Mr. President, I want to be clear about what we just agreed to.

Today we will not be adjourning under the authority provided by the resolution that we just considered. This adjournment resolution will now

allow the House to be called into session to consider legislative matters. At the close of business today, we will adjourn until Sunday. Once we are able to complete our work as it relates to Theresa Marie Schiavo, we are prepared to clear a new adjournment resolution so that we may begin the Easter recess.

**§ 13.10 The Senate fixed the time to which it would adjourn as 2 p.m. on the following day (Sunday) and adjourned under that order (rather than under the concurrent resolution of adjournment just adopted).**

On Mar. 19, 2005,<sup>(1)</sup> the following proceedings occurred:

ORDERS FOR SUNDAY, MARCH  
20, 2005

Mr. [William H.] FRIST [of Tennessee]. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 2 p.m. on Sunday, March 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be reserved, and the Senate then begin a period of morning business with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore.<sup>(2)</sup> Without objection, it is so ordered.

1. 151 CONG. REC. 5445, 109th Cong. 1st Sess.
2. Richard J. Santorum (PA).

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will convene for a short period of morning business. There will be no rollcall votes tomorrow. It appears that we have achieved compromise language with the House with respect to the Schiavo situation. It is my hope that the House will act on this language and send it to us early tomorrow afternoon, and I will have more to say on that tomorrow.

ADJOURNMENT UNTIL 2 P.M.  
TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:22 p.m., adjourned until Sunday, March 20, 2005, at 2 p.m.

**§ 13.11 Privileged concurrent resolution providing for adjournment (or recess) of each House for more than three days from separate, alternate dates of departure to separate dates certain, subject to joint leadership recall.**

*Parliamentarian's Note:* In the 109th Congress, first session, the first "Easter recess" adjournment resolution (H. Con. Res. 103), adopted by the House on Mar. 17, 2005, and by the Senate on Mar. 19, 2005, was exhausted by reassembly thereunder on Mar. 20,

2005. When the Senate originated Senate Concurrent Resolution 23, it included a multitude of get-away days for the House in case it was unable to pass S. 686, the measure the House was recalled to consider.

On Sunday, Mar, 20, 2005,<sup>(1)</sup> two reports were filed from the Committee on Rules, as follows:

REPORT ON RESOLUTION  
WAIVING REQUIREMENT OF  
CLAUSE 6(a) OF RULE XXIII  
WITH RESPECT TO CONSIDERATION  
OF CERTAIN RESOLUTIONS

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109-27) on the resolution (H. Res. 181) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 686, FOR THE RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109-28) on the resolution (H. Res. 182) providing for consideration of the Senate bill (S. 686) for the relief of the parents of Theresa Marie Schiavo, which was referred to the House Calendar and ordered to be printed.

1. 151 CONG. REC. 5481, 5482, 109th Cong. 1st Sess.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE TWO HOUSES

The Speaker laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 23) providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 23

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate recesses or adjourns on any day from Sunday, March 20, 2005, through Sunday, April 3, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 4, 2005, or until such other time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any day from Sunday, March 20, 2005, through Monday, April 4, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 5, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively,



to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER.<sup>(2)</sup> Without objection, the concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table. . . .

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#### ADJOURNMENT

Mr. [Tom] DELAY [of Texas]. Mr. Speaker, pursuant to Senate Concurrent Resolution 23, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 23, 109th Congress, the House stands adjourned until 2 p.m. Tuesday, April 5, 2005.

Thereupon (at 12 o'clock and 46 minutes a.m., Monday, March 21, 2005), pursuant to Senate Concurrent Resolution 23, 109th Congress, the House adjourned until Tuesday, April 5, 2005, at 2 p.m.

### *Hurricane Katrina*

#### **§ 13.12 Pursuant to notice issued jointly by the Speaker and the Senate Majority Leader under the recall authority conferred in a concurrent resolution of adjournment, the House reassembled from its adjourn-**

2. J. Dennis Hastert (IL).

#### **ment pursuant to that concurrent resolution.**

*Parliamentarian's Note:* The Senate had reassembled on the previous day. As with the previous recall during the first session of the 109th Congress (see § 13.9, *supra*), Members were given minimal notice of the reassembly. The bicameral leadership decided on Thursday, Sept. 1, 2005, that both Houses would have to come back early from the summer recess to address disaster-relief legislation relating to Hurricane Katrina. The Senate reassembled at 10 p.m. that night, and the House at 1 p.m. the next day, Friday, Sept. 2.

Thus Members had official notice of (at most) 19 hours (compared to about 17 hours for the reassembly of Mar. 20, 2005, and about three days for the House-only recall for impeachment proceedings on Dec. 17, 1998).

The Senate and the House reassembled on different days. In subsequent resolutions the language used for recall authority in concurrent resolutions of adjournment was modified to provide explicit authority to reassemble on separate days, by alluding to reassembly of the two Houses "at such place and respective time" as the joint leadership may designate.

On Sept. 2, 2005,<sup>(1)</sup> the following occurred in the House:

Pursuant to section 2 of House Concurrent Resolution 225, 109th Congress, the House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. DELAY).

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DESIGNATION OF THE SPEAKER  
PRO TEMPORE

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
*September 2, 2005.*

I hereby appoint the Honorable TOM DELAY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of  
Representatives.*

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NOTIFICATION OF  
REASSEMBLING OF CONGRESS

The SPEAKER pro tempore. The Chair lays before the House the text of the formal notification sent to Members on Thursday, September 1, 2005, of the reassembling of the House.

CONGRESS OF THE UNITED STATES,  
*Washington, DC, September 1, 2005.*

DEAR COLLEAGUE: Pursuant to section 2 of House Concurrent Resolution 225, after consultation with the Minority Leader of the House of Representatives and the Minority Leader of the Senate, we hereby notify the Members

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1. 151 CONG. REC. 19424, 109th Cong. 1st Sess.

of the Senate to reassemble at 10:00 p.m. on Thursday, September 1, 2005, and the members of the House of Representatives to reassemble at 1:00 p.m. on Friday, September 2, 2005.

Sincerely,

J. DENNIS HASTERT,  
*Speaker of the House.*

WILLIAM H. FRIST, M.D.,  
*Majority Leader of the Senate.*

**§ 13.13 The two Houses adopted a concurrent resolution providing for adjournment (or recess) of each House, the Senate from alternate departure dates, to a common date certain, subject to joint leadership recall authority.**

*Parliamentarian's Note:* Although the contemplated period of adjournment for the House would not exceed three constitutional days, a concurrent resolution was used not only to permit the Senate to span Thursday and Tuesday but also to enable a further recall during the three-day Labor Day weekend, should the need arise.

On Sept. 2, 2005,<sup>(1)</sup> the following occurred in the House.

PROVIDING FOR A CONDITIONAL  
ADJOURNMENT OR RECESS OF  
THE TWO HOUSES

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con.

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1. *Id.* at p. 19443.

Res. 51) providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 51

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate recesses or adjourns at the close of business on Thursday, September 1, or on Friday, September 2, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Tuesday, September 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Friday, September 2, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it

stand adjourned until 2 p.m. on Tuesday, September 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore.<sup>(2)</sup> Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

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2. Tom DeLay (TX).

C. Adjournment *Sine Die*

## § 14. In General; Privilege; Inclusion of Other Matter

Adjournment *sine die* (literally “without day,” that is, without setting the date for reconvening in the concurrent resolution) is used to terminate a session of a Congress. Since under art. I, § 5, clause 4 of the Constitution neither House may adjourn for more than three days without the consent of the other House, and since Congress normally completes its work for a session more than three days prior to the constitutional date for the convening of the next session, in the usual practice adjournment *sine die* is accomplished by the adoption of a concurrent resolution. This is the practice even where the final adjournment of a session is only one or two days before the constitutional end of term.<sup>(1)</sup> A *sine die* adjournment resolution need not specify the date of reconvening because under § 2 of the 20th Amendment, a regular session of a Congress begins at noon of Jan. 3 of every year, unless Congress sets a different date by law.<sup>(2)</sup> A session terminates automatically

1. See § 14.1, *infra*.

2. See Ch. 1, § 3, *supra*.

at the end of the constitutional term.<sup>(3)</sup> Until recent years, *sine die* adjournments in even-numbered (election) years were normally taken by October (under the assumption that the business of the Congress be completed before Members to the next Congress are elected), and usually somewhat later in nonelection odd-numbered years. In more recent (105th-108th) Congresses, however, the final *sine die* adjournment of Congress has come after a “lame-duck” session following the election of Members to the Congress beginning in January of the subsequent odd-numbered year.<sup>(4)</sup>

*Sine die* adjournment concurrent resolutions may be called up from the floor as privileged, or if originating in the Senate, may be laid before the House from the Speaker’s table as privileged. While such a resolution is not debatable, a Member may be recognized during its consideration either by unanimous consent or

3. See §§ 14.11, 14.12, *infra*.

4. See 150 CONG. REC. 25728, 108th Cong. 2d Sess., Dec. 7, 2004 (H. Con. Res. 531); 148 CONG. REC. 23523, 107th Cong. 2d Sess., Nov. 22, 2002 (S Con. Res. 160); 146 CONG. REC. 27111, 106th Cong. 2d Sess., Dec. 15, 2000 (H. Con. Res. 446); and 144 CONG. REC. 28113, 105th Cong. 2d Sess., Dec. 19, 1998 (H. Con. Res. 353). See also *House Rules and Manual* § 84 (2007).

under a reservation of objection to a unanimous-consent request that the resolution be agreed to.<sup>(5)</sup> The resolution requires a quorum for adoption.<sup>(6)</sup> Unless called up as privileged, a measure relating to “final” adjournment of Congress is within the jurisdiction of the Committee on Rules.<sup>(7)</sup> Once a session of Congress has been adjourned *sine die*, it may be reconvened either pursuant to leadership recall provisions contained in the concurrent resolution<sup>(8)</sup> or by the President under the Constitution “on extraordinary Occasions”.<sup>(9)</sup>

A *sine die* resolution may specify the particular legislative or calendar day of adjournment or may specify two or more optional dates, in the latter case effected by a motion of the Majority Leader or the Majority Leader’s designee, and may be amended to provide for an adjournment on a date other than that specified.<sup>(10)</sup> A resolution may provide for an adjournment to a date certain, unless the House sooner received a specified message from the Senate that it has adopted a House-

5. See § 14.9, *infra*.
6. See § 14.2, *infra*.
7. Rule X clause 1(n)(2), *House Rules and Manual* § 733 (2007).
8. See § 15, *infra*.
9. U.S. Const. art. II, § 3.
10. See, e.g., § 14.6, *infra*.

passed *sine die* adjournment resolution, in which case it would stand adjourned *sine die*.<sup>(11)</sup> A resolution providing *sine die* adjournment of a first session may include a provision that when the second session convenes, the two Houses may not conduct organizational or legislative business but shall adjourn on that day to a date certain, unless sooner recalled. However, such a resolution is not privileged since containing an order of business in addition to the *sine die* adjournment.<sup>(12)</sup>

Inclusion in such a resolution of a section asserting congressional prerogatives regarding “pocket vetoes” during *sine die* periods does not destroy the privilege of the concurrent resolution, since constituting a separate question of privilege.<sup>(13)</sup>

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### *Privileged Status*

#### **§ 14.1 A concurrent resolution providing for an adjournment of the two Houses *sine die* is called up as privileged.**

On Dec. 31, 1970,<sup>(1)</sup> the concurrent resolution below was called

11. See §§ 14.14, 15.1, *infra*.
12. See § 14.13, *infra*; but see § 14.14, *infra*.
13. See also §§ 14.15, 14.16, *infra*.
  1. 116 CONG. REC. 44308, 91st Cong. 2d Sess.

up as privileged by the Majority Leader:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 799) and ask for its immediate consideration.

The Clerk read as follows:

H. CON. RES. 799

*Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Saturday, January 2, 1971, and that when they adjourn on said day, they stand adjourned sine die.*<sup>(2)</sup>

### Quorum Requirement

#### § 14.2 A quorum is required for the adoption of a concurrent resolution providing for a *sine die* adjournment of the two Houses.

On Oct. 18, 1972,<sup>(1)</sup> when a concurrent resolution to the effect that Congress adjourn *sine die* was offered in the House, a point of order was made that a quorum was not present on the question of adoption:

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I offer a

2. For additional instances of first session adjournments, see § 14.6, *infra*. See also 117 CONG. REC. 47676, 92d Cong. 1st Sess., Dec. 17, 1971 (H. Con. Res. 498); and 107 CONG. REC. 21528, 87th Cong. 1st Sess., Sept. 27, 1961 (Calendar Day) (S. Con. Res. 55).

1. 118 CONG. REC. 37061, 37062, 92d Cong. 2d Sess.

privileged concurrent resolution (H. Con. Res. 726) and ask for its immediate consideration.

The Clerk read as follows:

H. CON. RES. 726

*Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Wednesday, October 18, 1972, and that when they adjourn on said day, they stand adjourned sine die.*

The SPEAKER.<sup>(2)</sup> The question is on the concurrent resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. [James G.] O'HARA [of Michigan]. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 240, nays 21, not voting 170, as follows:

[Roll No. 460] . . .

So the concurrent resolution was agreed to.

### Rejection of Resolution

#### § 14.3 The House has rejected a concurrent resolution providing for adjournment *sine die*.

2. Carl Albert (OK).

On July 29, 1954,<sup>(1)</sup> the House by a yeas and nays vote rejected a concurrent resolution providing for adjournment *sine die*:

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, I offer a privileged resolution (H. Con. Res. 265) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved by the House of Representatives (the Senate concurring therein), That the two Houses of Congress shall adjourn on Saturday, July 31, 1954, and that when they adjourn on said day they stand adjourned sine die.*

Mr. HALLECK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER.<sup>(2)</sup> The question is on the passage of the resolution.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 193, not voting 56, as follows:

[Roll No. 126] . . .

So the concurrent resolution was rejected.

### ***Effect of Rejection of Previous Resolution***

#### **§ 14.4 Where the House rejected a concurrent resolution**

1. 100 CONG. REC. 12561, 12562, 83d Cong. 2d Sess. See also H. Jour. pp. 812, 813 (1954).
2. Joseph W. Martin, Jr. (MA).

**tion providing for adjournment *sine die*, a second identical concurrent resolution providing for adjournment *sine die* was in order during the same week inasmuch as there had been intervening business.**

On July 30, 1954,<sup>(1)</sup> a Member objected to a second concurrent resolution for adjournment *sine die*:

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, I offer a concurrent resolution and ask for its immediate consideration.

The Clerk read as follows:

#### HOUSE CONCURRENT RESOLUTION 266

*Resolved by the House of Representatives (the Senate concurring therein), That the two Houses of Congress shall adjourn on Saturday, July 31, 1954, and that when they adjourn on said day they stand adjourned sine die. . . .*

Mr. [Herman P.] EBERHARTER [of Pennsylvania]. My parliamentary inquiry is this: Within this week the House voted on an exactly similar resolution. Thereafter a motion to reconsider was laid on the table. I make the point of order, Mr. Speaker, that the motion to reconsider having been laid on the table on exactly the same resolution, it is not again in order at this time.

