

leadership in this regard. Again I applaud his efforts to prevent the usurpation of the authorizing committee's responsibility. I urge the passage of this.

Madam Speaker, I support the Chairman's motion and urge its adoption.

Section 1015 of Public Law 108-7, enacted on February 20, 2003, provided for the merger of the Library of Congress Police into the United States Capitol Police. The section, which originated in the Senate and was enacted in the Legislative appropriation for fiscal 2003, was never the subject of formal hearings in the Committee on House Administration. Section 1015 provides that the merger of the two police forces will not take place until an implementation plan, developed by the Chief of the Capitol Police and submitted to the Capitol Police Board, the Librarian of Congress, and the appropriate committees, has been approved. Pending that approval, which has not yet occurred, Section 1015 authorized the Librarian to fill vacancies in the Library Police ranks with applicants who satisfy the employment standards of the Capitol Police, to the extent practicable.

Seven months later, Section 1006 of the Legislative Branch Appropriations Act for 2004, another provision not subjected to hearings in our committee, eliminated the Library's authority to hire police officers pending the merger with the Capitol Police. During fiscal 2004, Section 1006 allows the Librarian to select and recommend to the Capitol Police enough qualified officers to replace those which the Library loses through attrition this year, and up to 23 more. Nevertheless, the restriction on the Library's hiring of police officers has in practice resulted in a serious manpower shortage for the Library. The Librarian, Dr. Billington, has warned our committee that if nothing changes, the Library may soon have a police force staffed at two-thirds of its authorized strength. I certainly agree with Dr. Billington that such a posture is unacceptable in these perilous times.

Madam Speaker, the Chairman's bill would restore the Library's authority to hire police officers pending the merger. Under the bill, the Librarian must still, to the extent practicable, hire individuals who meet the standards of the U.S. Capitol Police, as determined by the Capitol Police chief. Since it is not clear at this time how soon the merger implementation plan may win the approval of the appropriations and authorizing committees involved, including the Committee on House Administration, restoring the Library's control over its police hiring is the prudent course for us to take.

Madam Speaker, the Library of Congress is the nation's preeminent cultural institution. This Congress should take every reasonable step to assure the proper protection of the Library's 4,000 employees, millions of books and artifacts, and its capital facilities, so the Library can continue serving the American people and their Congress. Restoring the Library's ability to hire enough qualified police to support its mission is not only reasonable, but essential.

I want to thank the distinguished chairman, the gentleman from Ohio [Mr. NEY] for moving so resolutely to address the problem caused by last year's appropriations bill. This predicament, which the chairman's legislation would correct, could properly become a case study for why the House rules prevent appropriations bills from including legislative provisions,

and vest the responsibility for such matters in the authorizing committees. I support and applaud the chairman's determination to ensure that the Library of Congress does not become a weak point in the Capitol's security perimeter. That, Madam Speaker, we simply cannot afford. I trust the Senate will follow the chairman's leadership in this regard.

Madam Speaker, I include for the RECORD a letter on this subject from the Librarian of Congress:

THE LIBRARIAN OF CONGRESS,  
July 15, 2004.

Hon. ROBERT NEY,  
*Chairman, Committee on House Administration,  
House of Representatives, Longworth House  
Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for taking the time to speak with me on Tuesday regarding the library's Police force. I truly appreciate your call and concern.

The Library has been without an adequate police force for more than a year. The U.S. Capitol Police received funding to hire 23 officers that, under the 2004 Legislative Branch Appropriations Bill, were to be detailed to the Library of Congress. As a practical matter we cannot get them until we have approval of a memorandum of understanding between the Capitol Police and the Library. The 2004 appropriations bill removed the Library's ability to hire police employees, and an additional ten officers have left our force staffed at only two-thirds of its authorized strength—clearly unacceptable in today's world.

I do not see any realistic alternative solution other than a short-term detail of U.S. Capitol Police officers to the Library of Congress police for filling this devastating gap in our police manpower. The memorandum of understanding currently before the House Administration Committee will accomplish that goal and return our police staffing to safe levels.

The outcome of any merger of police forces must be decided by the Congress. The Library will work with you and all other stakeholders on the architecture of this solution. But we must have this immediate infusion of police officers.

