

the Southwest Asia Service Medal with three devices, the Air Force Longevity Service Award Ribbon with four devices, the Armed Forces Reserve Medal with one device, the Small Arms Expert Marksmanship Ribbon, the Air Force Training Ribbon, and the Kuwait Liberation Medal.

Colonel Webster is married to the former Denise Schwartz. They live in Baldwinsville, New York and have two sons, Paul and Nicholas.

#### TRIBUTE TO CHRIS LEAK

#### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mrs. MYRICK. Mr. Speaker, I rise today to offer congratulations to a young man in my congressional district that truly deserves recognition. Chris Leak, a senior at Independence High School in Charlotte, N.C. set the national record for high school football touchdown passes. This past weekend, Chris threw his 171st touchdown to break the previous record of 170. In breaking the record, Chris displayed the same natural ability that has generated national attention by throwing for 457 yards, 5 touchdowns and securing Independence High School's 41st straight win. Chris is considered by many football analysts to be the top quarterback prospect in the country, and he is being actively recruited by major universities. I am proud to recognize his achievement today and wish him the best of luck in the future.

#### THE CONTINUITY OF CONGRESS WORKING GROUP

#### HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. COX. Mr. Speaker, I submit the following letter by myself and the gentleman from Texas, Mr. FROST, and the accompanying information on the continuity of Congress Working Group for the perusal of my colleagues.

HOUSE OF REPRESENTATIVES,  
WASHINGTON, DC.  
November 12, 2002.

Hon. DAVID DREIER,  
Chairman, House Rules Committee,  
Washington, DC.

DEAR CHAIRMAN DREIER: In May 2002, the Speaker and Minority Leader asked us to co-chair a bipartisan Continuity of Congress Working Group, of which you are a member, to study ways to ensure that the legislative branch continues to function in the event that a terrorist attack or other catastrophe kills or incapacitates a large number of Members. Because the Constitution permits the House to "determine the Rules of its Proceedings" and to judge the "Qualifications of its own members," the Working Group has been studying pertinent rules changes to remedy some of the problems that could be created under such circumstances.

As you know, during the past six months, the Working Group has held eight meetings, drafted new House Rules, drafted a House Resolution—which the House passed on October 2, 2002 by a vote of 414-0—urging states to

review their special election laws, drafted amendments to the Presidential Succession Act of 1947, and reviewed three constitutional amendments related to congressional continuity. Accompanying this letter are three draft Rules, developed by the Working Group, which we are requesting be included in the final rules package to be voted on by the House at the beginning of the next session.

The Working Group has identified three areas with respect to congressional continuity that the Working Group believes can be addressed through changes to the House Rules:

Codifying the process by which the Speaker certifies the death of a House Member in order to reduce the whole number of the House for purposes of establishing a quorum;

Allowing the Speaker to accelerate or postpone the reconvening of the House in the event of a declared emergency; and

Authorizing an individual other than the Speaker to reconvene the House in the event of a catastrophe resulting in the death of the Speaker.

Death Rule: Presently, no House rule codifies the process by which the Speaker certifies the death of a House Member in order to reduce the whole number of the House for purposes of establishing a quorum. When a Representative dies in office, the House and the Speaker take cognizance of the vacancy by adopting a House Resolution expressing the sorrow of all House Members. The whole number of the House is adjusted accordingly. However, because the preceding determination of the whole number of the House is the number that must be used to establish a quorum until a new whole number is established, in the event that a large number of Members are killed, a quorum could not be established for the purpose of establishing a new whole number.

To remedy this potential problem, the Working Group has drafted a rule which would allow the Speaker to announce the adjustment of the whole number of the House upon notification of the death, resignation, expulsion, disqualification, or removal of a Member. The Speaker's announcement would not be subject to appeal.

Emergency Recess Rule: In a time of national emergency, such as that seen on September 11th when the Capitol building was a target of the terrorists, the Speaker may need to accelerate the reconvening of the House or postpone House action in order to protect the lives of House Members and staff.

Accordingly, the Working Group has drafted an Emergency Recess Rule. Under this Rule, the Speaker, if informed by the Sergeant-at-Arms of an imminent threat to the safety of the Members and after obtaining the concurrence of the Minority Leader of the House, could notify Members that the House would not convene at the time stipulated when the House previously adjourned but would instead convene at another time during the next three days in accordance with the Constitution. The Rule would also allow the Speaker, with the concurrent of the Minority Leader, to reconvene the House earlier than stipulated for the sole purpose of declaring a further postponement.

Speaker Succession Rule: Current House rules do not explicitly address who would preside over the House in the event that there is a vacancy in the Office of the Speaker. Therefore, if the Speaker and the Clerk of the House die during a catastrophic attack, there would be no living individual authorized to reconvene the House, or call the House into session.

To remedy this potential problem, the Working Group has crafted a rule which would allow the Speaker to establish a line of succession for a Speaker pro tempore

whose duty would be to preside over the election of a new Speaker or Speaker pro tempore.

