ECONOMY CONTINUES TO GROW

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the economy continues to grow as a direct result of the President's economic policies and those of the Republican Congress. Here are a few facts to illustrate this.

In January, we saw 146,000 new jobs and witnessed the twentieth consecutive month of job gains in the United States.

The national unemployment rate is down to 5.2 percent, the lowest since September 2001.

Job creation was up in 48 of the 50 States last year, and unemployment was down in all regions of the country.

Mr. Speaker, opposing tax increases and endorsing pro-growth policies has led to job creation. We are increasing consumer confidence and ensuring that the American working families no longer bear the burdens that impede economic growth.

We will continue here in Congress the hard work so that this progress continues.

WAITING FOR DEMOCRAT PLAN TO FIX SOCIAL SECURITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, well, the month of January went by and nothing happened. The month of February went by and nothing happened. Here we are, it is March, as a matter of fact, it is March 3rd. It looks like nothing is going to happen from the Democrat side to address Social Security.

One more day has gone, one more day of rhetoric and denouncing what the President is going to do and denouncing what the Republicans are doing and scaring senior citizens. But, still, no plan from the Democrat party to save and protect Social Security.

Now, it is interesting, up until last week they were saying there is no problem, we like it how it is. And yet in a major policy shift for the Democrat party, the Democrat Committee Chairman, Howard Dean, also known as ''Screaming Dean,'' pointed out in a quote at Cornell University, which, as you know, is not exactly a sanctuary for conservative thought in America, Dean pointed out that if Social Security were left alone for 30 years, its benefits would be reduced to 80 percent of what it is now. He acknowledged there were problems.

Thank goodness, hallelujah, we have a Democrat who admits there is a Social Security problem. That means maybe the month of March will not go by. Maybe by the end of March the Democrats will join us and come up with a plan. We welcome their ideas. We solicit their ideas. We want their support.

WAITING FOR REPUBLICANS TO PUT SOMETHING ON THE TABLE

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, my good friend the gentleman from Georgia (Mr. KINGSTON) motivated me to come to the floor when he suggests that the Democrats do not have a plan for Social Security.

I would say to my good friend, the gentleman from Georgia (Mr. KINGSTON), it is the President of the United States that proposed that Social Security should be privatized. During the last recess, the President's Day recess, Democrats went home, and almost every one of the House Democrats, except 40, held town meetings. I want the gentleman to know that most of his colleagues did not hold town meetings on Social Security at all for the reason that you really do not want to put your plan on the table.

The Democrats are ready when you bring your plan. The last time I looked over there, you all were in charge. I do not recall that we have to do anything at all in that regard.

But we are going to fix Social Security. The question is, are you going to fix Medicare and Medicaid? Are you going to do something about prescription drugs? Are you going to do something about inadequate education, inadequate housing and inadequate jobs in this country? I think that is what we need to be looking at.

We will fix Social Security, if you put something on the table.

REPUBLICANS SEEKING BIPARTISANSHIP IN FIXING SOCIAL SECURITY

(Mr. COLE of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. COLE of Oklahoma. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding, and want to say to my good friend from Florida that I have always enjoyed working with my distinguished colleague from the south tip of the peninsula of Florida, the great State. But I want to say, even though we are the majority, we still want your ideas. We want the Democrat party to put a plan on the table.

On the subject of town meetings, I personally held nine town meetings. There is a lot of division out there as to what we should do, and that is why it should be done in a bipartisan way, and that is why I think everybody needs to come together.

And Mr. Speaker, I want to say this: I have not introduced the plan. If the gentleman would like to work with me on a plan, I would love to have the Hastings-Kingston bill, or the Kingston-Hastings bill, if we could do that, because I think it is important.

I know the gentleman's fondness for seniors. I have heard the gentleman speak fondly about his mom, and he has heard me speak fondly about my mom, and we owe it to both of them, and that is what we should be doing.