1. 100 CONG. REC. 12810, 12811, 83d Cong. 2d Sess.

The SPEAKER.<sup>(2)</sup> In reply to the gentleman from Pennsylvania, the Chair will say that the House has transacted considerable legislative business since the last resolution was defeated on a preceding day.

The question is on the concurrent resolution.

### ***Changing Date of Adjournment***

#### **§ 14.5 The House agreed to a Senate amendment in the nature of a substitute to a concurrent resolution providing for adjournment *sine die*, changing the date of adjournment from Oct. 11, 1984, to that date or Oct. 12, 1984.**

On Oct. 11, 1984,<sup>(1)</sup> the Speaker laid before the House as privileged a Senate amendment to a concurrent resolution providing for adjournment *sine die*:

##### MESSAGE FROM THE SENATE

The SPEAKER pro tempore.<sup>(2)</sup> The Chair lays before the House the following privileged message from the Senate.

The Clerk read as follows:

*Resolved*, That the concurrent resolution from the House of Representatives (H. Con. Res. 377) entitled "Concurrent resolution providing for the sine die adjournment of the Ninety-eighth Congress".

2. Joseph W. Martin, Jr. (MA).
1. 130 CONG. REC. 32314, 98th Cong. 2d Sess.
2. Frank Harrison (PA).

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

That the two Houses of Congress shall adjourn on Thursday, October 11, 1984, or on Friday October 12, 1984, and that when they adjourn on said day, they stand adjourned sine die.

##### PARLIAMENTARY INQUIRY

Mr. [Tom] LOEFFLER [of Texas]. Mr. Speaker, for the clarification of the body, is it correct to assume that this technical amendment to the sine die resolution does not include the so-called call-back provision but, rather, addresses the dates of today and tomorrow so that we might conclude our work without having to stop the clock?

The SPEAKER pro tempore. The gentleman's assumption is correct.

Mr. LOEFFLER. I thank the Chair.

The SPEAKER pro tempore. The question is on the Senate amendment.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### **§ 14.6 A House concurrent resolution providing for adjournment *sine die* was amended by the Senate to provide for adjournment on a later day than that originally proposed in the resolution.**



On the legislative day of Sept. 14, 1959,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, laid before the House as privileged, Senate amendments to a House concurrent resolution, as follows:

HOUSE CONCURRENT RESOLUTION  
440

*Resolved by the House of Representatives (the Senate concurring),* That the two Houses of Congress shall adjourn on Monday, September 14, 1959, and that when they adjourn on said day, they stand adjourned sine die.

With the following Senate amendments:

Line 3, strike out "Monday, September 14," and insert "Tuesday, September 15."

Amend the title so as to read: "Establishing that when the two Houses adjourn on Tuesday, September 15, 1959, they stand adjourned sine die."

The Senate amendments were concurred in.

**§ 14.7 The House agreed to a concurrent resolution adjourning the first session of the 80th Congress *sine die* on Dec. 19, 1947, notwithstanding a concurrent resolution adopted at an earlier date adjourning the Congress until Jan. 2, 1948.**

On Dec. 19, 1947,<sup>(1)</sup> the House agreed to a concurrent resolution

1. 105 CONG. REC. 19746, 86th Cong. 1st Sess., Sept. 15, 1959 (Calendar Day).

1. 93 CONG. REC. 11738, 80th Cong. 1st Sess.

changing the date for adjournment *sine die*. The Congress had adjourned from July 27, 1947, until Jan. 2, 1948, but the President called the Congress back into session on Nov. 17, 1947, thus resuming the first session on a date earlier than that to which it had adjourned. Hence the language of the following adjournment resolution:

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, I offer a [privileged] House concurrent resolution (H. Con. Res. 127) which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring),* That notwithstanding the provisions of the Senate Concurrent Resolution 33, Eightieth Congress, the two Houses of Congress shall adjourn on Friday, December 19, 1947, and that when they adjourn on said day, they stand adjourned sine die.

The concurrent resolution was agreed to.

***House Consent to Subsequent Senate Adjournment***

**§ 14.8 The House adopted a concurrent resolution providing for an adjournment *sine die* of the House and giving the consent of the House to a subsequent adjournment *sine die* of the Senate, and in the interim, to such Senate adjournments in excess of**

**three days as it might determine.**

On Aug. 20, 1954,<sup>(1)</sup> a House concurrent resolution affecting dates of adjournment *sine die* of the two Houses was called up with an amendment:

Mr. [Leo E.] ALLEN of Illinois. Mr. Speaker, I call up the concurrent resolution (H. Con. Res. 266) providing for adjournment *sine die* of the 83d Congress, 2d session, with an amendment of the Senate thereto, and move that the House concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert "That the House of Representatives shall adjourn on August 20, 1954, and that when it adjourns on said day, it stand adjourned *sine die*."

"Resolved further, That the consent of the House of Representatives is hereby given to an adjournment *sine die* of the Senate at any time prior to December 25, 1954, when the Senate shall so determine; and that the Senate, in the meantime may adjourn or recess for such periods in excess of 3 days as it may determine."

The Senate amendment was concurred in, and a motion to reconsider was laid on the table.

***Debate on Resolution***

**§ 14.9 Although a concurrent resolution providing for the**

1. 100 CONG. REC. 15554, 83d Cong. 2d Sess.

**adjournment of the second session of a Congress *sine die* is not debatable, a Member may be recognized during the consideration of such a concurrent resolution under a reservation of objection to a unanimous-consent request propounded by the Chair that the concurrent resolution be agreed to.**

On Oct. 27, 1990,<sup>(1)</sup> the House, for the first time since the 93d Congress,<sup>(2)</sup> included recall language in a privileged concurrent resolution providing for the adjournment of a second session *sine die*:

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM SATURDAY, OCTOBER 27, 1990, SINE DIE, AND ADJOURNMENT OF THE SENATE FROM SATURDAY, OCTOBER 27, SUNDAY, OCTOBER 28, OR MONDAY, OCTOBER 29, 1990, SINE DIE

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 399) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 399

*Resolved by the House of Representatives (the Senate concurring),*  
That when the House adjourns on

1. 136 CONG. REC. 36850, 101st Cong. 2d Sess.
2. See 15.7, *infra*.

the legislative day of October 27, 1990, and the Senate adjourns on Saturday, October 27, Sunday, October 28 or Monday, October 29, 1990, they stand adjourned sine die or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore.<sup>(3)</sup> Is there objection to agreeing to the resolution?

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, reserving the right to object, I shall not object, but I just want to inquire of the majority leader: there was some question on our side about the recall provision of this that I have been asked about. The minority leader is here now.

Mr. Leader, reserving the right to object, have we cleared that language?

Mr. [Robert H.] MICHEL [of Illinois]. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Mr. Speaker, reserving the right to object, I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, to respond to the gentleman, of course, the administration would prefer that there be no reference whatsoever, but, quite frankly, it is not a joint resolution and does not require the President's signature.

There is ample precedent for it, I think, in 1974 when President Ford, during one of those sessions, and also in 1943, and, quite frankly, it says, in effect, that if the Speaker and the majority leader of the Senate after consultation with the minority leader of both the House and the Senate feel that there ought to be a reconvening of the Members for whatever purpose that, from my point of view, I think it is well in order, and that we ought to approve it as it is written.

Mr. WALKER. Further reserving the right to object, under that provision, since we adjourn sine die, would that be a reconstitution then of the 101st Congress at that point, or would we have a new session if this Congress was adjourned sine die?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I believe such recall would be a reassembling of this session of the 101st Congress.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the adoption of the concurrent resolution? . . .

Is there objection to agreeing to the resolution?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### § 14.10 A concurrent resolution providing for an adjournment *sine die* is ordinarily

3. Michael R. McNulty (NY).

**not debatable; however, debate has been permitted where no point of order was raised against it. A resolution appointing a committee to notify the President of an impending *sine die* adjournment is debatable.**

In the Senate, on Oct. 11, 1968,<sup>(1)</sup> a Senate concurrent resolution (S. Con. Res. 83) was called up and agreed to. This concurrent resolution provided for the *sine die* adjournment of both Houses of Congress at the close of business on Friday, Oct. 11, 1968. The resolution was not taken up on this date in the House as certain Members of the House hoped that those Senators opposed to a bill permitting nationally televised debates between Presidential candidates might reconsider their position. (The matter was not, however, brought to a vote in the Senate.) The House did agree to a resolution authorizing the appointment of a committee to join a similar Senate committee to notify the President of plans to adjourn *sine die*.<sup>(2)</sup>

Mr. [Carl] ALBERT [of Oklahoma].  
Mr. Speaker, I offer a resolution (H.

1. 114 CONG. REC. 31103, 90th Cong. 2d Sess.
2. *Id.* at p. 30767.

For discussion of House agreement to Senate concurrent resolutions, see Chs. 24, 32, 33, *supra*.

Res. 1320) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1320

*Resolved*, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

Mr. ALBERT. Mr. Speaker, I yield one-half minute to the gentleman from Michigan [Mr. O'HARA] to make a statement.

Mr. [James G.] O'HARA of Michigan, Mr. Speaker, as many Members of the House are aware, I am not in agreement with the statement in the resolution that both Houses have completed their business. I am very strongly of the opinion that the Senate has very important business remaining, but on this resolution I would not attempt to make that judgment for the Senate. I hope that they will reach that decision for themselves. I will, therefore, not oppose this resolution, Mr. Speaker, but I will, of course, reserve the right to oppose a motion to adjourn *sine die*.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER.<sup>(3)</sup> The Chair appoints as members on the part of the House of the committee to notify the President, the gentleman from Oklahoma, Mr. ALBERT, and the gentleman from Michigan, Mr. GERALD R. FORD.

In the absence of House concurrence to the Senate resolution for

3. John W. McCormack (MA).

adjournment *sine die*, the Senate adjourned until Monday noon, Oct. 14, 1968.<sup>(4)</sup> The House adjourned at 7:53 p.m. on Friday, Oct. 11, 1968,<sup>(5)</sup> to reconvene Saturday, Oct. 12, 1968, at noon. On Saturday, Oct. 12, 1968,<sup>(6)</sup> the House convened at 12 noon, and at 1:06 p.m., adjourned until Monday, Oct. 14, at noon.<sup>(7)</sup>

When the House convened on Monday, Oct. 14,<sup>(8)</sup> the Senate resolution was called up in the House, and an amendment was offered changing the date to conform with the date anticipated for adjournment, that same Monday, the 14th.<sup>(9)</sup> Mr. James G. O'Hara, of Michigan, was yielded five minutes for debate by the Majority Leader, who was recognized for debate without objection:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I call up Senate Concurrent Resolution 83, and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 83

*Resolved by the Senate (the House of Representatives concurring), That*

4. 114 CONG. REC. 31115, 90th Cong. 2d Sess., Oct. 11, 1968.
5. *Id.* at p. 30817.
6. *Id.* at p. 31116.
7. *Id.* at p. 31154.
8. *Id.* at p. 31311.
9. *Id.* at pp. 31312, 31313.

the two Houses of Congress shall adjourn on Friday, October 11, 1968, and that when they adjourn on said day, they stand adjourned sine die.

Mr. ALBERT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBERT: Page 1, line 3, strike out "Friday, October 11, 1968," and insert "Monday, October 14, 1968."

Mr. ALBERT. Mr. Speaker, I yield 5 minutes for the purpose of debate to the gentleman from Michigan [Mr. O'HARA]. . . .

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, I had announced on Friday of last week that I would attempt to prevent the adjournment of this session of Congress until the Senate had considered what I believe to be, in terms of the functioning of our political system, one of the most important bills that we have considered in the last 4 years. That proposal, Mr. Speaker, was the proposal that would have permitted network TV debates among the major candidates, for the Presidency of the United States. . . .

I have also had an opportunity to carefully review the situation in which the U.S. Senate finds itself. I have come to the reluctant conclusion that it will probably not be possible to acquire a quorum for the consideration of this legislation. I have become convinced that the minority will persist in its obstructionist tactics; that it is desperate to avoid this confrontation.

For these reasons and because I certainly do not want to inconvenience

Members of the House of Representatives, I wish to announce that I will not attempt to prevent the passage of the sine die adjournment resolution. But I remain convinced, Mr. Speaker, that the other body has done a disservice to the country, that the Congress has an unfulfilled obligation to the American people and that we ought to be dealing with that obligation rather than going home.

Then, Mr. Albert, who had yielded the time to Mr. O'Hara, yielded himself one minute to concur with Mr. O'Hara's statements regarding the House's position on televised debates, the situation in the Senate, and the adjournment:<sup>(10)</sup>

Mr. ALBERT. Mr. Speaker, I yield myself 1 minute only for the purpose of observing that the bill which has precipitated this discussion came to this body from the Senate. It was a Senate bill. The House amended the bill and sent it back to the Senate. It seems to us, therefore, that the Senate should have taken action under the circumstances. The statement made by our distinguish colleague, the gentleman from Michigan [Mr. O'Hara], amply sets forth the numerous reasons why we on this side of the aisle feel as we do about this matter.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Oklahoma [Mr. Albert].

The amendment was agreed to.

10. *Id.* at p. 31313.

The resolution was agreed to.

***Declaration at Constitutional End of Session***

**§ 14.11 Because § 2 of the 20th Amendment requires that a regular session of a Congress begin at noon on Jan. 3 of each year (unless a different date is set by law), then if the House is in session at that time the Speaker declares the pending session adjourned *sine die* so that the next regular session may begin at noon.**

On Jan. 3, 1996,<sup>(1)</sup> the following proceedings occurred in the House:

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 o'clock and 55 minutes a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the . . . prayer[.] . . .

PLEDGE OF ALLEGIANCE

The SPEAKER.<sup>(2)</sup> Will the gentleman from New York [Mr. SOLOMON]

1. 142 CONG. REC. 38609, 38610, 104th Cong. 1st Sess.
2. Newt Gingrich (GA).

come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment a bill of the House of the following title:

H.R. 1643. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria. . . .

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COMMUNICATION FROM THE HONORABLE TOM DELAY, MAJORITY WHIP

The SPEAKER laid before the House the following communication from the Honorable TOM DELAY, majority whip:  
. . .

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER laid before the House the following communication from the Sergeant at Arms of the House of Representatives: . . .

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following message from the Clerk of the House of Representatives.

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE CLERK,  
*Washington, DC, December 29, 1995.*

Hon. NEWT GINGRICH,  
*House of Representatives, Wash-  
ington, D.C.*

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, December 29, 1995, at 12:10 p.m. and said to contain a message from the President whereby he submits a semiannual report on the Russian Federation's continued compliance with emigration criteria as required by sections 402 and 409 of the Trade Act of 1974.