With true appreciation for all that you do for the Library of Congress, I am,  
Sincerely,

JAMES H. BILLINGTON,  
*The Librarian of Congress.*

Madam Speaker, I yield back the balance of my time.

Mr. NEY. Madam Speaker, I yield myself the balance of my time.

I just want to thank our ranking member from Connecticut (Mr. LARSON) for working on this. It is a crucial issue. I believe our thinking is correct on this, to work together, to work with the appropriators and look at the long-term interests.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 4816.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. NEY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of H.R. 4816, the bill just passed.

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

There was no objection.

## SENSE OF THE HOUSE REGARDING POSTPONEMENT OF A PRESIDENTIAL ELECTION

Mr. NEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 728) expressing the sense of the House of Representatives that the actions of terrorists will never cause the date of any Presidential election to be postponed and that no single individual or agency should be given the authority to postpone the date of a Presidential election.

The Clerk read as follows:

### H. RES. 728

Whereas no regularly scheduled national election for Federal office has ever been postponed for any reason;

Whereas regularly scheduled Federal elections took place as scheduled during the Civil War, World War I, and World War II;

Whereas after having been re-elected in an election that took place while the Civil War continued to rage, Abraham Lincoln said "We can not have free government without elections; and if the rebellion could force us to forego, or postpone a national election it might fairly claim to have already conquered and ruined us. . . . [T]he election, along with its incidental and undesirable strife, has done good too. It has demonstrated that a people's government can sustain a national election, in the midst of a great civil war. Until now it has not been known to the world that this was a possibility.";

Whereas the terrorist bombings that took place in Spain on the eve of the Spanish elections in March 2004 were almost certainly perceived by Al Qaeda as having contributed to the defeat of the government that had stood with the United States in the Global War on Terror;

Whereas terrorists may attempt to strike again against the United States in the months leading up to the November 2004 Presidential election in an attempt to alter or affect the election's outcome;

Whereas in the event that such a horrific attack were to occur, the actions of millions of Americans across the Nation casting their ballots would demonstrate powerfully the strength and resilience of our democracy;

Whereas there is no reason to believe that the men and women who administer elections in jurisdictions across the Nation would be incapable of determining how to react to a terrorist attack;

Whereas postponing an election in the aftermath of a terrorist attack would demonstrate weakness, not strength, and would be interpreted as a victory for the terrorists; and

Whereas under section 4 of article II of the Constitution, Congress has the authority to determine the date on which a Presidential election shall take place: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that—

(1) the actions of terrorists will never cause the date of any Presidential election to be postponed; and

(2) no single individual or agency should be given the authority to postpone the date of a Presidential election.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Madam Speaker, I yield myself such time as I may consume.

I rise today to introduce, I think, an extremely important resolution, House Resolution 728, which expresses the sense of the House that the actions of terrorists will never cause the date of any national election, Presidential election, to be postponed and that no single individual or agency should be given the authority to postpone the date of a national election.

In a great democratic republic such as ours, there is nothing more fundamental than the bond that is forged between citizens and their representatives during the course of regularly scheduled elections. In our country and by design of our Federal Constitution, the people are sovereign. The power that we exercise as representatives derives directly from their consent.

James Madison, writing in *Federalist* No. 52, stated that "It is essential to liberty that the government in general should have a common interest with the people." According to Madison, "Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured."

Congress is authorized by the Constitution to determine the date on which the Presidential election and all other Federal elections will take place. Thus, only an act of Congress, and not the actions of a single individual or agency, could change that date.

The ability of the United States to conduct regularly scheduled Federal elections even during the most difficult and trying of times, for example, such as during the Civil War and during World Wars I and II, is a hallmark of our strength and our resiliency, the great cornerstone of our democracy itself. We would do well to remember the counsel of Abraham Lincoln who, after having been reelected President while the Civil War was raging, stated:

"We cannot have free government without elections. And if the rebellion could force us to forgo, or postpone a national election, it might fairly claim to have already conquered and ruined us. The election, along with its incidental and undesirable strife, has done good. It has demonstrated that a people's government can sustain a national election in the midst of a great civil war. Until now it has not been known to the world that this was a possibility."

