

CHAPTER 37

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fective on its stated terms and ordinarily may not be withdrawn.⁽¹⁾

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Committee report in 6 Cannon's Precedents §65 state without citation that resignations are "self-acting" and may not be withdrawn.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.⁽²⁾

The resignation of an individual from office as a Representative

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.⁽³⁾

Letters of resignation are presented as privileged.⁽⁴⁾

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.⁽⁵⁾

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.⁽⁶⁾ The British Parliament did not allow resignations,⁽⁷⁾ 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.⁽⁸⁾

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.⁽⁹⁾

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.⁽¹⁾

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,⁽¹⁾ 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,⁽²⁾ 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,⁽³⁾ 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,⁽⁴⁾ 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,⁽⁵⁾ 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,⁽⁶⁾ 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,⁽⁷⁾ 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.⁽⁸⁾

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,⁽⁹⁾ 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,⁽¹⁰⁾ 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,⁽¹¹⁾ 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,⁽¹⁾ 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,⁽²⁾ 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,⁽³⁾ 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,⁽⁴⁾ 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.

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,⁽⁵⁾ 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,⁽⁶⁾ a Member submitted his letter of resignation to the House, whereupon the Speaker was authorized to inform the Governor of the State concerned.⁽⁷⁾

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,⁽¹⁾ 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,⁽²⁾ 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,⁽¹⁾ 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,⁽²⁾ 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).⁽¹⁾

On Dec. 15, 2003,⁽²⁾ 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,⁽³⁾ 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)⁽⁴⁾ 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.⁽⁵⁾

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,⁽¹⁾ the Speaker laid before the House communications from two Congressmen⁽²⁾ tendering their resignations.

RESIGNATION AS MEMBER OF THE HOUSE OF REPRESENTA- TIVES

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 Rep-
resentatives, 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,⁽¹⁾ 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⁽²⁾ 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,⁽¹⁾ 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.⁽²⁾

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,⁽¹⁾ Rep. Floyd H. Flake resigned as a Member effective Nov. 16, 1997. (On Oct. 9, 1997,⁽²⁾ 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.⁽³⁾ 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.

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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 statu-
tory 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,⁽⁴⁾ 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:⁽⁵⁾

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,⁽⁶⁾ 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.⁽⁷⁾

§ 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,⁽¹⁾ 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,⁽²⁾ 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.⁽³⁾

§ 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,⁽¹⁾ to accept an appointment as a cabinet secretary or in another Executive branch position,⁽²⁾ to assume office as a Member of the Senate,⁽³⁾ to accept an appointment as a member of the United States delegation to the United Nations,⁽⁴⁾ or as an ambassador to another nation,⁽⁵⁾ 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,⁽⁶⁾ to accept an appointment as a Federal⁽⁷⁾ or State⁽⁸⁾ judge, to create a vacancy and run for the vacant seat, in the case of a change in party affiliation⁽⁹⁾ or a contested election,⁽¹⁰⁾ to serve a jail sentence on conviction of a crime,⁽¹¹⁾ and, in the case of a Senator, to create a vacancy to be filled by appointment by a State Governor.⁽¹²⁾

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,⁽¹⁾ 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,⁽¹⁾ the Speaker pro tempore⁽²⁾ 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,⁽³⁾ the Speaker pro tempore⁽⁴⁾ 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:⁽⁵⁾

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,⁽⁶⁾ 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,⁽⁷⁾ 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,⁽⁸⁾ 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,⁽⁹⁾ 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,⁽¹⁰⁾ 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,⁽¹¹⁾ 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,⁽¹⁾ 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,⁽²⁾ 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,⁽³⁾ 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,⁽⁴⁾ the Clerk⁽⁵⁾ 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,⁽⁶⁾ 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,⁽¹⁾ the Speaker⁽²⁾ 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,⁽³⁾ 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,⁽⁴⁾ 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,⁽¹⁾ 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,⁽²⁾ 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,⁽³⁾ 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,⁽¹⁾ the Speaker pro tempore⁽²⁾ 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,⁽¹⁾ the Speaker pro tempore⁽²⁾ 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,⁽³⁾ 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,⁽⁴⁾ 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,⁽¹⁾ 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,⁽²⁾ 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,⁽³⁾ 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,⁽¹⁾ 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,⁽²⁾ 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,⁽¹⁾ 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,⁽¹⁾ 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,⁽¹⁾ 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.⁽²⁾

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,⁽¹⁾ 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,⁽²⁾ 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.⁽³⁾