Sincerely,

ROBIN H. CARLE,  
*Clerk.*

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CONTINUED MOST-FAVORED-NATION STATUS FOR RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-154)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed: . . .

PARLIAMENTARY INQUIRY

Mr. [Steny H.] HOYER [of Maryland]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOYER. Mr. Speaker, would it be in order for me at this time to ask unanimous consent to take up H.R. 1643, the bill just reported to us by the other body?

The SPEAKER. The Chair asks the gentleman to suspend. The House will come right back in session. . . .

SINE DIE ADJOURNMENT

The SPEAKER. Pursuant to the 20th amendment of the Constitution of the United States, the Chair declares the 1st session of the 104th Congress adjourned sine die.

Thereupon (at 12 noon) pursuant to the 20th amendment of the Constitution of the United States, the House adjourned.

*Parliamentarian's Note:* The Speaker laid these matters before the House within the five minutes remaining in the session, but could have waited until the second session, beginning at noon. On Jan. 3, 1992, the House adjourned by motion, but it seemed more prudent to adjourn by the Speaker's declaration, since a recorded vote on the motion, if ordered, might have taken the House beyond the noon expiration time for the session, requiring the clock to

be stopped to avoid a point of order under the Constitution.<sup>(3)</sup>

**§ 14.12 Pursuant to § 2 of the 20th Amendment to the Constitution, a regular session of a Congress must begin at noon on Jan. 3 of every year, unless Congress establishes a different date by law, and if the House is in session at that time the Speaker declares the House adjourned *sine die* without a motion being made from the floor, so that the next regular session of that Congress, or the first regular session of the next Congress, as the case may be, may assemble at noon on that day.**

On Jan. 3, 1980,<sup>(1)</sup> the following proceedings occurred in the House:

The House met at 11:55 a.m. and was called to order by the Speaker pro tempore (Mr. MOAKLEY).

The Chaplain, Rev. James David Ford, D.D., offered the . . . prayer[.] . . .

3. 137 CONG. REC. 36367, 102d Cong. 1st Sess. See also 126 CONG. REC. 3, 6, 96th Cong. 2d Sess., Jan. 3, 1980; and *House Rules and Manual* § 242 (2007).
1. 126 CONG. REC. 37773, 37774, 96th Cong. 1st Sess.



## THE JOURNAL

The SPEAKER pro tempore.<sup>(2)</sup> The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, and without objection, the Journal stands approved.

There was no objection. . . .

## ADJOURNMENT

The SPEAKER pro tempore. The hour of 12 noon having arrived, pursuant to the 20th amendment of the Constitution, the Chair declares the first session of the 96th Congress adjourned sine die.

Thereupon (at 12 o'clock noon), pursuant to the 20th amendment of the Constitution, the House adjourned sine die.

*Parliamentarian's Note:* There are two prior instances wherein the House or both Houses adjourned at the constitutional expiration of the session. On Dec. 1, 1913, the House adjourned *sine die* on the final day by declaration.<sup>(3)</sup>

### ***Inclusion of Nonprivileged Matter***

#### **§ 14.13 By unanimous consent the House considered a non-**

2. John Joseph Moakley (MA).

3. See 8 Cannon's Precedents §3375. See also *The Congressional Globe*, 816, 817, 40th Cong. 1st Sess., Dec. 2, 1867.

**privileged concurrent resolution providing for an adjournment of the House and the Senate to 11:55 a.m. on Jan. 3 or until recalled by joint leadership; providing that the House shall not conduct organizational or legislative business when reconvening the second session on Jan. 3; and providing for an adjournment from Jan. 3 to Jan. 22 or until recalled by joint leadership.**

On Nov. 26, 1991,<sup>(1)</sup> the Majority Leader offered the following concurrent resolution:

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 260) and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore.<sup>(2)</sup> The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

#### H. CON. RES. 260

*Resolved by the House of Representatives (the Senate concurring),* That when the House and Senate adjourn on the calendar day of Wednesday, November 27, 1991, in accordance with this resolution, they stand adjourned until 11:55 a.m. on Friday, January 3, 1992, or until noon on the second day after Members are notified to reassemble, whichever occurs first.

1. 137 CONG. REC. 35840, 35841, 102d Cong. 1st Sess.

2. Steny H. Hoyer (MD).

SEC. 2. That when the Congress convenes on January 3, 1992, for the second session of the 102d Congress, the House shall not conduct organizational or legislative business and when it adjourns on that day, it stand adjourned until noon on Wednesday, January 22, 1992, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

LEGISLATIVE PROGRAM

Mr. GEPHARDT. Mr. Speaker, I ask for this time to explain the resolution and give the Members a sense of the schedule.

Let me first say on the schedule that there obviously could be a vote on this adjournment resolution in the next few moments. It is not debatable, and we will move to vote very rapidly if there is a vote.

After that, there is one additional matter that I am aware of that may require a vote, and that has to do with the Medicaid legislation which is here, and we will be coming forward with a rule, and there could be a vote on it at the end of its consideration.

Other than that, there should not be further votes, assuming the adjournment resolution passes.

Let me say this: This concurrent resolution provides that the House will, when we finish business today, recess until 11:55 a.m., January 3, 1992, at

which time we will conclude the first session of this, the 102d Congress. At 12 noon that day, January 3, 1992, we will convene the second session of the 102d Congress and will then immediately proceed to recess until January 22, 1992.

During these recess periods, the House will be subject to the call of the Chair. If it becomes necessary or desirable to reconvene the two Houses to act on the President's returned veto of legislation we are sending to him for his consideration or because the scheduled work of the committees which has been described produces economic legislation which is ready for floor action or for other reasons, we will be able to reconvene in a timely manner.

Any such reconvening of the House will be done in the consultation with the leadership on both sides of the aisle.

That concludes my explanation of the concurrent resolution.

*Parliamentarian's Note:* The prohibition of business in the next session, stipulated in § 2 of the concurrent resolution, destroyed its privilege.<sup>(3)</sup>

**§ 14.14 The House agreed to a concurrent resolution providing for adjournment of**

3. See 125 CONG. REC. 37317, 96th Cong. 2d Sess., Dec. 20, 1979 (H. Con. Res. 232), for the last time (which was also the first time) a *sine die* adjournment and an adjournment to a date certain in the next session were combined in a single resolution (although, here, it was not technically a *sine die* adjournment). But see § 14.14, *infra*.

**the first session of the 106th Congress *sine die* and providing that the House conduct no organizational or legislative business on the first day of the second session.**

On Nov. 18, 1999,<sup>(1)</sup> the Majority Leader offered the following concurrent resolution:

PROVIDING FOR ADJOURNMENT SINE DIE AFTER COMPLETION OF BUSINESS OF FIRST SESSION OF 106TH CONGRESS AND SETTING FORTH SCHEDULE FOR CERTAIN DATES DURING JANUARY 2000 OF SECOND SESSION

Mr. [Richard K.] ARMEY [of Texas]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 235), and ask for its immediate consideration.

The SPEAKER pro tempore.<sup>(2)</sup> The Clerk will report the concurrent resolution.

The Clerk read as follows:

That when the House adjourns on any legislative day from Thursday, November 18, 1999, through Monday, November 22, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Thursday, December 2, 1999 (unless it sooner has received a message from the Senate transmitting its concurrence in the conference report to accompany H.R. 3194, in which case the House shall

stand adjourned *sine die*), or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns on any day from Thursday, November 18, 1999, through Thursday, December 2, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned *sine die*, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

SEC. 2. When the House convenes for the second session of the One Hundred Sixth Congress, it shall conduct no organizational or legislative business on that day and, when the House adjourns on that day, it shall stand adjourned until noon on January 27, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 4. The Congress declares that clause 2(h) of rule II of the Rules of the House of Representatives and the order of the Senate of January 6, 1999, authorize for the duration of the One Hundred Sixth Congress the Clerk of the House of Representatives and the Secretary of the Senate, respectively, to receive messages from the President during periods when the House and Senate are not in session, and thereby preserve until adjournment *sine die* of the final regular session of the One Hundred Sixth Congress the constitutional prerogative of the House and

1. 145 CONG. REC. 30734, 30735, 106th Cong. 1st Sess.
2. Ed Pease (IN).

Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the current Congress does not prevent the return by the President of any bill presented to him for approval.

SEC. 5. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

*Parliamentarian's Note:* Although Majority Leader Armev claimed to be calling up the resolution as privileged, it was not privileged as indicated in § 14.13, *supra*, since it included a special order of business.

### ***Pocket Vetoes During Sine Die and Intrasession Periods***

**§ 14.15 The President's return to the House by message under seal of a bill previously presented to him, together with a statement of his objections thereto, in which he asserted the power to "pocket veto" the bill during an intrasession adjournment of the originating House by withholding his approval, was laid before the House by the Speaker accom-**

**panied by an announcement from the chair regarding prior correspondence in the *Congressional Record*.**

On Nov. 13, 2000,<sup>(1)</sup> the House, by unanimous consent, referred a veto message and bill to committee:

INTELLIGENCE AUTHORIZATION  
ACT FOR FISCAL YEAR 2001—  
VETO MESSAGE FROM THE  
PRESIDENT OF THE UNITED  
STATES

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

*To the House of Representatives:*

Today, I am disapproving H.R. 4392, the "Intelligence Authorization Act for Fiscal Year 2001," because of one badly flawed provision that would have made a felony of unauthorized disclosures of classified information. Although well intentioned, that provision is overbroad and may unnecessarily chill legitimate activities that are at the heart of a democracy. . . .

Since the adjournment of the congress has prevented my return of H.R. 4392 within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The

1. 147 CONG. REC. 26022, 26023, 107th Cong. 1st Sess. See also § 14.16, *infra*, for the complete Extension of Remarks carried in the *Congressional Record*.

See also Ch. 24, *supra*, for further discussion on pocket vetoes.

Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to “pocket veto” bills during an adjournment of the Congress, to avoid litigation, I am also sending H.R. 4392 to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

Sincerely,  
WILLIAM J. CLINTON.  
THE WHITE HOUSE, *November 4, 2000.*

□ 1845

The SPEAKER pro tempore (Mr. PEASE).<sup>(2)</sup> The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

On September 19, 2000, the Speaker inserted in the Extensions of Remarks portion of the RECORD a copy of a letter dated September 7, 2000, signed jointly by him and the Democratic leader and addressed to the President of the United States, expressing their views on the limits of the “pocket-veto” power and including a similar letter from Speaker Foley and Republican leader Michel sent to President Bush on November 21, 1989. Without objection, that correspondence is reinserted at this point in the RECORD, since no response has been received to the September 7, 2000, letter and the same assertion by the President of “pocket-veto” power during an intrasession adjournment of Congress to a day certain is contained in the veto message just read to the House.

*Parliamentarian’s Note:* While treatment of pocket vetoes is also

2. Ed Pease (IN).

included in Ch. 24, *supra*, it is included here as related to congressional adjournments.

**§ 14.16 Under permission to extend remarks, the Speaker inserted in the *Congressional Record* correspondence dated Sept. 7, 2000, to President Clinton from Speaker Hastert and Minority Leader Gephardt, and dated Nov. 21, 1989, to President Bush from Speaker Foley and Minority Leader Michel, expressing views on the extent of the President’s “pocket veto” authority during *sine die* and intrasession adjournment periods.**

On Sept. 19, 2000,<sup>(1)</sup> the following was inserted into the Extension of Remarks section of the *Congressional Record*:

POCKET-VETO POWER  
HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. HASTERT. Mr. Speaker, I submit for the RECORD a copy of a letter signed jointly by myself and the Democratic Leader, Mr. Gephardt. It is addressed to President Clinton. In it, we

1. 136 CONG. REC. 18594, 107th Cong. 1st Sess.

express our views on the limits of the “pocket-veto” power. I also submit a copy of the letter referenced therein, which was sent to President Bush on November 21, 1989, by Speaker Foley and Republican Leader Michel.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES  
*Washington, DC, September 7, 2000.*

Hon. WILLIAM J. CLINTON,  
*The President, The White House,  
Washington, DC.*

DEAR MR. PRESIDENT: This is in response to your actions on H.R. 4810, the Marriage Tax Relief Reconciliation Act of 2000, and H.R. 8, the Death Tax Elimination Act of 2000. On August 5, 2000, you returned H.R. 4810 to the House of Representatives without your approval and with a message stating your objections to its enactment. On August 31, 2000, you returned H.R. 8 to the House of Representatives without your approval and with a message stating your objections to its enactment. In addition, however, in both cases you included near the end of your message the following:

[“]Since the adjournment of the Congress has prevented my return of [the respective bill] within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to “pocket veto” bills during an adjournment of the Congress, to avoid litigation, I am also sending [the respective bill] to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.[”]

President Bush similarly asserted a pocket-veto authority during an inter-session adjournment with respect to H.R. 2712 of the 101st Congress but, by nevertheless returning the enrollment, similarly permitted the Congress to reconsider it in light of his objections, as contemplated by the Constitution. Your allusion to the existence of a pocket-veto power during even an intrasession adjournment continues to be most troubling. We find that assertion to be inconsistent with the return-veto that it accompanies. We also find that assertion to be inconsistent with your previous use of the return-veto under similar circumstances but without similar dictum concerning the pocket-veto. On January 9, 1996, you stated your disapproval of H.R. 4 of the 104th Congress and, on January 10, 1996—the tenth Constitutional day after its presentment—returned the bill to the Clerk of the House. At the time, the House stood adjourned to a date certain 12 days hence. Your message included no dictum concerning the pocket-veto.

We enclose a copy of a letter dated November 21, 1989, from Speaker Foley and Minority Leader Michel to President Bush. That letter expressed the profound concern of the bipartisan leaderships over the assertion of a pocket veto during an intrasession adjournment. That letter states in pertinent part that “[s]uccessive Presidential administrations since 1974 have, in accommodation of *Kennedy v. Sampson*, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.” It also states our belief that it is not “constructive to resurrect constitutional controversies long considered as settled, especially without notice or consultation.” The Congress, on

numerous occasions, has reinforced the stance taken in that letter by including in certain resolutions of adjournment language affirming to the President the absence of “pocket veto” authority during adjournments between its first and second sessions. The House and the Senate continue to designate the Clerk of the House and the Secretary of the Senate, respectively, as their agents to receive messages from the President during periods of adjournment. Clause 2(h) of rule II, Rules of the House of Representatives; House Resolution 5, 106th Congress, January 6, 1999; the standing order of the Senate of January 6, 1999. In *Kennedy v. Sampson*, 511 F.2d 430 (D.C. Cir. 1974), the court held that the “pocket veto” is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment.

On these premises we find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. Such assertions should be avoided, in appropriate deference to such judicial resolution of the question as has been possible within the bounds of justifiability.

Meanwhile, citing the precedent of January 23, 1990, relating to H.R. 2712 of the 101st Congress, the House yesterday treated both H.R. 4810 and H.R. 8 as having been returned to the originating House, their respective returns not having been prevented by an adjournment within the meaning of article I, section 7, clause 2 of the Constitution.