The resolution that we are introducing today reaffirms our national

commitment to holding Federal elections, including the election for President, on the date prescribed by law and to stand firm in the face of terrorist enemies who seek to derail the operation of our democracy.

Since the terrible and fateful morning of September 11, 2001, we all have become in this country painfully aware of the destructive intent of our country's terrorist enemies as well as the increasingly sophisticated and devastating methods by which they carry out their deadly work. We were further reminded of al Qaeda's hatredfulness and total disregard for innocent life this past March when, in the days leading up to the Spanish national elections, they unleashed a string of lethal bombings that killed scores of civilians in Madrid. Shortly thereafter, the Spanish Government, that had stood shoulder to shoulder with us, was then voted out of office. But it is not a matter of who was voted into office or who was voted out of office. It is the matter of the action that the terrorists took to intimidate a country.

I realize that many factors were at play during that election. However, I have no doubt that al Qaeda believes its actions led directly to the defeat of a government. And I believe, in fact, the threats that we hear about are intimidation factors on us in the United States to attempt to get us to think about the possibility of a national election being changed.

We hope that there are no terrorist attacks, of course, and we hope that our Central Intelligence Agency and FBI and Homeland Security will do everything possible, as we know they will, in conjunction with the States, to make sure that attacks are not carried out.

But if an attack did occur and we in fact postponed an election, what would we do? Would we say it will happen in 1 week? Or it will happen in 2 weeks? And there is another attack and we postpone it for 2 more weeks. One could imagine the chaos that would be caused by this type of action.

It has been suggested that such an attack may require the postponement of this November's election. I strongly disagree. Any delay in the conduct of an election in the aftermath of a terrorist attack would signify weakness rather than strength and would be a victory for the terrorists if they could accomplish that here on our soil. I believe that if such an attack were ever to occur, and I earnestly pray, as we all do, that it never happens, the actions of millions of Americans across this great country casting their ballots in a regularly scheduled election would send a very powerful signal to our terrorist enemies and to all the world about the vigor of our democracy and the fortitude of our citizens to continue on where America does her work, at the ballot box.

□ 1830

With this resolution the House declares on behalf of the American people

it represents that the strength and stability of the American democratic system and the values upon which it is founded are much greater than any attempts our terrorist enemies may make to disrupt or destroy them. The message we send is unmistakably clear: we will not shrink in the face of terrorist threats.

And let me add one other point I think that is important to make. As there has been chatter about the possibility of talking about one person or one agency postponing the elections, we live in a democracy. Elections are postponed in countries that have dictators by one individual. We do not operate that way. So there are many good reasons to support this.

I want to thank the Speaker of the House, all of the Republicans. I want to thank the gentlewoman from California (Ms. PELOSI) and most of all also the gentleman from Connecticut (Mr. LARSON), our ranking member. This is a truly bipartisan resolution. This is a resolution where everybody has joined together to say that we will not be intimidated and to say that Congress has the authority on the elections, the elections will go forward, and that no one single person or agency will even entertain the idea that, in fact, they can postpone an election. I thank the gentleman from Connecticut (Mr. LARSON) for his great support.

Madam Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Madam Speaker, I yield myself such time as I may consume.

I wish to associate myself with the remarks of the gentleman from Ohio (Chairman NEY), my good friend.

I rise today in support of this resolution to reaffirm that our Federal elections should not be postponed in the event of terrorist attacks, as our chairman has eloquently stated in his remarks. I stand in support of this resolution because of the matters contained in the resolving clauses. Number one, the actions of terrorists will never cause the date of any Presidential election to be postponed; and, number two, no single individual or agency should be given the authority to postpone the date of a Presidential election. This is the meat of this resolution.

I further join with the gentlewoman (Ms. PELOSI), our distinguished leader, in calling for the United States to be an example for democracies around the world, and that means holding our elections on schedule. I would also like to thank the gentleman from Texas (Mr. TURNER), ranking member of the Select Committee on Homeland Security, who spoke out so eloquently on this issue, and the gentlewoman from California (Ms. WOOLSEY), who has already circulated in the immediate comments following some of the press with respect to this issue and garnered more than 150 signatures, as the chairman has indicated, along bipartisan lines.