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,⁽⁴⁾ the Vice President⁽⁵⁾ 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,⁽¹⁾ the President pro tempore of the Senate⁽²⁾ 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⁽³⁾ 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.⁽⁴⁾ 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,⁽⁵⁾ 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,⁽¹⁾ 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.⁽¹⁾ A resigna-

1. 2 Hinds' Precedents §§ 1230 *et seq.*

tion may be made contingent on another factor⁽²⁾ and may designate a future date on which it is to become effective.⁽³⁾

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.⁽⁴⁾

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.⁽¹⁾

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.⁽²⁾

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.⁽³⁾

On July 22, 2004,⁽⁴⁾ the following occurred:⁽⁵⁾

RESIGNATION FROM THE
HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore⁽⁶⁾ 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,⁽⁷⁾ 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.⁽⁸⁾

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,⁽⁹⁾ 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:⁽¹⁰⁾

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,⁽¹¹⁾ 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,⁽¹²⁾ 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,⁽¹³⁾ 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,⁽¹⁴⁾ 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,⁽¹⁵⁾ 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:⁽¹⁶⁾

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,⁽¹⁷⁾ 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,⁽¹⁸⁾ 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,⁽¹⁹⁾ 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,⁽²⁰⁾ 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,⁽²¹⁾ 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,⁽¹⁾ 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,⁽¹⁾ 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.⁽²⁾

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,⁽¹⁾ 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,⁽¹⁾ 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.⁽²⁾

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,⁽¹⁾ 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,⁽¹⁾ 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,⁽²⁾ 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.⁽³⁾

§ 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,⁽¹⁾ 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,⁽¹⁾ 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,⁽²⁾ 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.⁽³⁾

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,⁽¹⁾ 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,⁽²⁾ 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."⁽³⁾

In another instance, on Jan. 15, 1968, upon the reconvening of the 90th Congress,⁽⁴⁾ 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,⁽¹⁾ 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,⁽²⁾ 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,⁽³⁾ 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,⁽⁴⁾ 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.⁽⁵⁾

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.⁽⁶⁾

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.⁽⁷⁾

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.⁽⁸⁾ 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.⁽⁹⁾

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,⁽¹⁾ 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.⁽¹⁾ Although there were instances in the earlier practice where a Member's request to be excused from committee service was refused,⁽²⁾ 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.⁽¹⁾

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,⁽²⁾ 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.⁽³⁾

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⁽⁴⁾ 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,⁽⁵⁾ the Speaker pro tempore⁽⁶⁾ 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,⁽⁷⁾ the Speaker pro tempore⁽⁸⁾ 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,⁽⁹⁾ the Speaker pro tempore⁽¹⁰⁾ 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.

- ⁹. 152 CONG. REC. 1050, 109th Cong. 2d Sess.
¹⁰. Phil Gingrey (GA).

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

On Feb. 7, 2006,⁽¹¹⁾ the Speaker pro tempore⁽¹²⁾ 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,⁽¹³⁾ the House accepted the resignation of a Member from the Select Bipartisan Committee to Investigate

- ¹¹. 152 CONG. REC. 989, 109th Cong. 2d Sess.
¹². John Campbell (CA).
¹³. 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⁽¹⁴⁾ 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,⁽¹⁵⁾ 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).⁽¹⁶⁾ 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,⁽¹⁷⁾ the Speaker pro tempore⁽¹⁸⁾ 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,⁽¹⁹⁾ the Speaker pro tempore⁽²⁰⁾ 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).⁽²¹⁾ 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,⁽²²⁾ the Speaker pro tempore⁽²³⁾ 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,⁽²⁴⁾ 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).⁽²⁵⁾

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).⁽²⁶⁾ 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.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, APRIL 27, 2004 AT PAGE H2395⁽²⁷⁾

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.

²⁷ 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,⁽²⁸⁾ 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),⁽²⁹⁾ 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

²⁸ 150 CONG. REC. 2577, 108th Cong. 2d Sess.

²⁹ *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.⁽³⁰⁾ 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,⁽³¹⁾ 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.

RESIGNATION AS MEMBER OF
COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore⁽³²⁾ 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,⁽³³⁾ 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,⁽³⁴⁾ 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,⁽³⁵⁾ 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,⁽³⁶⁾ 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,⁽³⁷⁾ 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,⁽³⁸⁾ 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.

