

CONFERRING HONORARY CITIZENSHIP OF THE UNITED STATES POST-
HUMOUSLY ON MARIE JOSEPH PAUL YVES ROCHE GILBERT DU MOTIER,
THE MARQUIS DE LAFAYETTE

JULY 19, 2002.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany S.J. Res. 13]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the
joint resolution (S.J. Res. 13) conferring honorary citizenship of the
United States on Paul Yves Roch Gilbert du Motier, also known as
the Marquis de Lafayette, having considered the same, reports fa-
vorably thereon with amendments and recommends that the joint
resolution as amended do pass.

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The amendments are as follows:
Strike all after the resolving clause and insert the following:

“That Marie Joseph Paul Yves Roche Gilbert du Motier, the Marquis de Lafayette, is proclaimed posthumously to be an honorary citizen of the United States of America.”.

Strike the preamble and insert the following:

Whereas the United States has conferred honorary citizenship on four other occasions in more than 200 years of its independence, and honorary citizenship is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas Marie Joseph Paul Yves Roche Gilbert du Motier, the Marquis de Lafayette or General Lafayette, voluntarily put forth his own money and risked his life for the freedom of Americans;

Whereas the Marquis de Lafayette, by an Act of Congress, was voted to the rank of Major General;

Whereas, during the Revolutionary War, General Lafayette was wounded at the Battle of Brandywine, demonstrating bravery that forever endeared him to the American soldiers;

Whereas the Marquis de Lafayette secured the help of France to aid the United States’ colonists against Great Britain;

Whereas the Marquis de Lafayette was conferred the honor of honorary citizenship by the Commonwealth of Virginia and the State of Maryland;

Whereas the Marquis de Lafayette was the first foreign dignitary to address Congress, an honor which was accorded to him upon his return to the United States in 1824;

Whereas, upon his death, both the House of Representatives and the Senate draped their chambers in black as a demonstration of respect and gratitude for his contribution to the independence of the United States;

Whereas an American flag has flown over his grave in France since his death and has not been removed, even while France was occupied by Nazi Germany during World War II; and

Whereas the Marquis de Lafayette gave aid to the United States in her time of need and is forever a symbol of freedom: Now, therefore, be it

Amend the title so as to read:

Joint Resolution conferring honorary citizenship of the United States posthumously on Marie Joseph Paul Yves Roche Gilbert du Motier, the Marquis de Lafayette.

PURPOSE AND SUMMARY

The purpose of Senate Joint Resolution 13 is to confer honorary United States citizenship upon Marie Joseph Paul Yves Roche Gilbert du Motier, the Marquis de Lafayette, in recognition of his many contributions to, and sacrifices for, the cause of American independence and his support of the principles of representative government.

BACKGROUND AND NEED FOR THE LEGISLATION

American citizenship is the highest honor that our country can confer upon a person who is a citizen of another land. The granting of an honorary citizenship is the admission and welcoming of that person into our national family. Honorary United States citizenship has only been bestowed on individuals four times in our history. As stated by this Committee in the past, any decision to grant honorary citizenship is unique and cannot be treated as a precedent.

It should also be noted that "honorary citizenship" is a symbolic gesture. It does not grant any additional legal rights in the United States or in international law. It also does not impose additional duties or responsibilities, in the United States or internationally, on the honoree.

This resolution contains statements defining the extraordinary act of conferring honorary citizenship and acknowledging the many efforts made by the Marquis de Lafayette which are the basis for granting him honorary United States citizenship.

In line with the above statements, the resolution notes that the United States has conferred honorary citizenship on only four occasions in the last two hundred years, and that honorary citizenship is and should always be an extraordinary honor not lightly conferred and rarely given.