The Union has stood for over 225 years and has never had a Federal election postponed or cancelled. Not in time of war, not in time of economic turmoil, and not in time of natural disaster. We should not start now. We as a country will not bend in the face of threats to our democracy. The United States was founded on the ideas of hope and freedom. Those who believe that they will break those pillars with the threat of terror are misguided.

I have requested a briefing from Department of Homeland Security Secretary Tom Ridge to learn how his Department plans to work with Congress to safeguard the November elections and on reducing the risk of attack. I join with the committee chairman and we share the concerns, and we all hope and pray and abide that no such attacks will occur, and yet we must be prepared for those contingencies. I would suggest that while we are mindful of security and the safety of voters, we should not focus on these issues to the extent that they damage democracy by frightening voters away from the polls. Americans should go to the polls in record numbers to show our determination that we take our democracy seriously.

Madam Speaker, I reserve the balance of my time.

Mr. NEY. Madam Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH), and I would also note that the gentleman has introduced House Concurrent Resolution 474 into our committee, and it supports the very same objectives; and I appreciate the gentleman's introducing that resolution.

Mr. SMITH of Michigan. Madam Speaker, I thank the chairman for yielding me this time, and I think there is going to be unanimous support for this resolution.

I think it is appropriate to mention the only reason this really came to the forefront and has become an issue is because the Election Assistance Commission Chairman, DeForest Soaries, proposed a possibility of a policy for allowing the alteration of the schedule for Federal elections in the event of an unspecified emergency. He said maybe we should be looking at that possibility. I think it was never the intention of Congress or the administration or anybody else for the reasons that have been presented from both sides to ever alter our election schedule in the United States of America.

I would like to add some of the whereases in the concurrent resolution that I introduced earlier in July, on H. Con. Res. 474.

And it says: "Whereas the United States has never postponed or delayed a Federal election for any reason, even during the Civil War" and "Whereas Condoleezza Rice, the Assistant to the President for National Security Affairs, has stated that the administration has no intention of altering the schedule for Federal elections and expects the elections to occur as sched-

uled" and "Whereas the American people have a longstanding and legitimate expectation that regularly scheduled Federal elections will continue to be held in accordance with Federal law" and "Whereas keeping the schedule of Federal elections is necessary to maintain confidence in the legitimacy of the Presidency and Congress both in the United States and around the world: Now therefore be it resolved" it is not going to happen and this Congress is never going to permit the alteration of law that would be required to have a postponement of our Federal elections because of terrorist threat.

I compliment both sides of the aisle for moving ahead with this resolution.

Mr. LARSON of Connecticut. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), who has led the effort here in the House and petitioned to Secretary Ridge.

Ms. WOOLSEY. Madam Speaker, it appeared earlier this month that if DeForest Soaries, the chairman of the U.S. Election Assistance Commission, had gotten his wish, his agency would have the authority to postpone the November Presidential elections in the event of a terrorist threat or attack. I was personally appalled that Soaries made such a request and that it was even considered.

The postponement of a Presidential election would present the greatest threat to date to our democratic process. It would be an admission of defeat to the terrorists, inviting them to disrupt the selection of our highest leader, and it would be unprecedented in our Nation's history. Such a proposal suggests that State officials responsible for elections in their region are incapable of deciding what steps to take in the event of a catastrophe. The legislative branch of the government has always held the authority to regulate elections, not the executive branch.

So last week I wrote a letter to Secretary Ridge, as the gentleman from Connecticut (Mr. LARSON) stated, and I requested that he take no further steps to postpone this year's Presidential election. 190 Members of Congress signed this letter with me, and I credit the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) for bringing this important resolution H. Res. 728, to the House floor immediately, showing support of our request and showing full appreciation for the election process.

Madam Speaker, in early 1864, President Abraham Lincoln feared that he would lose his Presidency due to the widespread criticism of his handling of the Civil War. No President had won a second term in more than 30 years, and the Union had recently suffered a string of military disappointments, and his advisers told him that they thought he should postpone the election. Many of President Lincoln's closest advisers told him he would lose the election, in fact, if it were held. But President Lin-

coln never considered that possibility, nor will we.

Wars, droughts, floods, and hurricanes have not stopped elections. And the possibility of a terrorist attack must not stop one either. I urge my colleagues to support this resolution.