Sincerely,

J. DENNIS HASTERT,  
*Speaker.*  
RICHARD A. GEPHARDT,  
*Democratic Leader*

CONGRESS OF THE UNITED STATES,  
*Washington, DC, November 21, 1989.*

Hon. GEORGE BUSH,  
*President of the United States, The  
White House, Washington, DC.*

DEAR MR. PRESIDENT: This is in response to your action on House Joint Resolution 390. On August 16, 1989, you issued a memorandum of disapproval asserting that you would “prevent H.J. Res. 390 from becoming a law by withholding (your) signature from it.” You did not return the bill to the House of Representatives.

House Joint Resolution 390 authorized a “hand enrollment” of H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, by waiving the requirement that the bill be printed on parchment. The hand enrollment option was requested by the Department of the Treasury to insure that the mounting daily costs of the savings-and-loan crisis could be stemmed by the earliest practicable enactment of H.R. 1278. In the end, a hand enrollment was not necessary since the bill was printed on parchment in time to be presented to you in that form.

We appreciate your judgment that House Joint Resolution 390 was, in the end, unnecessary. We believe, however, that you should communicate any such veto by a message returning the resolution to the Congress since the intrasession pocket veto is constitutionally infirm.

In *Kennedy v. Sampson*, the United States Court of Appeals held that “pocket veto” is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment. 511 F.2d 430

(D.C. Cir. 1974). In the standing rules of the House, the Clerk is duly authorized to receive messages from the President at any time that the House is not in session. (Clause 5, Rule III, Rules of the House of Representatives; House Resolution 5, 101st Congress, January 3, 1989.)

Successive Presidential administrations since 1974 have, in accommodation of *Kennedy v. Sampson*, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.

We therefore find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. We do not think it constructive to resurrect constitutional controversies long considered as settled, especially without notice of consultation. It is our hope that you might join us in urging the Archivist to assign a public law number to House Joint Resolution 390, and that you might eschew the notion of an intrasession pocket veto power, in appropriate deference to the judicial resolution of that question.

Sincerely,

THOMAS S. FOLEY,  
*Speaker.*

ROBERT H. MICHEL,  
*Republican Leader.*

## § 15. Conditional Adjournments *Sine Die*; Recall

The first examples of coupling *sine die* adjournment with the conferral of leadership recall authority during the *sine die* period

were in the 93d Congress, on Dec. 22, 1973, and on Dec. 20, 1974.<sup>(1)</sup> Inclusion of leadership recall authority in adjournment resolutions was discontinued in 1975 and re-instituted in the 101st Congress, second session, when the joint recall authority was conferred only on the majority leaderships (not separately on the joint minority leaderships, who merely had to be consulted).<sup>(2)</sup> The form of leadership recall authority as re-instituted in the 101st Congress remained the practice through the 108th Congress.<sup>(3)</sup>

Before the inclusion of leadership recall authority, only the President could reconvene either or both Houses after *sine die* adjournment, pursuant to art. II, § 3 of the Constitution. The President's authority in the same section to adjourn the two Houses to such time as he shall think proper, where there is a disagreement between the two Houses, has never been used.

See also § 13, *supra*, for discussion of leadership recall authority included in concurrent resolutions providing for adjournment to a day certain. The now-standard recall language allowing reassembly at another "place" was first used

1. See §§ 15.10, 15.11, *infra*.

2. See § 15.7, *infra*.

3. See §§ 15.1, 15.15, *infra*.



on Oct. 17, 2001,<sup>(4)</sup> and the language empowering designees of the Speaker and the Senate Majority Leader to exercise the recall authority in exigent circumstances was first included on July 26, 2002.<sup>(5)</sup>

See also § 13, *supra*, for discussion of adjournments to a day and time certain immediately before the constitutional end of a Congress on Jan. 3 of an odd-numbered year with recall authority, in effect tantamount to a *sine die* adjournment with recall, but treated as continuation of the existing session rather than a new (third) session upon the recall.

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**§ 15.1 The House agreed to a privileged concurrent resolution providing for adjournment of the Congress *sine die* including alternate departure dates for each House and provision for joint-leadership recall.**

On Dec. 7, 2004,<sup>(1)</sup> the Majority Leader offered the following privileged concurrent resolution:

PROVIDING FOR SINE DIE ADJOURNMENT OF SECOND SESSION OF 108TH CONGRESS

Mr. [Tom] DELAY [of Texas]. Mr. Speaker, I offer a privileged concurrent

4. See § 13.6, *supra*.

5. See § 13.5, *supra*.

1. 150 CONG. REC. 25708, 108th Cong. 2d Sess.

resolution (H. Con. Res. 531) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 531

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on any legislative day from Tuesday, December 7, 2004, through Friday, December 10, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution; and that when the Senate adjourns on any day from Tuesday, December 7, 2004, through Saturday, December 11, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 15.2 Pursuant to notice issued by the Speaker under**

**authority conferred in a concurrent resolution of adjournment, the House reassembled from a second session adjournment *sine die* as a continuation of that session.**

On Dec. 17, 1998,<sup>(1)</sup> the following occurred:

Pursuant to section 3 of House Concurrent Resolution 353, One Hundred Fifth Congress, the House met at 10 a.m. and was called to order by the Speaker, Hon. NEWT GINGRICH.

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NOTIFICATION OF  
REASSEMBLING OF CONGRESS

The SPEAKER.<sup>(2)</sup> The Chair lays before the House the text of the formal notification sent to Members on Monday, December 14, 1998, of the reassembling of the House, which the Clerk will read.

The Clerk read as follows:

OFFICE OF THE SPEAKER,  
*Washington, DC, December 14, 1998.*

Pursuant to section 3 of House Concurrent Resolution 353 and after consultation with the Minority Leader, the public interest requires the Members of the House of Representatives to reassemble at 10 a.m. on Thursday, December 17, 1998. The Sergeant at Arms is directed to notify all Members of the reassembly of the House of Representatives for the second session of the One Hundred Fifth Congress.

- 
1. 144 CONG. REC. 27770, 105th Cong. 2d Sess.
  2. Newt Gingrich (GA).

Sincerely yours,

NEWT GINGRICH,  
*Speaker.*

*Parliamentarian's Note:* As the Speaker's notification itself indicates, the reassembly of the House (the House and Senate having adjourned *sine die*) became a continuation of the second session rather than a new third session, under the terms of the concurrent resolution.

**§ 15.3 Form of privileged concurrent resolution of adjournment *sine die* providing both joint-leadership recall authority and House-only recall authority with subsequent *sine die* House adjournment if utilized.**

On Oct. 20, 1998,<sup>(1)</sup> the following privileged concurrent resolution was considered in the House:

PROVIDING FOR ADJOURNMENT  
SINE DIE OF THE CONGRESS  
ON WEDNESDAY, OCTOBER 21,  
1998, OR THURSDAY, OCTOBER  
22, 1998

Mr. [Gerald B. H.] SOLOMON [of New York]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 353) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

- 
1. 144 CONG. REC. 27348, 105th Cong. 2d Sess.

## H. CON. RES. 353

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Wednesday, October 21, 1998, or Thursday, October 22, 1998, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, or until a time designated pursuant to section 2 of this resolution; and that when the Senate adjourns on Wednesday, October 21, 1998, or Thursday, October 22, 1998, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. During any adjournment of the House pursuant to this concurrent resolution, the Speaker, acting after consultation with the Minority Leader, may notify the Members of the House to reassemble whenever, in his opinion, the public interest shall warrant it. After reassembling pursuant to this section, when the House adjourns on any day on a motion offered pursuant to this section by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

*Parliamentarian's Note:* The House needed separate recall authority, independent of the Senate, in order to be prepared to consider potential articles of impeachment reported from the Committee on the Judiciary following the *sine die* adjournment. The House was recalled by Speaker Gingrich on Dec. 17, 1998.<sup>(2)</sup>

Subsequently, on Oct. 21, 1998,<sup>(3)</sup> the House adjourned *sine die*.

## SINE DIE ADJOURNMENT

Mr. [Gerald B. H. SOLOMON] [of New York]. Mr. Speaker, pursuant to House concurrent resolution 353 and as the designee of the majority leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore.<sup>(4)</sup> In accordance with the provisions of House Concurrent Resolution 353, the Chair declares the second session of the 105th Congress adjourned sine die.

Thereupon (at 5 o'clock and 56 minutes p.m.), pursuant to House Concurrent Resolution 353, the House adjourned.

### § 15.4 The House agreed to a privileged Senate concurrent resolution providing for the

2. See § 15.2, *supra*.
3. 144 CONG. REC. 27410, 105th Cong. 2d Sess. See also § 17.3, *infra*.
4. Edward A. Pease (IN).

**adjournment *sine die* of the first session of a Congress (subject to recall by the joint House-Senate majority leaderships) and declaring the position of the Congress with respect to the assertion by the President of a “pocket veto” power between sessions of a Congress.**

On Nov. 13, 1997,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> laid before the House a privileged Senate concurrent resolution on the Speaker’s table providing for an adjournment *sine die* of the first session and an assertion that the “pocket veto” not be used during a first session *sine die* adjournment:

ADJOURNMENT SINE DIE OF  
FIRST SESSION OF ONE HUN-  
DRED FIFTH CONGRESS

The SPEAKER pro tempore (Mr. LAHOOD). The Chair lays before the House a Senate concurrent resolution (S. Con. Res. 68) to adjourn sine die the First Session of the One Hundred Fifth Congress, as a question of the privileges of the House.

The Clerk read the Senate Concurrent Resolution as follows:

S. CON. RES. 68

*Resolved by the Senate (the House of Representatives concurring), That*

1. 143 CONG. REC. 26538, 26539, 105th Cong. 1st Sess. See Ch. 24, *infra*, for additional information on pocket vetoes.
2. Ray LaHood (IL).

when the House adjourns on the legislative day of Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. The Congress declares that clause 5 of rule III of the Rules of the House of Representatives and the order of the Senate of January 7, 1997, authorize for the duration of the One Hundred Fifth Congress the Clerk of the House of Representatives and the Secretary of the Senate, respectively: To receive messages from the President during periods when the House and Senate are not in session and thereby preserve until adjournment sine die of the final regular session of the One Hundred Fifth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the Congress does not

prevent the return by the President of any bill presented to him for approval.

SEC. 4. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this concurrent resolution.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 193, not voting 34, as follows:

[Roll No. 638] . . .

So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**§ 15.5 The Senate agreed to a motion that the Senate adjourn to meet the following evening unless the House sooner adopted the concurrent resolution of *sine die* adjournment (as amended by the Senate), in which case the Senate would stand adjourned *sine die* pursuant to that concurrent resolution.**

On Oct. 3, 1996,<sup>(1)</sup> the following proceedings occurred in the Senate:

CONDITIONAL ADJOURNMENT  
SINE DIE

Mr. [Trent] LOTT [of Mississippi]. Mr. President, if there is no further business to come before the Senate, I now move that the Senate stand in adjournment sine die under the provisions of House Concurrent Resolution 230, or until 6 p.m., Friday, October 4, if the House fails to adopt House Concurrent Resolution 230. And God be with you all.

The motion was agreed to, and at 6:54 p.m., the Senate adjourned sine die, conditioned on the House concurrence in the Senate amendment to House Concurrent Resolution 230.

**§ 15.6 Second instance since the 93d Congress in which the House included recall language in a concurrent resolution providing for the adjournment of a second session *sine die*.**

On Oct. 5, 1992,<sup>(1)</sup> the Majority Leader called up a privileged concurrent resolution as follows:

PROVIDING FOR THE SINE DIE  
ADJOURNMENT OF THE 2D  
SESSION, 102D CONGRESS

[Mr. Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I send to the

1. 142 CONG. REC. 27335, 104th Cong. 2d Sess.
1. 138 CONG. REC. 32340, 102d Cong. 2d Sess.

desk a privileged concurrent resolution (H. Con. Res. 384) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 384

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Thursday, October 8, 1992, or Friday, October 9, 1992, pursuant to a motion by the Majority Leader, or his designee, it stand adjourned sine die, and that when the Senate adjourns on the calendar day of Thursday, October 8, 1992, or any day thereafter, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned sine die or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER.<sup>(2)</sup> Without objection, the concurrent resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

**§ 15.7 For the first time since the 93d Congress, the House included recall language in a concurrent resolution pro-**

2. Thomas S. Foley (WA).

**viding for the adjournment of a second session *sine die*.**

On Oct. 27, 1990,<sup>(1)</sup> the House, for the first time since the 93d Congress, included recall language in a privileged concurrent resolution providing for the adjournment of a second session *sine die*:

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM SATURDAY, OCTOBER 27, 1990, SINE DIE, AND ADJOURNMENT OF THE SENATE FROM SATURDAY, OCTOBER 27, SUNDAY, OCTOBER 28, OR MONDAY, OCTOBER 29, 1990, SINE DIE

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 399) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 399

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of October 27, 1990, and the Senate adjourns on Saturday, October 27, Sunday, October 28 or Monday, October 29, 1990, they stand adjourned sine die or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members

1. 136 CONG. REC. 36850, 101st Cong. 2d Sess.

of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to agreeing to the resolution?

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, reserving the right to object, I shall not object, but I just want to inquire of the majority leader: there was some question on our side about the recall provision of this that I have been asked about. The minority leader is here now.

Mr. Leader, reserving the right to object, have we cleared that language?

Mr. [Robert H.] MICHEL [of Illinois]. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Mr. Speaker, reserving the right to object, I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, to respond to the gentleman, of course, the administration would prefer that there be no reference whatsoever, but, quite frankly, it is not a joint resolution and does not require the President's signature.

There is ample precedent for it, I think, in 1974 when President Ford, during one of those sessions, and also in 1943, and, quite frankly, it says, in effect, that if the Speaker and the majority leader of the Senate after consultation with the minority leader of both the House and the Senate feel that there ought to be a reconvening of the Members for whatever purpose that, from my point of view, I think it is well in order, and that we ought to approve it as it is written.

2. Michael R. McNulty (NY).

Mr. WALKER. Further reserving the right to object, under that provision, since we adjourn sine die, would that be a reconstitution then of the 101st Congress at that point, or would we have a new session if this Congress was adjourned sine die?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I believe such recall would be a reassembling of this session of the 101st Congress.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection. . . .

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to agreeing to the resolution?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

On Dec. 20, 1974,<sup>(3)</sup> the House agreed to a privileged concurrent resolution, offered by the Majority Leader, providing for the *sine die* adjournment of the 93d Congress, second session, or for an adjournment until reconvened by the leadership:

PROVIDING FOR ADJOURNMENT  
SINE DIE

Mr. [Thomas P.] O'NEILL [of Massachusetts]. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 697)

3. 120 CONG. REC. 41815, 93d Cong. 2d Sess.

and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 697

*Resolved by the House of Representatives (the Senate concurring),* That when the two Houses adjourn on Friday, December 20, 1974, they shall stand adjourned sine die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with Section 2 of this resolution, whichever event first occurs.