The resolution acknowledges the Marquis de Lafayette put forth his own money and risked his life for the freedom of Americans; that he was voted to the rank of Major General by the Congress; that General Lafayette was wounded at the Battle of Brandywine during the Revolutionary War, demonstrating bravery that forever endeared him to the American soldiers; that the Marquis de Lafayette secured the help of France to aid the United States' colonists against Great Britain; that the Marquis de Lafayette was conferred the honor of honorary citizenship by the Commonwealth of Virginia and the State of Maryland; that in 1824, the Marquis de Lafayette was the first foreign dignitary to address Congress; that upon his death, both the House of Representatives and the Senate draped their chambers in black as a demonstration of respect and gratitude for his contribution to the independence of the United States; that an American flag has flown over his grave in France since his death and has not been removed, even while France was occupied by Nazi Germany during World War II; and that the Marquis de Lafayette gave aid to the United States in her time of need and is forever a symbol of freedom.

The Marquis de Lafayette was granted citizenship by the States of Maryland and Virginia before the Constitution was adopted. In 1935, a State Department letter addressed the question of whether the citizenship conferred by these States could be interpreted to have ultimately resulted in the Marquis de Lafayette being a United States citizen. Their determination was that it did not. The State Department provided an excerpt from the Journals of the Continental Congress in 1784 which stated in the Congress' farewell to the Marquis that "as his uniform and unceasing attachment to this country has *resembled that of a patriotic citizen of the United States . . .* [emphasis added]" as proof that the citizenship was not considered to have translated to a Federal level.

It came to the attention of the Committee that the Marquis de Lafayette's name, as stated in S.J. Res. 13 and as passed by the Senate, was not correct. An amendment was adopted by the Committee to place the Marquis' correct name in the bill.

The amendment also added the word "posthumously" to the language concerning the granting of honorary citizenship. This is in line with previous legislation granting honorary citizenship to a deceased individual.

HEARINGS

No hearings were held on S.J. Res. 13.

COMMITTEE CONSIDERATION

On April 17, 2002, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the resolution S.J. Res. 13, by a voice vote, a quorum being present. On July 17, 2002, the Committee met in open session and ordered favorably reported the resolution with amendment by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

There were no recorded votes taken on S.J. Res. 13.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

PERFORMANCE GOALS AND OBJECTIVES

S.J.Res. 13 does not authorize funding. Therefore, clause 3(c) of rule XIII of the Rules of the House of Representatives is inapplicable.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the resolution, S.J.Res. 13, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 19, 2002.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S.J. Res. 13, a joint resolution conferring honorary citizenship of the United States posthumously on Marie Joseph Paul Yves Roche Gilbert du Motier, also known as the Marquis de Lafayette.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

S.J. Res. 13—A joint resolution conferring honorary citizenship of the United States posthumously on Marie Joseph Paul Yves Roche Gilbert du Motier, also known as the Marquis de Lafayette.

The Congressional Budget Office has reviewed S.J. Res. 13, a joint resolution conferring honorary citizenship of the United States posthumously on Marie Joseph Paul Yves Roche Gilbert du Motier, also known as the Marquis de Lafayette. CBO estimates that enacting S.J. Res. 13 would result in no significant cost to the Federal Government and would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S.J. Res. 13 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of State, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article 1, section 8, clause 4 of the Constitution.

PREAMBLE AND RESOLVED CLAUSE ANALYSIS AND DISCUSSION

The Preamble states that the United States has granted honorary citizenship only four times in its history and that the granting on honorary citizenship is extraordinary and not lightly given. It states that the Marquis gave monetary support and risked his life for a free America. It declares that he was voted the rank of Major General by an Act of Congress and was wounded at the Battle of Brandywine during an act of bravery. Additionally, the Marquis convinced France to side with the United States against Great Britain. The Preamble acknowledges that the Marquis was granted

honorary citizenship by Virginia and Maryland, and was the first foreign dignity to address Congress and addressed Congress again in 1824. The Preamble states that upon his death, both Houses of Congress draped their chambers in black to express their respect for his contribution to the United States and that an American flag has continually flown over his grave in France since his death. Finally, the Preamble recognizes the Marquis de Lafayette's aid to the United States and the fact that he is a symbol of freedom.

