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House of Representatives

The House met at 10 a.m.

The Reverend Michael Bentley, Pastor, First Baptist Church, Brevard, North Carolina, offered the following prayer:

Dear Heavenly Father, we praise You this morning for Your never ending mercies that are new to us every day. As we lift our hearts in prayer, I thank You for the diligence and faithfulness of the Members of Congress. I pray for God's wisdom to guide them in the decisions they have to make today, for God's discernment as they strive to bring out the truth in all the matters before them, and for God's peace that passes all human understanding to be spread throughout our country and all of the world. I ask that You bless our country's leaders with God's love that has been given to us as an awesome gift. I thank You for the power of prayer and for what God can accomplish through public servants who place their faith and trust in Him.

In Your holy name I pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. FROST) come forward and lead the House in the Pledge of Allegiance.

Mr. FROST led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 408. An act to provide for expansion of Sleeping Bear Dunes National Lakeshore.

H.R. 708. An act to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes.

H.R. 856. An act to authorize the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and for other purposes.

H.R. 1598. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes.

H. Con. Res. 414. Concurrent resolution expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House if requested, bills of the House of the following titles:

H.R. 417. An act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

H.R. 1528. An act to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 15. An act to amend the Public Health Service Act to provide protections and countermeasures against chemical, radiological,

or nuclear agents that may be used in a terrorist attack against the United States by giving the National Institutes of Health contracting flexibility, infrastructure improvements, and expediting the scientific peer review process, and streamlining the Food and Drug Administration approval process of countermeasures.

S. 213. An act to clear title to certain real property in New Mexico associated with the Middle Rio Grande Projects, and for other purposes.

S. 524. An act to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes.

S. 943. An act to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming.

S. 960. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study.

S. 1107. An act to enhance the recreational Fee Demonstration Program for the National Park Service, and for other purposes.

S. 1167. An act to resolve boundary conflicts in Barry and Stone Counties in the State of Missouri.

S. 1516. An act to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

S. 1576. An act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

S. 1577. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming.

S. 1848. An act to amend the Bend Pine Nursery Land Conveyance Act to direct the Secretary of Agriculture to sell the Bend Pine Nursery Administrative Site in the State of Oregon.

S. 2178. An act to make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Requests for 1-minute speeches will be entertained later in the day.

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 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 non-partisan 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. DREIER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). 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