Mr. NEY. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. LARSON of Connecticut. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Madam Speaker, I thank the gentleman from Connecticut for yielding me this time and thank the gentleman from Ohio (Mr. NEY).

I want to raise a question here because, first of all, I absolutely agree that the executive branch must not be given the authority or must not assume the authority to change our elections. On that I one hundred percent agree. That must be the purview and the prerogative of the United States Congress.

But I just want to raise a question. The issue really is not the holding of elections. The issue is whether or not in the elections everyone's vote gets counted, and we must be very careful in our rhetorical concerns to not just say they will never disrupt the elections but to instead ensure that terrorists not allow individual votes to not be counted.

We have seen elections in which individual votes were not counted, and that is the threat to the democracy. And I mean this very seriously. It is quite plausible to imagine scenarios wherein we go forth with an election, but individual votes are not counted and thereby the election of an individual as President of the United States or as Members of the House or Senate does produce an outcome, but the outcome is not based on a fair and full counting of each of our votes.

And that is my concern. And my concern, frankly, is I think we are moving this forward too fast. My own preference would be to follow something along the lines of what Norm Ornstein recommended, and that is appoint a commission to study in the interim what the possible scenarios are and what our opportunities are because if, for example, one State, let us say California, is attacked by terrorists and the number of the votes are not in some way able to be tallied, are we today setting a marker in the ground that says it is better not to count the votes of the State of California or to only partially count those in order that we can say the election was held on time?

Quite frankly, I am not comfortable with the results of elections where we have said what matters is that we say we have held the election rather than we say what matters is every single person's vote is counted. It is that principle on which the integrity of a democratic Republic depends, not merely holding elections on a designated time.

So I will very likely vote for this, but I will do so with reservations. And I would suggest that if we do pass this resolution, we not assume that in so doing we have solved this problem. Nor do we assume that in so doing, we have assured the American people that their votes will be counted. Because the American people say not that we must hold the election on the first Tuesday of November. What they say is, most important is my vote must count. In the past it has not counted, and it must count ever after.

Mr. NEY. Madam Speaker, I yield myself such time as I may consume.

I am not sure I am going to attempt to actually answer that, but I will say this, and I respect always the gentleman's opinion: when he says the issue is about counting votes, we cannot count votes unless we have an election, I understand where he is coming from. However, there is an issue about the security of the ballots. Let us take terrorists away from it. There could be an earthquake. It could be in California. It could be in Texas. Do we then stop the national elections? Forget terrorism. Would we stop the national elections if on the day of the elections there was an earthquake somewhere? Would we somehow broadcast to the Nation stop, turn around, and go home? But I think, frankly, understanding what he is saying, respecting what he is saying about security, this still goes way beyond that.

□ 1845

At issue tonight is not forgetting about security elections, not forgetting about having accurate elections, but the issue is with the chatter about one person being able to stop elections; the Congress, I think this is the time the Congress is the body that can do that, and this is as a result of the chatter about one person.

Now, whom would we pick? Would we pick you, would we pick the Speaker, would we pick the minority leader, would we pick the Attorney General, would we pick Homeland Security?

So I think the issue of this is stating on the record that Congress will not even entertain one person, because the idea of one person is something so foreign to us, that no one individual in this country ever, ever has the power to stop an election.

Madam Speaker, I reserve the balance of my time.

Mr. LARSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I just wanted to comment, as well, that I appreciate the spirit of my colleague's comments and what he had to say, and I think that votes being conducted does truly matter.

In the legislative process, would it be that every time we passed a piece of legislation did we not think the problem had been solved? So I agree that we have to continue to follow through on this issue.

But I think the chairman is correct in terms of looking at the gravity of this situation and an individual, and, as the gentleman pointed out in his remarks as well, understanding completely that that authority should derive with the United States Congress.

Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Madam Speaker, I thank the gentleman for yielding me time.

I appreciate the discussion here. I absolutely agree. I want to underscore that. The gentleman, I could not agree more; it must not reside with one person. Frankly, not because we feel that way, not because we cannot think of who that one person would be, but because the Constitution of the United States of America has never said that the President or a designee of the President can delay an election. That must reside with Congress, if anything is going to happen to elections.

But I really do want to underscore, what is the purpose of an election? The purpose of an election is not simply to say we had an election and someone was declared the winner. The purpose of the election is to understand the will of the majority of the American people.