SEC. 2 The Speaker of the House of Representatives and the President of the Senate or the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly or the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

The SPEAKER.<sup>(4)</sup> The question is on the concurrent resolution.

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. [John] ASHBROOK [of Ohio]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

4. Carl Albert (OK).

Mr. ASHBROOK. Mr. Speaker, I take this opportunity of asking the distinguished majority leader what all that means. It was read rather rapidly. It seemed to have quite a few clauses. I did not quite catch all of it.

Mr. O'NEILL. Mr. Speaker, I feel certain the gentleman from Ohio is aware of the fact that this is a sine die resolution, which gives the right to the Speaker of the House and the Presiding Officer of the Senate, the majority leader of the House, and the minority leader of the Senate and the minority leader of the House, and the President of the United States, would have the right, to call the Members back into session before January 3 if they thought there was an emergency, and the Congress should be called back.

After the date of January 3 we will extend it to January 14. . . .

So the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 15.8 The House agreed to a privileged House concurrent resolution providing for the adjournment *sine die* of the first session of a Congress (subject to recall by the joint House-Senate majority leadership) and declaring the position of the Congress with respect to the assertion by the President of a pocket veto between sessions of a Congress.**



On Nov. 21, 1989,<sup>(1)</sup> the Majority Leader offered a privileged concurrent resolution as follows:

PROVIDING FOR SINE DIE ADJOURNMENT OF THE FIRST SESSION OF THE 101ST CONGRESS ON WEDNESDAY, NOVEMBER 22, 1989

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 239) and ask for its immediate consideration, and I ask unanimous consent that I be permitted to address the House for 1 minute on the resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 239

*Resolved by the House of Representatives (the Senate concurring),* That when the House and Senate adjourn on Wednesday, November 22, 1989, they stand adjourned sine die, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. The Congress declares—

(1) that clause 5 of rule III of the Rules of the House of Representatives, adopted for the One Hundred First Congress in House Resolution 5

on January 3, 1989, authorizes the Clerk of the House of Representatives to receive messages from the President during periods when the House of Representatives is not in session;

(2) that the House of Representatives intends by such rule to preserve until its adjournment sine die from the final session of the One Hundred First Congress the constitutional prerogative of the House to reconsider vetoed measures in light of the objections of the President;

(3) that the order of the Senate of January 3, 1989, effective for the duration of the One Hundred First Congress, authorizes the Secretary of the Senate to receive messages from the President during periods when the Senate is not in session; and

(4) that the Senate intends by such order to preserve until its adjournment sine die from the final session of the One Hundred First Congress the constitutional prerogatives of the Senate to reconsider vetoed measures in light of the objections of the President.

SEC. 4. The Congress reaffirms its intent that the availability of the Clerk of the House of Representatives to receive messages from the President during periods when the House is not in session and the availability of the Secretary of the Senate to receive messages from the President during periods when the Senate is not in session ensure that the adjournment of either House pursuant to this concurrent resolution shall not prevent the return by the President of any bill presented to him for approval.

SEC. 5. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this resolution.

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, reserving the right to object, there is a question on

1. 135 CONG. REC. 31156, 101st Cong. 1st Sess.

our side as to whether or not this would interfere with the President's constitutional prerogatives to pocket-veto bills. As I understand it, this is a concurrent resolution which would have no impact on the President's constitutional prerogative to do that if he so chose? Is that correct?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, as I understand it, this resolution would inform the President that the Clerk of the House and the Secretary of the Senate are available under their rules to receive messages from the President during the adjournment. It makes it clear that this adjournment will not prevent the return of any bill and reserves the constitutional prerogative to reconsider vetoed measures in light of the President's objections.

Mr. WALKER. But if the President chooses to pocket-veto a bill rather than send a veto message up even though we have clerks in place, it is my understanding that the President would still be permitted to do that under this resolution since it is a concurrent resolution? Is that correct?

Mr. GEPHARDT. If the gentleman will yield further, the President can exercise his constitutional prerogative. This resolution simply expresses the sentiment of the House and Senate as to the appropriate congressional prerogatives.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection, and I thank the majority leader.

□ 1340

THE SPEAKER PRO TEMPORE (MR. MAZZOLI).<sup>(2)</sup> The question is on the concurrent resolution.

2. Romano L. Mazzoli (KY).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 15.9 The Speaker laid before the House a privileged Senate concurrent resolution providing for the *sine die* adjournment of both Houses.**

On Oct. 1, 1976,<sup>(1)</sup> the following proceedings occurred in the House:

PROVISION FOR SINE DIE  
ADJOURNMENT

The SPEAKER laid before the House the Senate concurrent resolution (S. Con. Res. 211), providing for a sine die adjournment of the Congress on Friday, October 1, 1976.

The Clerk read the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 211

*Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall adjourn on Friday, October 1, 1976, and that when they adjourn on said day, they stand adjourned sine die.*

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

**§ 15.10 The House rejected a privileged concurrent resolution, offered by the Majority**

1. 122 CONG. REC. 35336, 94th Cong. 2d Sess.

**Leader, providing for the *sine die* adjournment of the two Houses or for adjournment until reconvened by the joint House-Senate majority or minority leadership prior to Jan. 3, 1974.**

On the legislative day of Dec. 21, 1973,<sup>(1)</sup> the House rejected a privileged concurrent resolution providing for adjournment *sine die*:

PROVIDING FOR SINE DIE  
ADJOURNMENT

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 411) and ask for its immediate consideration.

The Clerk read as follows:

H. CON. RES. 411

*Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 22, 1973, they shall stand adjourned sine die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with Section 2 of this resolution, whichever event first occurs.*

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of

the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER.<sup>(2)</sup> The question is on the concurrent resolution.

Mr. James V. STANTON [of Ohio]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 74, nays 171, not voting 187, as follows:

[Roll No. 724] . . .

So the concurrent resolution was rejected. . . .

ADJOURNMENT TO 12 O'CLOCK  
NOON TODAY

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon today, Dec. 22, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection. . . .

ADJOURNMENT

Mr. [John B.] BREAU [of Louisiana]. Mr. Speaker, I move that the House do now adjourn.

1. 119 CONG. REC. 43294, 43295, 43318, 93d Cong. 1st Sess.

2. Carl Albert (OK).

The motion was agreed to; accordingly (at 1 o'clock and 32 minutes a.m.) the House adjourned until today, Saturday, December 22, 1973, at 12 o'clock noon.

*Parliamentarian's Note:* The next day, the House adopted House Concurrent Resolution 412, adjourning the session *sine die*. The Senate amended it to include joint majority or minority leadership recall authority.<sup>(3)</sup>

**§ 15.11 The Speaker laid before the House a House concurrent resolution providing for *sine die* adjournment of the two Houses with a Senate amendment thereto permitting the joint House-Senate leadership to reconvene Congress prior to Jan. 3, 1974.**

On Dec. 22, 1973,<sup>(1)</sup> the following proceedings occurred in the House:

FURTHER MESSAGE FROM THE  
SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the House (H. Con. Res. 412) entitled "Concurrent resolution providing for the sine die adjournment of the 1st session of the 93d Congress," with amendments in which concurrence is requested.

3. See also § 15.11, *infra*.

1. 119 CONG. REC. 43327, 93d Cong. 1st Sess.

PROVIDING FOR THE SINE DIE  
ADJOURNMENT OF THE 1ST  
SESSION OF THE 93D CON-  
GRESS

The SPEAKER.<sup>(2)</sup> The Clerk will report the concurrent resolution (H. Con. Res. 412) providing for the sine die adjournment of the 1st session of the 93rd Congress, with a Senate amendment thereto, and report the Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, strike out "die." and insert "die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs."

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, files a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SINE DIE ADJOURNMENT

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I move that the House do now adjourn.

2. Carl Albert (OK).

The motion was agreed to.

The SPEAKER. In accordance with the provisions of House Concurrent Resolution 412, the Chair declares the 1st session of the 93d Congress adjourned sine die.

Thereupon (at 2 o'clock and 2 minutes p.m.), pursuant to House Concurrent Resolution 412, the House adjourned sine die.

### ***Speaker's Designees to Exercise Recall Authority***

**§ 15.12 A Speaker pro tempore, by unanimous consent, announced the Speaker's designations of (1) the Majority Leader to exercise recall authority under the concurrent resolution of adjournment in the event of the death or inability of the Speaker, and (2) certain alternates in a letter placed with the Clerk to, in turn, exercise the same authority in the event of the death or inability of the primary designee.**

On Nov. 22, 2002,<sup>(1)</sup> the following occurred in the House:

#### RECALL DESIGNEE

The SPEAKER pro tempore (Mr. KERNS).<sup>(2)</sup> Without objection, and pursuant to section 2 of Senate Concurrent Resolution 160, the Chair an-

1. 148 CONG. REC. 23517, 23518, 107th Cong. 2d Sess.
2. Brian Kerns (IN).

nounces the Speaker's designation of Representative RICHARD K. ARMEY of Texas to act jointly with the majority leader of the Senate or his designee, in the event of the death or inability of the Speaker, to notify the Members of the House and the Senate, respectively, of any reassembly under that concurrent resolution, and further, in the event of the death or inability of that designee, the alternate Members of the House listed in the letter bearing this date that the Speaker has placed with the Clerk are designed, in turn, for that same purpose.

There was no objection.

*Parliamentarian's Note:* Beginning in the 108th Congress, clause 8(b)(3) of Rule I was added to confer this designation authority on the Speaker.<sup>(3)</sup>

### **§ 16. Where Required or Prohibited by Law**

The Legislative Reorganization Act of 1970 provides for a *sine die* adjournment of "not later than July 31 of each year; or (2) in case of an odd-numbered year, provide, not later than July 31 of such year, by concurrent resolution adopted in each House by roll call vote, for the adjournment of the two Houses from that Friday in August which occurs at least thirty days before the first Monday in

3. *House Rules and Manual* § 632 (2007).

September (Labor Day) of such year to the second day after Labor Day.”<sup>(1)</sup> The section is not applicable if the Nation is in a state of war declared by Congress.<sup>(2)</sup> In even-numbered years and some odd-numbered years, the House has agreed to concurrent resolutions waiving the provisions of this law to provide that the two Houses shall not adjourn for more than three days or *sine die* until they have adopted a concurrent resolution to that effect.<sup>(3)</sup> To obviate the necessity of adoption of such a concurrent resolution waiving § 132 of the Legislative Reorganization Act of 1946, the two Houses have included language “in consonance with section 132(a)” in its concurrent resolutions providing for adjournments from July until September.<sup>(4)</sup>

1. See *House Rules and Manual* §§ 1105, 1106 (2007); 2 USC § 198.
2. *Ibid.*
3. See § 16.2, *infra*. See also 145 CONG. REC. 18763, 106th Cong. 1st Sess., July 30, 1999 (H. Con. 266); 140 CONG. REC. 18611–15, 103d Cong. 2d Sess., July 29, 1994 (H. Con. Res. 275); 132 CONG. REC. 18146, 18147, 99th Cong. 2d Sess., July 30, 1986 (H. Con. Res. 374); 128 CONG. REC. 18562, 18563, 97th Cong. 2d Sess., July 29, 1982 (H. Con. Res. 386); and 120 CONG. REC. 25008, 93th Cong. 2d Sess., July 24, 1974 (H. Con. Res. 568).
4. See § 16.1, *infra*. See also § 12.1, *supra*.

The 1970 Act superseded the provisions of the Legislative Reorganization Act of 1946 which required that Congress adjourn *sine die* by the end of July each year unless there existed a state of war or national emergency declared by the President. Presidentially declared national emergencies of Sept. 8, 1939,<sup>(5)</sup> May 27, 1941,<sup>(6)</sup> and Dec 16, 1950,<sup>(7)</sup> made the July 31 adjournment provision moot.<sup>(8)</sup>

The requirement in former § 310(f) of the Congressional Budget Act of 1974 that *sine die* adjournment resolutions cannot be considered until Congress has completed action on the second concurrent resolution on the budget and on any required reconciliation legislation was repealed by the Balanced Budget and Emergency Deficit Control Act of 1985.<sup>(9)</sup>

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### ***Legislative Reorganization Act of 1970***

#### **§ 16.1 The House by unanimous consent considered a**

5. Presidential Proclamation 2352 (54 Stat. 2643).
6. Presidential Proclamation 2487 (55 Stat. 1647).
7. Presidential Proclamation 2914 (64 Stat. A454).
8. See, *e.g.*, § 16.3, *infra*.
9. See *House Rules and Manual* § 1127 (2007); 2 USC §§ 601 *et seq.*

**concurrent resolution of adjournment for its “August” recess rendered unprivileged by § 309 and § 310 of the Budget Act.**

On July 27, 2000,<sup>(1)</sup> the Speaker pro tempore laid before the House a Senate concurrent resolution providing for adjournment (or recess) of each House for more than three days, from separate alternate departure dates, to separate dates certain, subject to joint leadership recall. The proceedings were as follows:

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore.<sup>(2)</sup> Without objection, the Chair lays before the House the following Senate concurrent resolution (S. Con. Res. 132), providing for a conditional adjournment or recess of the Senate and conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 132

*Resolved by the Senate (the House of Representatives concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on*

1. 146 CONG. REC. 16620, 16621, 106th Cong. 2d Sess.
2. Edward A. Pease (IN).

Thursday, July 27, 2000, Friday, July 28, 2000, or on Saturday, July 29, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 5, 2000, or until noon on Wednesday, September 6, 2000, or until such time on either day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, July 27, 2000, or Friday, July 28, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Wednesday, September 6, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

□ 1815

The SPEAKER pro tempore (Mr. PEASE). Without objection, the concurrent resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, House Resolution 567 is laid on the table.

There was no objection.

**§ 16.2 By unanimous consent, the House considered and then agreed to a concurrent resolution providing that notwithstanding the requirement of the Legislative Reorganization Act of 1970 (2 USC § 198) that the two Houses adjourn *sine die* by July 31 in an even-numbered year, the House and Senate not adjourn for more than three days or *sine die* until they had adopted a concurrent resolution to that effect.**

On July 25, 1972,<sup>(1)</sup> the House, by unanimous consent, took up a concurrent resolution providing that the two Houses would remain in session beyond the day specified by the Legislative Reorganization Act of 1970. The relevant section of the Legislative Reorganization Act of 1970 (2 USC § 198) to which the concurrent resolution addressed itself states that unless otherwise provided by Congress, the two Houses shall either (a) adjourn *sine die* by July 31 of each year; or (b) in odd-numbered years, adjourn from the first Friday in August until the second day after Labor Day pursuant to a concurrent resolution adopted by roll call vote in each House. The

1. 118 CONG. REC. 25145, 25146, 92d Cong. 2d Sess.

following proceedings then occurred:

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 648) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 648

*Resolved by the House of Representatives (the Senate concurring),* That notwithstanding the provisions of Sec. 132(a) of the Legislative Reorganization Act of 1946 (2 USC 198), as amended by Section 461 of the Legislative Reorganization Act of 1970 [Pub. Law 91-510; 84 Stat. 1193], the House of Representatives and the Senate shall not adjourn for a period in excess of three days, or adjourn *sine die*, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment *sine die*.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Louisiana?