Conclusion: During the past six months, the Working Group has explored a variety of possible solutions to the many problems surrounding congressional continuity. The Working Group began with an examination of the least constitutionally intrusive solution—changes to the House Rules. We request that the House Rules Committee consider these three rules and include them in the rules package to be voted on by the House in January. These simple changes to the House Rules will help to ensure the continuity of this great institution—the United States Congress.

Sincerely,

CHRISTOPHER COX,  
Chairman, House Policy Committee.

MARTIN FROST,  
Chairman, House Democratic Caucus.

#### PROPOSED AMENDMENT TO CLAUSE 5, RULE XX (VOTING AND QUORUM CALLS) OF THE HOUSE RULES

##### (Proposed Amendment in bold)

5. (a) In the absence of a quorum, a majority comprising at least 15 Members, which may include the Speaker, may compel the attendance of absent Members.

(b) Subject to clause 7(b) a majority of those present may order the Sergeant-at-Arms to send officers appointed by him to arrest those Members for whom no sufficient excuse is made and shall secure and retain their attendance. The House shall determine on what condition they shall be discharged. Unless the House otherwise directs, the Members who voluntarily appear shall be admitted immediately to the Hall of the House and shall report their names to the Clerk to be entered on the Journal as present.

(c) Upon the death, resignation, expulsion, disqualification or removal of a Member, the whole number of the House shall be adjusted accordingly. The Speaker shall announce the adjustment to the House. Such an announcement shall not be subject to appeal. In the case of a death, the Speaker may lay before the House such documentation from federal, state, or local officials as he deems pertinent.

#### PROPOSED AMENDMENT TO CLAUSE 12, RULE I (DECLARATION OF RECESS) OF THE HOUSE RULES

##### (Proposed Amendment in bold)

12. (a) To suspend the business of the House for a short time when no question is pending before the House, the Speaker may declare a recess subject to the call of the Chair.

(b) To suspend the business of the House when notified by the Sergeant-at-Arms of an imminent threat to its safety, the Speaker may declare an emergency recess subject to the call of the Chair.

(c) During any recess or adjournment of fewer than three days, if the Speaker is notified by the Sergeant-at-Arms of an imminent impairment of egress at the place of reconvening at the time previously appointed, then he may, with the concurrence of the Minority Leader—

(1) postpone the time for reconvening within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly;

(2) reconvene the House before the time previously appointed solely to declare the House in recess within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly.

**PROPOSED AMENDMENT TO CLAUSE 8(b),  
RULE I (SPEAKER PRO TEMPORE) OF  
THE HOUSE RULES**

**(Proposed Amendment in bold)**

8. (a) The Speaker may appoint a Member to perform the duties of the Chair. Except as specified in paragraph (b), such an appointment may not extend beyond three legislative days.

(b)(1) In the case of his illness, the Speaker may appoint a Member to perform the duties of the Chair for a period not exceeding 10 days, subject to the approval of the House. If the Speaker is absent and has omitted to make such an appointment, then the House shall elect a Speaker pro tempore to act during the absence of the Speaker.

(2) With the approval of the House, the Speaker may appoint a Member to act as Speaker pro tempore only to sign enrolled bills and joint resolutions for a specified period of time.

**(3)(A) In the case of a vacancy in the office of Speaker, the next Member on the list described in subdivision (B) shall act as Speaker pro tempore until the election of a Speaker or a Speaker pro tempore. Pending such election the Member acting as Speaker pro tempore may exercise such authorities of the Office of Speaker as may be necessary and appropriate to that end.**

**(B) As soon as practicable after his election and whenever he deems appropriate thereafter, the Speaker shall lay before the House a complete list of the Members of the House in the order in which each shall act as Speaker pro tempore under subdivision (A).**

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HOMELAND SECURITY ACT OF 2002

SPEECH OF

**HON. MARK E. SOUDER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. SOUDER. Mr. Speaker, I rise in support of this important legislation, which I believe takes historic and long overdue steps to improve the coordination of Federal agencies in protecting the United States against catastrophic terrorism and our borders against many other diverse threats.

I rise as the Chairman of the Drug Policy Subcommittee and one of the co-chairs of the Speaker's Task Force on a Drug Free America to specifically address Section 878 of this legislation, which is a provision to create a Counternarcotics Officer. I originally included this provision as an amendment in the Government Reform Committee with bipartisan support from the Gentleman from Maryland (Mr. CUMMINGS) and the Gentleman from Illinois (Mr. DAVIS). I also would like to thank Speaker HASTERT, Chairman ARMEY, and Senator GRASSLEY, who sponsored a nearly identical provision in the other body, for their strong support of this concept as the legislation has moved ahead.