If events, be they natural or terrorist, in some way distort the ability of us to accurately glean and determine the will of the American people, then that is to be of profound consideration.

My concern, again, is we must first and foremost ask ourselves what mechanisms are in place to ensure that the will of the American people is accurately recorded and counted, not what mechanisms are in place so that at the close of business on November 2 we can all declare we have had an election. That is all I am trying to say here.

I absolutely applaud the gentleman for saying no one person must make this decision. If nothing else than that, I would vote for this resolution. But I think we must step back after that and say, What mechanisms do we have in place? If on Election Day something profound has happened, be it terrorist or natural, that we reliably can reliably say we do not have an accurate count at the end of this day, should we move forward so that we can say, We had an election; or should we have some mechanism in place to ask ourselves, Has this mechanism of an election been valid? And if it has not been valid, then it behooves us and it is our duty to the American people and the voters to say, We are going to do something beforehand to make sure it is valid and not leave it up to chance. That is all I am trying to say.

So if we pass this, let us please continue this discussion, and ask if something does happen that interferes with your right to have your vote counted and accurately represented, we have some mechanism to anticipate that.

Mr. LARSON. Madam Speaker, I thank the gentleman for his thoughtful comments.

Madam Speaker, I yield 4 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE)

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman for yielding me time and for his leadership, particularly the guidance that he has given us through a number of election challenges that we have had in this Congress. And I thank the chairman of the committee, who has remained open-minded on these issues.

I think my colleague that has just spoken has crafted one instruction for us, and that is that we should be diligent and we should be vigilant, and I frankly think that this legislation allows us to do both.

I am rising to enthusiastically support the idea that we are committed to the principles of this country and we are not to be intimidated.

Let me say that I believe there is not one of us who is not committed unanimously and in a bipartisan and non-partisan manner and as Americans to fight the war against terror. We are saying to the world that we will not be intimidated by terrorists or terror. I think we also are committed to securing the homeland, and we realize that we have that kind of important challenge.

In a few days, we will receive the 9/11 report, and it will probably announce, pronounce, a number of failings in our system, one of them being the failing in our Intelligence Community's communication.

In a few days, as well, probably simultaneously, the Select Committee on Homeland Security, of which I am a member, will be marking up a new authorization bill, one that I hope will not be a bill that is intimidating and timid, that we will address the questions of securing the homeland; and frankly, I hope that in the discussions we will talk about the sanctity and the importance of holding elections.

With that in our mind-set, the 9/11 Commission report and homeland security, this particular initiative, this legislation, is important. It makes a public pronouncement of the authority of the United States Congress to hold Federal elections.

I do believe it is important, however, to have this discussion realize that we too understand the possibility of tragic incidents, whether it is one of terror or natural disaster, and that we will say, as we debate this, that we will be cognizant of those possibilities and be prepared as a Congress to respond.

We will be prepared to respond. How that response will take place, it will be our decision as to how it will take place, but we are assuring everyone that our first priority is to have elections.

So I will support this particular legislation because it makes an important public statement: Whose authority is it? It is the United States Congress'.

the Federal authority, to ensure we have elections.

But, Madam Speaker, let me say this. I think it is important to make note of the fact that all votes should be counted. I was here on January 6, 2001, and supported the idea of challenging the election at that time. The challenge was not a personal challenge, it was simply one that had to do with making sure that every vote was counted. So that point is very clear, that we should be diligent and vigilant with ensuring that all votes are counted.

Let me add, as I close, that one of the other important aspects of our diligence and our vigilance is, as we look forward to the elections, to make sure they are accurate.

So I was disappointed with the vote of this Congress, an amendment by the gentleman from Indiana (Mr. BUYER), that would ask that we not have international monitors here. The debate was vigorous, and I think the prevailing debate, although it was not prevailing in the vote, is that we are proud of our democracy. We have our failures and our faults, but we are proud of our democracy, and we do not mind if anyone comes to monitor our elections. So this is in sync with this particular legislation on the floor.

Again, let me congratulate the gentleman from Connecticut (Mr. LARSON) and the gentleman from Ohio (Mr. NEY), because we will find that most of the Members of Congress, and let me say that I think all, will find themselves able to vote for this legislation enthusiastically, because we do believe in the importance of elections, no matter whether we win or lose.