Mr. [Durward G.] HALL [of Missouri]. Mr. Speaker, reserving the right to object—as I understand the Clerk's reading of this resolution, and from contact with the distinguished majority leader just prior to its presentation, this requested approval will for all intents and purposes obviate the intent of the Joint Commission on the Reorganization of Congress and indeed the statute evolving from the Reorganization Act of 1970.

It was the hope of that Commission, which held 3 years of hearings, and of

2. Carl Albert (OK).



the Committee on Rules, which later submitted the bill that became the Reorganization Act of 1970, that the Congress could obviate the impasse between the legislative and/or authorizing committees vis-a-vis the operating or appropriations committees to the place where we could accomplish our work in a so-called constitutionally defined short session of any given Congress, and be out of here at least by the end of July.

I understand the need and the necessity for the House-Senate concurrent resolution as submitted by the gentleman from Louisiana. I do not understand why it needs to be open ended as to date.

I wonder if the distinguished majority leader can explain, Mr. Speaker, why it is until such time as subsequent concurrent action or joint action sets a date certain, or adjourns for over 3 days.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to my friend from Louisiana.

Mr. BOGGS. The gentleman is, of course, correct in his principal statement that under the terms of the so-called Reorganization Act passed several years ago, unless some action is taken, the Congress would be forced to adjourn by July 31. The gentleman, of course, is well aware of the fact that there are a number of very important authorization bills, and still a series of appropriation bills that have not cleared one body or the other.

The idea at this time of attempting to set a date certain for adjournment is something that is just without the knowledge either of the Speaker or of

the majority leader. We just do not know.

As the gentleman has been informed heretofore, we do not expect to complete the work of this session prior to the Friday before the Republican National Convention, which convenes, I believe, on August 21.

So the best answer I can give the gentleman is we just do not have a date certain. Until such time as we were in a position to write a date certain, it would be a vain and useless thing to do so now.

Mr. HALL. Mr. Speaker, further reserving the right to object, I appreciate the gentleman's efforts, and those of the leadership[.] . . .

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. [H. R.] GROSS [of Iowa]. Mr. Speaker, further reserving the right to object, could the House have any assurance, the slightest assurance, that having returned after Labor Day, following the Republican Convention, there will be a sine die adjournment of Congress sometime in September?

Mr. BOGGS. Will the gentleman yield?

Mr. GROSS. I am happy to yield to the gentleman.

Mr. BOGGS. The gentleman knows that the leadership prepared a schedule of days off for this session and, if the gentleman will refer to this, he will note that we expressed the hope then that we would have completed the business of this session by August 18, which is the Friday before the Republican National Convention.

Now, in truth and in fact, the House has done, in my judgment, quite well. But we still have the foreign aid bills, the foreign aid authorization and the foreign aid appropriation, the military construction appropriation bill, and the defense appropriation. These are very important matters, particularly the defense appropriation bill. There is also the Water Quality Act which is still in conference and there is the debt limit extension and a housing bill.

I will not seek to enumerate all of them, but there are matters of importance pending before this body. . . .

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. [Joe D.] WAGGONNER [Jr., of Louisiana]. Mr. Speaker, reserving the right to object, I want to ask my distinguished colleague from Louisiana if he meant he was taking the position that as majority leader he was not going to allow this House to adjourn or this Congress to adjourn sine die until all of the legislative proposals he recommended had been signed into law.

Mr. BOGGS. No. Not at all. . . .

Mr. WAGGONNER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

### ***Legislative Reorganization Act of 1946***

#### **§ 16.3 The Speaker responded to parliamentary inquiries as**

**to whether it was necessary for the Congress to provide for the continuance of its session beyond July 1949, and whether committees may sit and act in view of the provisions of § 132 of the Legislative Reorganization Act of 1946, requiring that adjournment take place the last of July unless otherwise provided by the Congress.**

The Speaker stated that a concurrent resolution to continue the session beyond July 1949 was not necessary inasmuch as the United States was still at war and that the national emergencies proclaimed by the President in 1939 and in 1941 were still in effect.

There was inserted in the *Congressional Record* opinion and supporting evidence of the Legislative Reference Service of the Library of Congress to the effect that a concurrent resolution to continue the session beyond July 1949 was not necessary because of the current state of war and the national emergencies proclaimed by the President in 1939 and in 1941.

On July 27, 1949,<sup>(1)</sup> the Minority Leader posed the following parliamentary inquiry:

1. 95 CONG. REC. 10290-93, 81st Cong. 1st Sess.

CONTINUATION OF SESSIONS BEYOND  
JULY 31, 1949

Mr. [Joseph W.] Martin, [Jr., of Massachusetts]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.<sup>(2)</sup> The gentleman will state it.

Mr. MARTIN of Massachusetts. Mr. Speaker, I rise to propound an inquiry to the Speaker and the majority leader.

Three years ago in response to a wide public demand the then Democratic Congress passed what was known as the reorganization bill. The purpose of the legislation was to initiate legislative reforms. The bill was warmly supported by the press, magazines, labor leaders, business executives, eminent educators, and students of public affairs. One of the reforms particularly stressed was the establishment of a fixed date for the adjournment of Congress.

In that bill was a paragraph, which I read:

SEC. 132. Except in time of war in a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress.

You will note that this is mandatory language, subject only to emergencies. Unless the House is ready to accept the flimsy excuse that 4 years after the ending of a shooting war we are still at war, there are only two other ways we can continue legally to legislate after August 1. One is through the passage of a concurrent resolution, and the other the proclaiming by the President

of an emergency. There may be emergencies at this time, and if so, I would like to have them specified.

As I stated, there has been talk of keeping the Congress in session on the pretext we are in war. Technically that, of course, is true, but I submit, Mr. Speaker, that will not ring true with the American people. It is doubtful from the progress we are making toward the ending of the war that we will ever reach the time when the war shall be officially ended. Certainly there will never be peace if we are obliged to get the consent of Russia.

I further submit that to continue without a resolution will place in jeopardy legislation which we pass after August 1. The Supreme Court only the other day in the Christoffel case said a tribunal that is not competent is no tribunal. It might say in this instance that a Congress sitting without a legal right to sit is not qualified to enact legislation. Surely we are playing risky and throwing a "cloud" over our work.

Now, as to the war-emergency excuse. The President and the Congress have both given adequate evidence that they do not believe there is now an emergency. This has been indicated through the frequent relaxation of emergency controls.

President Truman, in his message to Congress on February 19, 1947, said:

*To the Congress of the United States:*

During the year and a half that have elapsed since the defeat of our last enemy in battle we have progressively eliminated the great majority of emergency controls over the Nation's economy. The progress of reconversion now makes it possible to take an additional step toward freeing our economy of wartime controls.

2. Sam Rayburn (TX).

Accordingly I am recommending that the Congress repeal certain temporary statutes still in effect by virtue of the emergencies proclaimed by the President in 1939 and 1941, and I have requested the executive departments and agencies to cease operations under powers derived from certain permanent statutes that are effective only during emergencies, to the extent that such operations are related to the 1939 and 1941 emergencies.

Note that he ordered those powers should be suspended which were effective only during emergencies.

The recommendations I have present for the consideration of the Congress will, if accepted materially assist in further freeing the country of war controls and will help make possible an early ending of the emergencies. I have under continuing study the question of terminating the emergencies proclaimed in 1939 and 1941, and intend to take action as soon as circumstances permit.

In my recent message to the Congress on the state of the Union I outlined the following program with respect to the termination of emergency and wartime powers:

“Two groups of temporary laws still remain: The first are those which by congressional mandate are to last during the ‘emergency’; the second are those which are to continue until the ‘termination of the war.’

“I shall submit to the Congress recommendations for the repeal of certain of the statutes which by their terms continue for the duration of the ‘emergency.’ I shall at the same time recommend that others within this classification be extended until the state of war has been ended by treaty or by legislative action. As to those statutes which continue until the state of war has been terminated, I urge that the Congress

promptly consider each statute individually, and repeal such emergency legislation where advisable.”

Accordingly, I now submit recommendations with respect to more than 100 laws which are affected by the limited emergency declared September 8, 1939, or the unlimited emergency declared May 27, 1941.

In the case of those statutes that remain in force until termination of the war, I have directed the executive departments and agencies to assist the Congress in its consideration of these statutes, individually, by making available full information concerning them to the appropriate congressional committees. The work done on this subject in the Seventy-ninth Congress by the Committee on the Judiciary of both Houses, with the assistance of the Office of War Mobilization and Reconversion, the Department of Justice, and other Government agencies, should offer valuable aid to the Congress in accomplishing the task which remains. At a later date it may prove desirable to send a further communication to the Congress concerning these statutes.

Emergency laws dealt with in this message fall into five broad classes: (a) Temporary statutes which are no longer needed, and which consequently should be repealed forthwith; (b) permanent statutes under which operations related to the 1939 or 1941 emergencies have been or are being discontinued, but which should remain for possible use during future emergencies; (c) statutes appropriating funds, which should, when the funds are no longer required be handled by rescission of funds rather than by repeal of the statutes; (d) statutes which should be temporarily extended by the Congress pending consideration of permanent legislation or other disposition as indicated below; (e) statutes which should continue in force for the period or purpose stipulated.

In appendixes to this message the statutes under reference are enumerated according to the above classifications.

It will be observed there is no mention of this particular restriction in Congress adjournment. Furthermore, I am informed that the committee which framed this resolution in 1946 came very nearly omitting the reference to emergencies. It was only included by the House as an extreme precautionary measure. At the time the reorganization bill was adopted there was no emergency in their minds, and we are now 3 years later.

On January 1, 1947, the President said:

Although a state of war still exists, it is at this time possible to declare, and I find it to be in the public interest to declare, that hostilities are terminated.

Then he went on to talk about the controls that should be eliminated.

The President on February 19, 1947, sent another message to the Congress, and he said:

During the year and a half that have elapsed since the defeat of our last enemy in battle, we have progressively eliminated the great majority of emergency controls over the Nation's economy. The progress of reconversion now makes it possible to take an additional step toward freeing our economy of wartime controls.

Accordingly, I am recommending that the Congress repeal certain temporary statutes still in effect by virtue of the emergencies proclaimed by the President in 1939 and 1941, and I have requested the executive departments and agencies to cease operations under powers derived from certain permanent statutes

that are effective only during emergencies, to the extent that such operations are related to the 1939 and 1941 emergencies.

The recommendations I here present for the consideration of the Congress will, if accepted, materially assist in further freeing the country of war controls and will help make possible an early ending of the emergencies. I have under continuing study the question of terminating the emergencies proclaimed in 1939 and 1941, and intend to take action as soon as circumstances permit.

In my recent message to the Congress on the state of the Union I outlined the following program with respect to the termination of emergency and wartime powers:

"Two groups of temporary laws still remain: The first are those which by Congressional mandate are to last during the 'emergency'; the second are those which are to continue until the 'termination of the war'.

"Accordingly, I now submit these recommendations."

You will note from that the President had progressively ended war controls because the emergencies were over.

Mr. Speaker, I bring this up, I assure you, not in any partisan manner; not in any manner except to clarify the situation, that we may know properly where we stand. I want to remove if possible the cloud over our legislative acts. I believe that this can only legally be assured through the adoption of a resolution by both branches of the Congress. The fact it is so easy for Congress to continue its session by resolution is sufficient reason that emergency wartime proposals should not be utilized to keep Congress in session. If the Congress by any chance was in such a position that it could not help

itself, there might be some reason to defend the restriction. Congress is here. Congress could simply pass a resolution extending it indefinitely or to a given date. But I submit, Mr. Speaker, that not only for today but for the years to come, unless we exercise common sense and reason we will go on indefinitely being deprived of one of the essential reforms of the reorganization act because we are at war.

Mr. Speaker, I submit this question to you with confidence in your integrity. I do it as a contribution to orderly procedure and in an effort to clarify a grave doubt.

The SPEAKER. The Chair is prepared to answer the parliamentary inquiry of the gentleman from Massachusetts. The gentleman from Massachusetts was kind enough to advise the Chair on last Monday that he intended to raise this question so that the House might have an interpretation for its guidance.

Section 132 of the Legislative Reorganization Act of 1946 provides:

SEC. 132. Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress.

It is indisputable that we were on August 2, 1946, the time the Legislative Reorganization Act was passed, in a state of war, and that the national emergencies declared by the President on September 8, 1939, and May 27, 1941, were still in effect. That same state of affairs continues today. The state of war still exists, and the national emergencies declared by the President still exist.

That fact—that the state of war and national emergencies have continued to exist—has been recognized on numerous occasions. Following the passage of the Legislative Reorganization Act the President on December 31, 1946, issued his proclamation declaring the cessation of hostilities of World War II. At that time the President stated that his proclamation did not effect the termination of the national emergencies or of the state of war.

The Supreme Court on at least two occasions since the passage of the Legislative Reorganization Act, and as recently as February 1948, recognized the distinction between the termination of hostilities and the termination of the war itself.

In *Fleming v. Mohawk Wrecking & Lumber Co.* (331 U. S. 111), decided in 1947, the Supreme Court unanimously upholding the exercise of authority by the President under title I of the First War Powers Act of 1941, which the President was authorized to use only in matters relating to the conduct of the present war, said:

The cessation of hostilities does not necessarily end the war power.

In *Woods v. Miller Co.* (333 U. S. 138), decided in 1948, the Supreme Court again, and once more unanimously, upheld the constitutionality of the Housing and Rent Act of 1947 as a valid exercise by the Congress of its war powers, saying:

Whatever may be the consequences when war is officially terminated, the war power does not necessarily end with the cessation of hostilities.

The Congress itself in enacting Senate Joint Resolution 123, Eightieth

Congress, a year after the passage of the Legislative Reorganization Act, recognized the continued existence of the state of war and of the emergencies.

It will be recalled that Senate Joint Resolution 123, which became Public Law 239 of the Eightieth Congress, provided that with respect to a number of specified statutory provisions the war and the emergencies should be considered terminated. But the central principle—that the state of war and the national emergencies continued to exist—was clearly recognized and reinforced.

The Chair is not aware that either the Congress or the President has taken any step whatever which would have the effect of terminating World War II as such or the national emergencies as such. For the foregoing reasons it is clear that section 132 of the Legislative Reorganization Act has no effect at this time because in its own words it is not effective “in time of war or during a national emergency proclaimed by the President.”

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. I assume, of course, from the response of the Speaker that we are to continue with the session after August 1, with no further action in the way of a resolution by the Congress.

The SPEAKER. That would be the interpretation of the Chair, that it would not be necessary to pass a concurrent resolution for the continuance of the Congress beyond the 1st of August.