Ch. 37 §6 DESCHLER-BROWN-JOHNSON PRECEDENTS

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,⁽³⁹⁾ 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,⁽⁴⁰⁾ 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:⁽⁴¹⁾

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,⁽⁴²⁾ 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,⁽¹⁾ 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 subordinate 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,⁽²⁾ 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,⁽¹⁾ the Speaker pro tempore⁽²⁾ laid before the House the following resignation:⁽³⁾

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,⁽⁴⁾ 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⁽⁵⁾

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,⁽⁶⁾ 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,⁽⁷⁾ 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,⁽⁸⁾ 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,⁽⁹⁾ 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,⁽¹⁰⁾ 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).⁽¹⁾

On July 20, 1993,⁽²⁾ 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.

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,⁽³⁾ 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,⁽⁴⁾ 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)⁽¹⁾ 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,⁽²⁾ Speaker Newt Gingrich, of Georgia, laid before the House the following communication from Rep. Bunning, resigning from a select committee,⁽³⁾ 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.⁽⁴⁾

§ 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,⁽¹⁾ a privileged resolution was adopted⁽²⁾ 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⁽³⁾ 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).⁽⁴⁾ 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⁽⁵⁾ 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,⁽¹⁾ the following occurred:⁽²⁾

RESIGNATION AS MEMBER OF
COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore⁽³⁾ 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,⁽¹⁾ 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,⁽²⁾ the following occurred:⁽³⁾

RESIGNATION AS MEMBER AND APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore⁽⁴⁾ 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,⁽¹⁾ 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).⁽²⁾ 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,⁽³⁾ a privileged resolution was submitted by direction of the Democratic Caucus electing minority Members to standing committees:⁽⁴⁾

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. Herseeth.

(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,⁽¹⁾ 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,⁽¹⁾ 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⁽²⁾ 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,⁽³⁾ 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,⁽¹⁾ 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⁽²⁾ 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,⁽¹⁾ the chairman⁽²⁾ 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.⁽³⁾ 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,⁽¹⁾ 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,⁽²⁾ 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,⁽¹⁾ 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,⁽²⁾ 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,⁽³⁾ 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,⁽⁴⁾ 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,⁽⁵⁾ 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,⁽⁶⁾ 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,⁽⁷⁾ 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,⁽⁸⁾ 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.⁽⁹⁾ 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,⁽¹⁾ 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,⁽²⁾ 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.⁽³⁾

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,⁽¹⁾ the Speaker pro tempore⁽²⁾ laid before the House communications reflecting the operation of clause 5(b) of Rule X.⁽³⁾ 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.

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,⁽⁴⁾ 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.⁽⁵⁾

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.

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,

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.

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 Inter-
 national 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.

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,⁽¹⁾ 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,⁽¹⁾ 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.⁽²⁾ 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,⁽¹⁾ 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,⁽¹⁾ the Speaker pro tempore⁽²⁾ 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.⁽¹⁾

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,⁽²⁾ the following occurred:

RESIGNATION OF MEMBER AND APPOINTMENT OF MEMBER TO HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore⁽³⁾ 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,⁽¹⁾ 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,⁽²⁾ 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,⁽³⁾ 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,⁽¹⁾ 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,⁽¹⁾ 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.⁽²⁾ 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,⁽¹⁾ 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.⁽²⁾

QUESTION OF PERSONAL PRIVILEGE—JIM WRIGHT, SPEAKER OF THE HOUSE

THE SPEAKER PRO TEMPORE. (MR. FOLEY).⁽³⁾ 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.

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.

—
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.⁽³⁾ 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,⁽²⁾ 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⁽³⁾ 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,⁽⁴⁾ 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,⁽⁵⁾ 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,⁽⁶⁾ 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,⁽⁷⁾ 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.⁽⁸⁾

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,⁽⁹⁾ 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.

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,⁽¹⁰⁾ 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.⁽¹¹⁾

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,⁽¹⁾ the Speaker pro tempore⁽²⁾ 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,⁽³⁾ the Speaker pro tempore⁽⁴⁾ 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.

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,⁽⁵⁾ 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,⁽⁶⁾ 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,⁽⁷⁾ 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,⁽⁸⁾ 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,⁽⁹⁾ the Speaker later that day appointed David E. Meade as Legislative Counsel.⁽¹⁰⁾

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,⁽¹⁾ 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,⁽¹⁾ 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,⁽²⁾ 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,⁽³⁾ 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,⁽⁴⁾ 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,⁽¹⁾ 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,⁽¹⁾ 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,⁽¹⁾ 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,⁽¹⁾ 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

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.

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,⁽¹⁾ 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

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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.

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.

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.

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The SPEAKER pro tempore (Mr. LAHOOD).⁽²⁾ 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.

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 nondebatable 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,⁽¹⁾ 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.⁽²⁾

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

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(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.

□ 1450

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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