Many of the agencies that will be transferred to the new Department of Homeland Security are also our Nation's preeminent agencies for the interdiction of illegal drugs. The creation of the new Department, therefore, provides a unique opportunity to greatly enhance the operational coordination between these agencies and our efforts to keep drugs out of the United States. It also presents the risk, however, that these critical missions will be made of lesser importance and that resources will be

allocated away from drug interdiction to deal with catastrophic terrorism. While some flexibility in this regard is appropriate, we cannot allow our efforts at drug interdiction to falter when almost 20,000 Americans die each year of drug-related causes and as we have increasingly seen the ties between the drug trade and financing for catastrophic terrorism.

To address these concerns, Section 878 of the bill will establish a counternarcotics officer at a senior level to coordinate policy and operations within the Department and between the Department and other agencies on drug interdiction. The officer will also be charged with ensuring the adequacy of resources within the Department for drug interdiction, and tracking and severing connections between terrorism and the drug trade for the purposes of the Department of Homeland Security.

As the author of this provision, I want to address two important points of legislative intent. First I want to reiterate, as I said in the earlier floor debate on this legislation, that it is my intention that the person appointed to this position must be a senior official within the Department with the authority to ensure the efficient conduct of the interdiction mission. We had originally designated this position as an Assistant Secretary position. After discussion with the Administration that designation was removed, but I want to make clear my intention that the appointed to this position should have a similar level of seniority and authority in order to make and enforce effective policy between the diverse agencies that will be headquartered in the new Department. I would also like to make clear my intention that the official designated under this provision should not be a "dual-hatted" appointee who has other responsibilities or obligations within the Department, nor should they be affiliated with any of the component organizations of the new Department. The clear intention of this provision is to provide a single, neutral, official who will concentrate solely on ensuring effective drug interdiction and acting as a broker and arbiter between different agencies within the Department.

Second, I would like to briefly address a couple of concerns that were raised today by the Office of National Drug Control Policy with respect to the provision that the Counternarcotics Officer will serve as the United States Interdiction Coordinator for the Director of the Office of National Drug Control Policy. That position is an advisory position to the Director with respect to national coordination of drug interdiction activities. The USIC is appointed by the Director, but in the past the job customarily has been filled by the Commandant of the Coast Guard. This provision of the bill was necessary in order to provide the "clear lines of authority" which the President just yesterday said were so important to have in Homeland Security matters.

Within the Department of Homeland Security, the official provided for in Section 878 of the bill will be responsible for coordinating the activities of all department agencies on drug interdiction, including the Coast Guard. The USIC position needed to be addressed to ensure consistency and harmony on drug interdiction issues. It would have been completely illogical to have the Commandant report to the narcotics coordinator within the Department, but then have the coordinator report to the Commandant for the purposes of the National Drug Control Strategy. Because the counter-

narcotics officer is intended to have broad and more sweeping responsibilities in this area, the intention is simply to have the counternarcotics official assume the role as USIC, and I believe this is the only sensible outcome.

I want to stress that this is in no way intended as any reflection on the Coast Guard, for which I have extremely high regard both in this particular area and in general, or the current or past Commandants, who have provided outstanding service as USICs. It is necessary incident to the reorganization of the interdiction agencies within the new Department, which I believe provides us with a significant opportunity to enhance our overall national effort. President Bush has clearly stated that Homeland Security should not be about "turf" or the prerogatives of individual agencies or government officials but instead about improving how we keep Americans safe. This provision was included in that spirit, and I believe that it ought to be embraced in that spirit by the Coast Guard and will be embraced in the finest traditions of "Semper Paratus".

Director Walters made me aware, however, of some concerns which I agree merit careful consideration in the future. The USIC has been a senior advisor to the Director and ONDCP, and the statutory designation of the Homeland Security counternarcotics officer in that role within ONDCP removes the prerogative of the Drug Czar to appoint his own senior advisor. I am sensitive to this concern. I did not consider it in drafting the amendment simply because the Director has customarily and routinely named the Commandant of the Coast Guard to the position in the past, and my intention was to make a direct substitution. I want to make clear as the author of this amendment and as Chairman of the authorizing Subcommittee for ONDCP that it is not intended in any way to diminish the Director's authority over his office. I also continue to believe, however, that the USIC post must adapt to reflect the structure that has now been created within the Department of Homeland Security, and thus will not attempt at this late hour to revise the language in the bill. I will, however, revisit this issue as we consider reauthorization of ONDCP in the next Congress to try to develop a better formulation that will address each of these concerns.

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NELSON MARTINEZ DEPARTS  
KOAT

**HON. TOM UDALL**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to an outstanding New Mexican, journalist and entertainer, Nelson Martinez. He will be leaving KOAT-TV, where he has worked for nearly two decades, to pursue other professional opportunities in early December.

Born in Chimay[acute] and raised in northern New Mexico, Mr. Martinez has enjoyed a multi-faceted career of more than 35 years in the broadcast business, as a radio disc jockey, worldwide videotape editor, reporter and news anchor. New Mexicans are always so proud to see one of their own scale grand heights, as he has.