Mr. HALLECK. Then, Mr. Speaker, since it is apparent that we are going to go beyond the 1st of August, I wonder if the Speaker can give us any information as to when we may reasonably expect that the work of the House of Representatives may be concluded in order that we may be in a little better position to make our plans for the rest of the year and, I believe, to make some determinations as to the legislative program. I understand, that it may well be that the Speaker is not in any position at this time to say anything to us about this matter about which I am inquiring, but I can see around me what I am sure is a lot of interest in the matter about which I have inquired. I am quite sure that my colleagues will join with me in expressing the hope that very shortly we can come to the end of the labors of this session and get back home.

The SPEAKER. The Chair may say, in response to the inquiry of the gentleman from Indiana, that anything he may say about the length of this session would be only the expression of a hope.

Mr. [John E.] RANKIN [of Mississippi]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, if the Supreme Court should decide that the war has terminated, would that not vitiate every law that we would pass from now on without passing a resolution?

May I say to the Speaker that I am somewhat alarmed at a recent decision of the Supreme Court setting aside the conviction of a man for committing perjury before a committee of the House

on the ground there was not a quorum present. Suppose the Supreme Court should go off on a similar tangent and decide that the war has been terminated, would that not vitiate any legislation we might pass unless we passed a resolution to continue the session, as the law provides, and would it not be a simple matter to bring in a resolution extending the regular session as provided by law and thus eliminate that danger?

The SPEAKER. Of course, the Chair is not in position or not of a disposition to guess or prognosticate on what the Supreme Court of the United States will do.

Mr. RANKIN. I would not impose that burden on the Chair, of course.

The SPEAKER. But if and when that time comes the Congress could by its own action clear up those things.

Mr. RANKIN. The trouble is, Mr. Speaker, that after we have legislated for 6 weeks more, and I think we will be here until the middle of September, if the Supreme Court were to hold that the war had terminated and that we were sitting without authority, it might affect every law that we would pass in the next 6 weeks.

The SPEAKER. The Chair would think that the Supreme Court of the United States reads the CONGRESSIONAL RECORD.

Mr. [Earl C.] MICHENER [of Michigan]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. Mr. Speaker, we all appreciate that this is a very vital question, that it is a question of law and in the final analysis has to be de-

ecided by the Supreme Court of the United States.

The Chair has made his ruling and that ruling is binding upon the House and can only be challenged in the courts.

This question gave me some concern and on yesterday I asked the American Law Division of the Legislative Reference Service to prepare a brief for me on the questions involved. That brief was delivered to me a few minutes ago. I have not had time to thoroughly digest it. Some of the brief is not in keeping with what my views were; however, I may possibly be wrong.

Inasmuch as this is a legal proposition to be decided by the law and the precedents, I think the entire membership of the House is entitled to the conclusion of this agency which the Congress has set up in the Library of Congress for the express purpose of advising the Congress as to what the decisions indicate, as well as its conclusions.

I therefore ask unanimous consent, Mr. Speaker, that the opinion rendered by Mr. Frank B. Horne, American Law Section, of July 26, be included at this point in the RECORD.

The SPEAKER. Would the gentleman be willing to have that inserted in the Appendix of the RECORD?

Mr. MICHENER. If the Speaker desires, I would be willing, but inasmuch as this whole question is so vital and should all be considered together, I believe it should be inserted at this point. I may say to the Chair that the opinion is not at variance with the ruling which the Speaker has made, even though it is not in keeping with my preconceived views.



The cases to which the Speaker has referred are cited as well as many others. I think it would be for the benefit of all those interested to have these views at one spot in the CONGRESSSIONAL RECORD. Of course, I shall be pleased to abide by whatever the Speaker says.

Mr. RANKIN. Mr. Speaker, reserving the right to object, and I shall not object, I would like to say to the gentleman from Michigan, and to the House, that it seems to me that the wise thing to do is to pass a continuing resolution immediately. I do not think there would be any particular objection to it, and it would eliminate the danger of having the laws we pass during the rest of the session set aside by the Supreme Court.

Mr. MICHENER. There is no question about that. I was on the Reorganization Committee, and the intent and the purpose was to fix a final and a definite date which would control the annual sine die adjournment unless the Congress, in its wisdom, decided otherwise before the date specified, on the 31st day of July in each year, arrived. The Speakers ruling holds that we are still at war technically, that an emergency declared by the President in 1937 and another one declared in 1941 still exists. Therefore, the only solution, if we want to adjourn, is to pass a resolution of adjournment, fixing the date. That will remove all doubt.

The SPEAKER. As to the request of the gentleman from Michigan, of course, the gentleman from Michigan knows that the Chair has no more respect for any other Member of the House than he has for him, but the Chair would prefer, if the gentleman does not object, that the matter he

speaks of be extended in the Appendix of the RECORD.

Mr. MICHENER. Mr. Speaker, may I suggest, in view of what I said, that if it is not objectionable, that the decision be inserted immediately preceding the ruling of the Chair? It is not at variance with the ruling; it is amplifying.

The SPEAKER. The Chair, of course, would not object to that himself.

Mr. [Clare E.] HOFFMAN of Michigan. I object, Mr. Speaker.

The SPEAKER. But the Chair thinks that that would hardly be the place for it to go.

Mr. [John M.] VORYS [of Ohio]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VORYS. The Chair has given an expression of his views, but is this not the case, that the only way in which the Chair could rule on the point would be if a point of order were made after July 31 to some action of the House on the ground that the House is not in session? The Chair cannot rule in advance.

The SPEAKER. The Chair assumes that the gentleman from Massachusetts [Mr. MARTIN] made his parliamentary inquiry today in order to obviate a thing like that.

The proceedings continued in the House on Aug. 1, 1949:<sup>(3)</sup>

The House met at 12 o'clock noon.

The Acting Chaplain, Rev. James P. Wesberry, LL. D., offered the . . . prayer[. . .]

3. 95 CONG. REC. 10486, 81st Cong. 1st Sess.

Mr. HALLECK. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. Mr. Speaker, I make the point of order that the House is not legally in session. I make it at this time because I am quite sure that the point should be made before the Journal is read.

I make the point of order for the reason that under the Reorganization Act recently passed by the Congress which is now the law of the land, it is provided that Congress shall adjourn on the last day of July unless the Nation is at war, or there is a national emergency proclaimed by the President, or unless the Congress determines otherwise.

The Congress has not determined otherwise. No action has been taken by the Congress in line with the provisions of the Reorganization Act. I insist, Mr. Speaker, that there is no such state of war existing, and there is no such national emergency declared by the President existing as contemplated by the Reorganization Act, which would avoid the necessity of the Congress acting affirmatively as provided in the act if we are to be legally in session.

Mr. Speaker, I am, of course, familiar with the Speaker's response of last week to the inquiry addressed to the Chair by the minority leader, the gentleman from Massachusetts [Mr. MARTIN]. Being so convinced, however, that there should be no cloud whatever upon the legality of the action of the Congress that may hereafter be taken, and because I am convinced that the only way to remove any threat to such

legality is for the Congress to act affirmatively, I am constrained at this time to raise the point of order.

The SPEAKER. The Chair is prepared to rule.

In response to the parliamentary inquiry propounded by the gentleman from Massachusetts [Mr. MARTIN] on last July 27, the Chair stated what the Chair thought and still thinks is the law: that the Congress is legally in session. The Chair therefore overrules the point of order made by the gentleman from Indiana.

Mr. [Ralph E.] CHURCH [of Illinois]. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. CHURCH. Mr. Speaker, I make a further point of order. This goes beyond what the Speaker has ruled with reference to the point of order just made by the gentleman from Indiana [Mr. HALLECK]. First, let me say that there is nothing to prevent the President from calling a special session today, or any day, to begin immediately.

Mr. Speaker, I make the point of order that the House is not legally in session, that when the House adjourned last Thursday and the Senate adjourned last Friday the adjournment constituted a sine die adjournment pursuant to section 132 of the Legislative Reorganization Act of 1946.

Mr. Speaker, in view of the fact, not merely that Congress has not by concurrent resolution adjourned, but in addition thereto, that the President has not yet called us today or on tomorrow into special session, I raise this further point of order and insist on my objection with respect to every measure before the Congress.

While the Speaker has ruled that no formal action is necessary to prevent a sine die adjournment as provided by section 132 of the Legislative Reorganization Act of 1946, there is nonetheless some doubt as to the validity of our proceedings. The ruling of the Speaker can be challenged in the courts should occasion arise where any of the measures we pass should be challenged.

In order to remove all possible doubt as to the validity of our proceedings after the last day of July, I had hoped that the leadership would bring in a formal resolution. Such action not having been taken, I believe that the President should call a special session. He should do this in order to give formal legal status to our proceedings. He should do this in order that the question may never arise at some future date as to the validity under our Constitution of what we may attempt to do in the coming days that it is proposed we continue in session.

I repeat that there is nothing to prevent the President from calling a special session today to begin immediately.

Mr. Speaker, I do this with a view to certainty and for the dignity of this Congress. The people who sent us here, expect the Congress to legislate, and not a President and not a Speaker. I do this in all seriousness in order that the President may, before the day is over, instantaneously, now, call us in special session.

I make that point of order.

The SPEAKER. In response to the point of order, the Chair has already held that the Congress is legally assembled and in session; therefore,

there is no reason for the President to call a special session of the Congress at this time.

The Chair overrules the point of order.

On Aug. 2, 1949,<sup>(4)</sup> Rep. Church raised the following point of order:

LEGALITY OF SESSION OF CONGRESS

Mr. CHURCH. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. CHURCH. Mr. Speaker, I make the point of order that the House is not legally in session, and again cite section 132 of the Reorganization Act passed by the Congress. Today, Mr. Speaker, the situation is different in one particular from the situation on yesterday, when the two points of order were raised by the gentleman from Indiana [Mr. HALLECK] and myself.

Mr. Speaker, section 132 reads as follows:

CONGRESSIONAL ADJOURNMENT

SEC. 132. Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by Congress.

Mr. Speaker, I emphasize the words in parenthesis "Sundays excepted." If through any interpretation the words "Sundays excepted" give legality to the session of yesterday, then, Mr. Speaker, that interpretation could not carry

4. *Id.* at p. 10591.

that legality to include today. Therefore, I renew my point of order that the House is not legally in session, for the reasons stated by the gentleman from Massachusetts last July 27 and by the gentleman from Indiana and me on yesterday, and in addition for the reason that I have just stated, namely, that the words "Sundays excepted" cannot carry a legal session into today. Mr. Speaker, the President can instantler call a "special session" to meet immediately, and thereby remove the doubt as to the legality of the future proceedings of the Congress.

The SPEAKER. The Chair is ready to rule.

The Chair makes the statement again that on July 27, in response to the parliamentary inquiry propounded by the gentleman from Massachusetts [Mr. MARTIN], the Chair held, and he so holds today, that the Congress is in session.

The point of order is overruled.

On Aug. 4, 1949,<sup>(5)</sup> Mr. John E. Lyle, Jr., of Texas, called up, by direction of the Committee on Rules, House Resolution 310, providing for the consideration of H. R. 1758, a bill to amend the Natural Gas Act approved June 21, 1938, as amended, and asked for its immediate consideration. The following point of order was then made:

Mr. [John W.] HESELTON [of Massachusetts]. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HESELTON. Mr. Speaker, I make the point of order that the House is not legally in session.

I recognize that this matter has been raised in a general sense on at least two occasions. I do not wish to burden the Speaker, the membership or the record with repetition. Therefore, I would like to recognize and incorporate by references the parliamentary inquiry of the gentleman from Massachusetts [Mr. MARTIN] on July 27, the further parliamentary inquiries of the gentlemen from Indiana [Mr. HALLECK], from Mississippi [Mr. RANKIN], from Michigan [Mr. MICHENER], and from Ohio [Mr. VORYS], as well as the several rulings of the Speaker; also the points of order of August 1 by the gentleman from Indiana [Mr. HALLECK], and the gentleman from Illinois [Mr. CHURCH], as well as the rulings of the Speaker on those occasions.

My reason for making this point of order at this time is more specific. I have been advised upon what I believe to be reliable authority that if H. R. 1758, the resolution we will now consider, is enacted into law, with or without the proposed amendments, its legality will be challenged. Obviously, this might have a far-reaching effect not only upon the industry concerned but upon the entire problem of developing an effective fuel policy involving our energy resources.

In view of this possibility, it would seem to me that I would be derelict in my obligations as a Member of this body if I did not raise the point of order in terms of the consideration of this specific legislation.

Moreover, another problem is involved by reason of the recent decision

5. *Id.* at pp. 10777, 10778.

of the Supreme Court of the United States in the Christoffel case. It seems to me that it is the primary responsibility of proponents of H. R. 1758, particularly during the reading of the bill for amendment, to establish affirmatively at all times that a quorum is present and voting. However, I do not think that this is of major importance in terms of the point of order which I have raised and wish to submit to the Speaker.

The SPEAKER. The Chair will repeat, as he will repeatedly repeat when questions of this kind are raised, that on July 27, in answer to a parliamentary inquiry by the gentleman from Massachusetts [Mr. MARTIN] the Chair ruled that the House is legally in session, committees may legally meet, and may legally report bills.

The Chair overrules the point of order.

On Aug. 5, 1949,<sup>(6)</sup> Mr. Heselton was recognized for the following parliamentary inquiry in the Committee of the Whole:

Mr. HESELTON. Mr. Chairman, yesterday, when the resolution reporting the rule was before the House, I made the point of order that the House was not legally in session, which point of order was overruled. I have been advised that in order to properly present the matter in terms of the consideration of this bill, now that we have it at the point where it is being read for amendment, I should renew the point of order.

I would like to inquire whether that is in order or whether it should be sub-

mitted at the conclusion of the reading of the bill and when it is reported back to the House?

The CHAIRMAN.<sup>(7)</sup> The point raised by the gentleman from Massachusetts is not for the Committee of the Whole to pass on. If he will reserve the point of order, it should be propounded in the House.

## § 17. Procedure and Business at Adjournment

The House customarily authorizes the Speaker to appoint a committee to notify the President of the completion of business and the intention of the two Houses to adjourn *sine die* unless the President has some further communication to make.<sup>(1)</sup> This authority is provided by a simple resolution called up as privileged following adoption of the concurrent resolution to adjourn *sine die*. The committee is usually composed of the Majority and Minority Leaders of the House and joins a similar committee from the Senate if appointed.

Between the adoption of a *sine die* concurrent resolution and the actual *sine die* adjournment of the House by motion, the House customarily gives permission to facilitate the conduct of some items of

7. Brooks Hays (AR).

1. See § 17.1, *infra*.

6. *Id.* at p. 10858.

business during adjournment and, at the end of the second session, the preparation of necessary documents for the next Congress. Once customary concurrent resolutions or separate unanimous-consent requests to permit the receipt of messages between the Houses and enrollments to be signed after adjournment have been superseded by changes in the standing rules at the beginning of the 97th Congress in 1981 which permit the Speaker or the Speaker pro tempore and the Clerk to accomplish these responsibilities.<sup>(2)</sup> Unanimous-consent requests or resolutions for printing the *House Rules and Manual* for the next Congress,<sup>(3)</sup> for the acceptance of resignations and for appointments to commissions and committees,<sup>(4)</sup> and for insertions in the *Congressional Record* by chairmen and ranking minority Members of standing committees<sup>(5)</sup> and by Members on matters occurring prior to *sine die* adjournment, are necessary prior to *sine die* adjournment.