The Resolved clause proclaims the Marquis de Lafayette to be an honorary citizen of the United States.

MARKUP TRANSCRIPT

BUSINESS MEETING

WEDNESDAY, JULY 17, 2002

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:05 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

Chairman SENSENBRENNER. The Committee will be in order.

The first item on the agenda is the adoption of Senate Joint Resolution 13, conferring honorary citizenship of the United States on Paul Yves Roche Gilbert du Motier, also known as the Marquis de Lafayette. The Chair recognizes the gentleman from Pennsylvania, Mr. Gekas, for a motion.

Mr. GEKAS. I thank the Chair.

Mr. Chairman, the Subcommittee on Immigration, Border Security, and Claims reports favorably the bill S.J. Res. 13 and moves its favorable recommendation to the full House.

Chairman SENSENBRENNER. Without objection, S.J. Res. 13 will be considered as read and open for amendment at any point.

[The resolution, S.J. Res. 13, follows:]

107TH CONGRESS
1ST SESSION

S. J. RES. 13

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2001

Referred to the Committee on the Judiciary

JOINT RESOLUTION

Conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

Whereas the United States has conferred honorary citizenship on four other occasions in more than 200 years of its independence, and honorary citizenship is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette or General Lafayette, voluntarily put forth his own money and risked his life for the freedom of Americans;

Whereas the Marquis de Lafayette, by an Act of Congress, was voted to the rank of Major General;

Whereas, during the Revolutionary War, General Lafayette was wounded at the Battle of Brandywine, demonstrating

bravery that forever endeared him to the American soldiers;

Whereas the Marquis de Lafayette secured the help of France to aid the United States' colonists against Great Britain;

Whereas the Marquis de Lafayette was conferred the honor of honorary citizenship by the Commonwealth of Virginia and the State of Maryland;

Whereas the Marquis de Lafayette was the first foreign dignitary to address Congress, an honor which was accorded to him upon his return to the United States in 1824;

Whereas, upon his death, both the House of Representatives and the Senate draped their chambers in black as a demonstration of respect and gratitude for his contribution to the independence of the United States;

Whereas an American flag has flown over his grave in France since his death and has not been removed, even while France was occupied by Nazi Germany during World War II; and

Whereas the Marquis de Lafayette gave aid to the United States in her time of need and is forever a symbol of freedom: Now, therefore, be it

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 That Paul Yves Roch Gilbert du Motier, also known as

1 the Marquis de Lafayette, is proclaimed to be an honorary
2 citizen of the United States of America.

Passed the Senate December 18, 2001.

Attest: JERI THOMSON,
Secretary.

Chairman SENSENBRENNER. The Chair recognizes the gentleman from Pennsylvania, Mr. Gekas, to strike the last word.

Mr. GEKAS. I thank the Chair.

As the Chairman indicated, this has to do with Paul Yves Roch Gilbert du Motier—I think I pronounced it better than the Chairman did because I left off the “s” on the “Yves,” which I was taught in my early French you must do—who is known as the Marquis de Lafayette, the great friend of the United States, the emerging United States, during the Revolution.

This would confer honorary U.S. citizenship to him in recognition of his many contributions and sacrifices for the cause of American independence and his support of the principles of representative government.

He was granted citizenship by the States of Maryland and Virginia before the Constitution was adopted. It has been determined that the citizenship conferred by these States could not be interpreted to have resulted in the Marquis being a U.S. citizen.

The full name of the Marquis was not correctly stated in the resolution as passed by the Senate, and I will, therefore, be offering an amendment to correct that error. The amendment will also clarify that the honorary citizenship being granted to the Marquis is posthumous, as has been done in previous legislation to grant honorary citizenship in the case of a deceased individual.

I yield back the balance of my time, and I have an amendment at the desk at the appropriate time.

Chairman SENSENBRENNER. Okay. Without objection, Members may insert opening statements in the record at this point.

Are there amendments?