But let us do so by being vigilant and diligent. Let us make sure they are accurate elections and make sure that we open the doors for international monitors so that we can make sure that the American people have the best elections ever for the world to see.

Madam Speaker, I ask for support of this legislation.

Mr. LARSON. Madam Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the distinguished gentlewoman, and I again want to add both my praise and thanks for the leadership of our distinguished chairman, the gentleman from Ohio (Mr. NEY), in bringing this resolution to the floor.

We are the greatest country on the face of the Earth. We are known throughout the globe for our great strength and resolve. We are known for the great strength of our military and our armies and the shock and awe that they create.

But the most awesome thing that we have, the thing that sticks out in everybody's minds, what makes us the Nation that we are, is our freedom of expression and our right to vote. That is why this is such an important resolution and such an important issue.

In the final analysis, it will not be the strength of our armies; it will be

the strength of the individual and collective thoughts of our citizens that are expressed on the day we vote that makes us the Nation that we are.

Madam Speaker, I thank the gentleman from Ohio for his leadership.

Madam Speaker, today I rise in support of this resolution to reaffirm that our Federal elections should not be postponed in the event of terrorist attack. I would like to associate myself with the remarks of the Chairman and thank his staff for drafting this resolution. I stand in support of this resolution because of the matters contained in the resolving clauses (1) the actions of terrorists will never cause the date of any Presidential election to be postponed; and (2) no single individual or agency should be given the authority to postpone the date of a Presidential election. This is the meat of the resolution, and others can debate about the meaning of the "whereas" clauses—and I am sure there will be lots of different interpretations.

I further join with Leader PELOSI in calling for "the United States to be an example for democracies around the world, and that means holding our elections as scheduled." I would also like to thank the ranking minority member of the Homeland Security subcommittee JIM TURNER and Representative LYNN WOOLSEY for their leadership on this very important issue. This union has stood for over 225 years and has never had a Federal election postponed or cancelled. Not in time of war; not in time of economic turmoil and not in time of natural disaster. We should not start now! We as a country will not bend in the face of threats to our democracy. The United States was founded on the ideals of Hope and Freedom! Those who believe that they will break those pillars with the threat of terror are misguided.

I have requested a briefing from Homeland Security Secretary Thomas Ridge to learn how his department plans to work with Congress to safeguard the November elections and on reducing the risk of an attack.

I would suggest that while we must be mindful of the security and safety of voters, we should not focus on these issues to the extent that it damages democracy by frightening voters away from the polls. Americans should go to the polls in record numbers to show our determination that we take democracy seriously.

Madam Speaker, I urge my colleagues to join me in supporting this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. NEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have gone a long way in this country, and we always continue to look for ways we can better improve security, ways that we can have integrity in the elections, the Help America Vote Act. There are a lot of different things that we continuously do in the history of our country.

On this issue, I am so proud of this House. I want to thank the Speaker for his support, the gentleman from Connecticut (Mr. LARSON) for his quick action on this, the Democratic leader, the gentlewoman from California (Ms. PELOSI).

You take Members from all backgrounds in this House and sometimes people say, do you ever agree on any-

thing? Well, you know, we might disagree here and there. But you take Members from the left, the right and the middle, you take Members from the rural and the urban, they have come together so quickly on this resolution on a bipartisan basis, because I believe that this Chamber knows and respects the integrity of our process and the rule of law that we have on the election process and Congress' clear, defined role in that.

Madam Speaker, I thank the gentleman and I urge support of this resolution.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HENSARLING). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the resolution, H. Res. 728.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. NEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 728.

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

There was no objection.

#### JUNK FAX PREVENTION ACT OF 2004

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4600) to amend Section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions, as amended.

The Clerk read as follows:

H.R. 4600

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Junk Fax Prevention Act of 2004".*

#### SEC. 2. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) *PROHIBITION.*—Subparagraph (C) of section 227(b)(1) of the Communications Act of 1934 (47 U.S.C. 227(b)(1)(C)) is amended to read as follows:

*"(C) to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement, unless—*

*"(i) the unsolicited advertisement is from a sender with an established business relationship with the recipient, and*