The motion to adjourn *sine die* is in order notwithstanding the

2. Rule I clause 4, *House Rules and Manual* §§ 624–626 (2007); and Rule II clause 2(h) *House Rules and Manual* § 652 (2007). See § 18.1, *infra*.
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*

absence of a quorum if both Houses have adopted a concurrent resolution providing *sine die* adjournment on the date.<sup>(6)</sup> The yeas and nays may be ordered on this motion.<sup>(7)</sup>

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### *Appointment of House Committee*

**§ 17.1 By privileged resolution the House authorized the Speaker to appoint a committee to notify the President of the completion of business and the intention of the two Houses to adjourn *sine die* unless the President has some further communication to make.**

On Sept. 1, 1960,<sup>(1)</sup> a committee was appointed to notify the President of an impending adjournment, as follows:

The SPEAKER.<sup>(2)</sup> The Chair recognizes the gentleman from Massachusetts [Mr. McCORMACK].

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I offer a preferential resolution (H. Res. 643).

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

6. See § 14.2, *supra*.
7. See § 6.2, *supra*.
1. 106 CONG. REC. 19128, 86th Cong. 2d Sess.
2. Sam Rayburn (TX).

*Resolved*, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

The SPEAKER. The Chair appoints the gentleman from Massachusetts [Mr. McCORMACK] and the gentleman from Indiana, [Mr. HALLECK] to wait on the President.<sup>(3)</sup>

*Parliamentarian's Note:* Such a resolution is privileged after a *sine die* resolution has been adopted, since it is considered to be a formality integral to concluding the business of the House.

### *Report of Committee to Notify the President*

**§ 17.2 The committee appointed by the Speaker to notify the President of the impending adjournment of the two Houses reported that it had so informed the President and that the President had no further communication to make.**

3. See also 118 CONG. REC. 37051, 92d Cong. 2d Sess., Oct. 18, 1972 (H. Res. 1169); 117 CONG. REC. 47668, 92d Cong. 1st Sess., Dec. 17, 1971 (H. Res. 756); and 112 CONG. REC. 28881, 89th Cong. 2d Sess., Oct. 22, 1966 (H. Res. 1074).

On Sept. 26, 1961,<sup>(1)</sup> the following report was made in the House:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, your committee appointed to join a committee of the Senate to inform the President that the Congress is ready to adjourn, and to ask him if he has any further communications to make to the Congress, has performed that duty. The President has directed us to say that he has no further communication to make to the Congress.<sup>(2)</sup>

### *In General*

**§ 17.3 On motion of the designee of the Majority Leader pursuant to § 3 of House Concurrent Resolution 353, the House (for the second time) adjourned the second session of the 105th Congress.**

On Dec. 19, 1998,<sup>(1)</sup> the following proceedings took place:

#### ADJOURNMENT

Mr. [B. H.] SOLOMON [of New York]. Mr. Speaker, pursuant to section 3 of House Concurrent Resolution 353, and as the designee for the Majority Leader, I move that the House do now adjourn.

1. 107 CONG. REC. 21528, 87th Cong. 1st Sess. (S. Con. Res. 55).
2. See also 118 CONG. REC. 37065, 92d Cong. 2d Sess., Oct. 18, 1972; and 111 CONG. REC. 28563, 89th Cong. 1st Sess., Oct. 22, 1965.
1. 144 CONG. REC. 28113, 105th Cong. 2d Sess.

The motion was agreed to.

The SPEAKER pro tempore.<sup>(2)</sup> In accordance with the provisions of House Concurrent Resolution 353, the Chair declares the second session of the 105th Congress adjourned sine die.

Thereupon (at 2 o'clock and 36 minutes p.m.), pursuant to section 3 of House Concurrent Resolution 353, the House adjourned.

### ***Printing of House Rules and Manual***

#### **§ 17.4 The House by unanimous consent agreed to a resolution providing for printing of revised *House Rules and Manual* for 108th Congress (3000 additional copies, 900 leatherbound with thumb index).**

On Nov. 14, 2002,<sup>(1)</sup> the following occurred:

PROVIDING FOR PRINTING AND BINDING OF REVISED EDITION OF RULES AND MANUAL OF HOUSE OF REPRESENTATIVES

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I offer a resolution (H. Res. 614) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 614

*Resolved*, That a revised edition of the Rules and Manual of the House of

2. Ray H. LaHood (IL).
1. 148 CONG. REC. 22599, 107th Cong. 2d Sess.

Representatives for the One Hundred Eighth Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### **§ 18. Business Subsequent to**

Certain administrative items of business are authorized to be undertaken as described in § 17, *supra*. Standing rules do not permit committees to file legislative reports, other than oversight, investigative, or biannual activities reports<sup>(1)</sup> following *sine die* adjournment without specific permission of the House. Standing rules do permit all committees to sit and act whether or not the House has adjourned,<sup>(2)</sup> up to the

2. Michael Simpson (ID).
1. Rule XI clauses 1(b)(4) and 1(d)(4), *House Rules and Manual* §§ 788, 790 (2007). See § 18.7, *infra*.
2. Rule XI clause 2(m)(1)(A), *House Rules and Manual* § 805 (2007).



constitutional end of term at noon on Jan. 3 of an odd-numbered year. Proceedings of the House subsequent to *sine die* adjournment of a Congress, including signing of enrollments and receipt of messages, are printed in a separate portion of the *Congressional Record* during the *sine die* period, or if there is no separate edition, in a separate portion of the next printed *Congressional Record*.<sup>(3)</sup> Of course, business conducted during adjournments to a day certain, including the receipt of messages, signing of enrollments, and appointments is shown in the *Congressional Record* of the day the House reconvenes.<sup>(4)</sup>

### ***Making Appointments and Accepting Resignations***

**§ 18.1 The House by unanimous consent authorized the Speaker and Minority Leader to accept resignations and make appointments to commissions, boards, and committees following adjournment *sine die* as authorized by law or by the House.**

3. See, *e.g.*, 148 CONG. REC. 23555–59, 107th Cong. 2d Sess., Dec. 16, 2002.
4. For a discussion of the effect of a *sine die* adjournment or an adjournment to a day certain on the authority of the President to “pocket veto” a measure, see Ch. 24, § 18, *supra*.

On Nov. 14, 2002,<sup>(1)</sup> the House by unanimous consent also provided that the chairman and ranking minority Member of each standing committee and subcommittee may extend remarks in the *Congressional Record* and include summary of work of committee or subcommittee. The House by unanimous consent authorized all Members until the publication of the last edition of the *Congressional Record* to revise and extend their remarks and include brief extraneous material on any matter occurring before adjournment *sine die*.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE NOT WITHSTANDING SINE DIE ADJOURNMENT

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the second session of the 107th Congress, the Speaker, the majority leader, and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

1. 148 CONG. REC. 22600 107th Cong. 2d Sess.
2. Michael Simpson (ID).

AUTHORIZING CHAIRMAN AND RANKING MINORITY MEMBER OF EACH STANDING COMMITTEE AND SUBCOMMITTEE TO EXTEND REMARKS IN RECORD

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the chairman and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the RECORD, up to and including the RECORD'S last publication, and to include a summary of the work of that committee or subcommittee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO REVISE AND EXTEND REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the second session of the 107th Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the second session *sine die*.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

§ 18.2 By unanimous consent, the Speaker was authorized

**to accept resignations and to appoint commissions, boards, and committees authorized by law, notwithstanding adjournment *sine die*.**

On Dec. 17, 1971,<sup>(1)</sup> the following transpired in the House:

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the first session of the 92d Congress, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Louisiana?

There was no objection.<sup>(3)</sup>

***Signing Bills and Resolutions***

§ 18.3 Prior to standing rules changes in 1981 authorizing such procedure considered by unanimous consent, the Speaker of the House and the President of the Senate were authorized by unanimous consent to sign enrolled bills and joint resolutions, notwithstanding adjournment *sine die*.

1. 117 CONG. REC. 47676, 92d Cong. 1st Sess.
2. Carl Albert (OK).
3. See also 119 CONG. REC. 43292, 43293, 93d Cong. 1st Sess., Dec. 21, 1973; and 118 CONG. REC. 37062, 92d Cong. 2d Sess., Oct. 18, 1972.

On Sept. 12, 1959,<sup>(1)</sup> preceding the *sine die* adjournment of Congress, a concurrent resolution was worded so as to include both the Speaker of the House and the President of the Senate in the authorization to sign enrolled bills and joint resolutions:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I offer a House concurrent resolution and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

HOUSE CONCURRENT RESOLUTION  
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*Resolved by the House of Representatives (the Senate concurring),* That notwithstanding the sine die adjournment of the two Houses, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The House concurrent resolution was agreed to, and a motion to reconsider was laid on the table.<sup>(3)</sup>

Similarly, on Aug. 30, 1957,<sup>(4)</sup> the following transpired in the House:

1. 105 CONG. REC. 19365, 86th Cong. 1st Sess.
2. Sam Rayburn (TX).
3. See also 106 CONG. REC. 19132, 86th Cong. 2d Sess., Sept. 1, 1960 (calendar day).
4. 103 CONG. REC. 16759, 85th Cong. 1st Sess.

Mr. McCORMACK. Mr. Speaker, I offer a House concurrent resolution (H. Con. Res. 230) and ask for its immediate consideration.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring),* That notwithstanding the sine die adjournment of the two Houses, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

*Parliamentarian's Note:* Standing rules were amended in the 97th Congress to obviate the need for these unanimous-consent requests.<sup>(5)</sup>

**§ 18.4 By unanimous consent, the Clerk may be authorized to receive messages from the Senate, and the Speaker authorized to sign enrollments notwithstanding an adjournment *sine die*.**

On Dec. 17, 1971,<sup>(1)</sup> the following authorizations were made in the House:

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I ask unanimous consent

5. Rule I clause 4, *House Rules and Manual* § 624 (2007); Rule II clause 2, *House Rules and Manual* § 652 (2007).
1. 117 CONG. REC. 47676, 92d Cong. 1st Sess.

that notwithstanding the sine die adjournment of the House, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Louisiana?

There was no objection.

### *Receiving Messages From the Senate*

#### **§ 18.5 The Clerk of the House may be authorized by unanimous consent to receive messages from the Senate during an adjournment from Friday to Monday, but such authorization does not mandate that the House adjourn during that period.**

On Dec. 13, 1963,<sup>(1)</sup> as the House prepared to adjourn from Friday to Monday, unanimous consent was granted for the Clerk to receive messages from the Senate and for the Speaker to sign enrolled bills and joint resolutions.

Mr. (Carl) ALBERT (of Oklahoma). Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday next the

2. Carl Albert (OK).

1. 109 CONG. REC. 24553, 88th Cong. 1st Sess.

Clerk may be authorized to receive messages from the Senate and the Speaker may be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Oklahoma?

Mr. (Durward G.) HALL (of Missouri). Reserving the right to object, Mr. Speaker, may I ask the distinguished majority leader if this request implies that the House is going to adjourn over until Monday next, thereby missing tomorrow, Saturday?

Mr. ALBERT. It implies that a request will be made later for that purpose.

Mr. HALL. But it is not inherent in this request?

Mr. ALBERT. This does not bind the House not to meet tomorrow, no.

Mr. HALL. Then I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

### *Comptroller General Reports*

#### **§ 18.6 A resolution authorized the printing of reports of the Comptroller General to be received following the adjournment sine die as documents of the second session of the 90th Congress.**

On Oct. 14, 1968,<sup>(1)</sup> the authorization for printing Comptroller

2. John W. McCormack (MA).

1. 114 CONG. REC. 31313, 90th Cong. 2d Sess.

General reports during adjournment was provided by resolution:

Mr. (Carl) ALBERT (of Oklahoma). Mr. Speaker, I offer a resolution (H. Res. 1323) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1323

*Resolved*, That notwithstanding the sine die adjournment of the House, reports of the Comptroller General of the United States made to the Congress pursuant to the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be printed during such adjournment as House documents of the second session of the Ninetieth Congress.

The resolution was agreed.

The motion to reconsider was laid on the table.

At the close of the second session of the 80th Congress,<sup>(2)</sup> a resolution authorized the Comptroller General reports to be printed during adjournment *sine die*, as follows:

Mr. (Charles A.) HALLECK (of Indiana). Mr. Speaker, I offer a resolution (H. Res. 700) and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That the reports (if the Comptroller General of the United States made to Congress, pursuant to section 5 of the act of February 24, 1945 (56 Stat. 6), and the Government Corporation Control Act (59

Stat. 597), after the adjournment of the House until December 31, 1948, shall be printed as House documents of the second session of the Eightieth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

*Parliamentarian's Note:* This permission for printing of Comptroller General reports is no longer necessary, as such reports are processed as executive communications.

### *Investigative Reports*

**§ 18.7 Committees authorized to conduct investigations were permitted by unanimous consent to file investigative reports with the Clerk and have them printed, notwithstanding adjournment *sine die*.**

On the legislative day of Aug. 31, 1960,<sup>(1)</sup> the following took place in the House:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I ask unanimous consent that reports filed with the Clerk following the sine die adjournment by committees authorized by the House to conduct investigations may be printed by the Clerk as reports of the 86th Congress.

2. 94 CONG. REC. 9348, 80th Cong. 2d Sess., June 19, 1948.

1. 106 CONG. REC. 19132, 86th Cong. 2d Sess., Sept. 1, 1960 (calendar day). See also 88 CONG. REC. 9602, 77th Cong. 24 Sess.

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The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.<sup>(3)</sup>

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2. Sam Rayburn (TX).

3. See also 109 CONG. REC. 25555, 88th Cong. 1st Sess., Dec. 24, 1963; and 107 CONG. REC. 21529, 87th Cong. 1st Sess., Sept. 27, 1961 (calendar day).

*Parliamentarian's Note:* Beginning with the 105th Congress, the standing rules were amended to give all committees authority to file investigative reports with the Clerk following *sine die* adjournment. See Rule XI clause 1(b)(4), *House Rules and Manual* § 788 (2007).

On Aug. 30, 1957,<sup>(4)</sup> permission was granted for certain investigative reports to be filed during an adjournment period.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that reports filed with the Clerk following the *sine die* adjournment by committees authorized by the House to conduct investigations, may be printed by the Clerk as reports of the 85th Congress.

The SPEAKER. Is there objection?

There was no objection.

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4. 103 CONG. REC. 16759, 85th Cong. 1st Sess. See also 104 CONG. REC. 19699, 85th Cong. 2d Sess., Aug. 23, 1958.

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