Mr. GEKAS. I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to S.J. Res. 13, offered by Mr. Gekas. In the matter following the resolved clause——

Mr. GEKAS. I ask unanimous consent that the amendment be considered as read.

Chairman SENSENBRENNER. Without objection, so ordered.

[The amendment follows:]

AMENDMENT TO S.J. RES. 13
OFFERED BY MR. SENSENBRENNER

In the matter following the resolved clause—

(1) strike “Paul Yves Roch Gilbert du Motier”
and insert “Marie Joseph Paul Yves Roche Gilbert
du Motier”; and

(2) insert “posthumously” after “proclaimed”.

In the second whereas clause, strike “Paul Yves
Roch Gilbert du Motier” and insert “Marie Joseph Paul
Yves Roche Gilbert du Motier”.

Amend the title so as to read: “Joint Resolution
conferring honorary citizenship of the United States post-
humously on Marie Joseph Paul Yves Roche Gilbert du
Motier, also known as the Marquis de Lafayette.”.

Chairman SENSENBRENNER. The gentleman from Pennsylvania is
recognized for 5 minutes.

Mr. GEKAS. As I indicated in the opening statement and it was
alluded to by the Chair in his opening statement, this amendment
merely brings into full play the entire name of the Marquis de La-
fayette, and I want to pronounce it again, if the Chair will allow
me.

Mr. CONYERS. I object.

Chairman SENSENBRENNER. Objection is heard. The question is
on the amendment. [Laughter.]

Chairman SENSENBRENNER. Those in favor will say aye. Those
opposed, no. The ayes appear to have it. The ayes have it and the
amendment is agreed to.

Are there further amendments? If not, without objection, the pre-
vious question is ordered on reporting the bill favorably in the ab-
sence of a reporting quorum.

[Intervening business.]

The Committee now returns to the pending unfinished business upon which the previous question—

Ms. JACKSON LEE. Mr. Chairman, I'd like to strike the last word.

Chairman SENSENBRENNER.—was ordered. The previous question has been ordered. It is not in order to further debate the resolution.

Ms. JACKSON LEE. Mr. Chairman? Mr. Chairman, I'd like—

Chairman SENSENBRENNER. The Chair notes the presence of—

Ms. JACKSON LEE.—a motion.

Chairman SENSENBRENNER.—a reporting quorum. The question is on the motion to report the—

Ms. JACKSON LEE. Mr. Chairman, I'd like to make a motion?

Chairman SENSENBRENNER.—resolution S.J. Res. 13 favorably—

Ms. JACKSON LEE. Point of order, Mr. Chairman?

Chairman SENSENBRENNER.—as amended.

Ms. JACKSON LEE. Point of order, Mr. Chairman?

Chairman SENSENBRENNER. The gentlewoman will state her point of order.

Ms. JACKSON LEE. Mr. Chairman, noting the delay of Members in a caucus meeting of their caucus on issues dealing with their constituents, I'd like to move for reconsideration of two bills, the previous question on H.R. 4558 and—

Chairman SENSENBRENNER. That is not in order at this time. The question is on reporting Senate Joint Resolution favorably—

Ms. JACKSON LEE. The bills under consideration—

Chairman SENSENBRENNER.—as amended.

Ms. JACKSON LEE. The bills under consideration, I'd like to move for reconsideration.

Chairman SENSENBRENNER. Well, we'll have the bill under—the bills that the previous question has been ordered will be called up in the order in which the previous question was ordered.

The question is on reporting favorably Senate Joint Resolution 13 as amended. Those in favor will say aye. Opposed, no.

The ayes appear to have it. The ayes have it. The motion to report favorably is agreed to.

Without objection, the bill will be reported favorably to the House in the form of a single amendment in the nature of a substitute, incorporating the amendments adopted here today. Without objection, the Chairman is authorized to move to go to conference pursuant to House rules. Without objection, the staff is directed to make any technical and conforming changes, and all Members will be given 2 days, as provided by the rules, in which to submit additional dissenting, supplemental, or minority views.