Mr. HASTINGS of Florida. Mr. Speaker, if the gentleman will yield, let us do it.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield further, I am ready to work with the gentleman.

CONTINUITY IN REPRESENTATION ACT OF 2005

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 125 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 125

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 841) to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed 60 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous

question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution.

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

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, on March 1, the Committee on Rules met and granted a structured rule for H.R. 841, the Continuity in Representation Act of 2005. I believe this is a fair rule that allows for a full discussion of the relevant points pertaining to the legislation before us.

Mr. Speaker, H.R. 841 is an important step forward in addressing what are critical shortcomings in America's plan for the continuity of this House in the event of an unexpected disaster or attack.

□ 1030

While I was not a Member of Congress on September 11, 2001, I was in an office directly across LaFayette Park from the White House. Like all Americans, I remember that day in detail. One of the most significant memories I have is the bipartisan response to the tragedy where Members stood on the steps of the Capitol and let it be known to the world that our government would continue to operate.

Mr. Speaker, the response of Congress to 9/11 should never be forgotten. It was a sign to the world that America was strong, that it would persevere and that we would go forward as a Nation. The underlying legislation today does the exact same thing. It takes an important step to ensure the preservation of our Republic and the continuity of our government under the most trying of circumstances.

Mr. Speaker, very simply, this legislation ensures a continuity of operations for the House of Representatives. In the event that more than 100 Members of Congress are killed, the Speaker may announce that ''exceptional circumstances'' exist and thereby trigger expedited special elections that must occur within 7 full weeks, thus ensuring the continuity of the House of Representatives.

Mr. Speaker, this legislation should not be very divisive based on the fact that a similar measure passed the House by a substantial bipartisan margin of 365 to 97 in the last session of Congress. This legislation ensures the continuity of the people's House. It ensures that the House will still be an elected body chosen by the American public just as the Founders intended.

With that said, let us talk about what the bill is not. It is not an election law bill. It is a continuity bill.

Mr. Speaker, you may well hear many Members describe various provisions today in the context of Federal election law. These measures may have genuine merit. However, they are not relevant to this legislation. Personally, I firmly believe that most Members would agree with me when I suggest that election law should remain essentially a local issue. This is where it resides historically, and this is where it should continue to reside.

Mr. Speaker, we have a clear decision before us today. We can either be responsible in preparing for what we all hope never occurs, or we can engage in pointless bickering over election laws that are historically controlled by the localities. Just a few years ago almost all Members would have viewed a tragedy like September 11 as an unthinkable event, and that is precisely the point. We cannot predict tomorrow. What we do know, however, is that we are engaged in a real, genuine, and taxing global war on terror. This is a generational war and one that will not disappear over night.

Mr. Speaker, simply put, this legislation is about the security and continuity of America's governing institutions. It is an issue of critical importance in establishing an orderly response should the unthinkable occur again.

The legislative history of this bill is clear. This bill originated in direct response to the events of September 11. It is a continuity-in-government bill, not an election reform measure. To confuse the former with the latter by encumbering this bill with extraneous issues would be to lose sight of the fundamental purpose of the legislation. Our job here is to ensure the continuity of the House of Representatives, not reform a state-based electoral process with Federal legislation.

During my time as Secretary of State in Oklahoma, the bombing of the Alfred P. Murrah Federal Building occurred. At that time such an event was considered unthinkable in the United States. That incident and the larger tragedy of 9/11 are a sober warning that we should prepare for the unexpected before it occurs. H.R. 841 is an important part of that preparation, and it also is a tangible sign to terrorists that they will never intimidate this country, change the nature of this House as the elected representatives of the American people, or keep our government from facing any challenges it may face in the future.

Mr. Speaker, let us wait no longer. Let us move forward. And to that end, I would urge all Members to support this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Oklahoma (Mr. COLE) for the time. This is the first rule of which I hope are many that the gentleman and I are managing together. He has already been welcomed to the committee, so I extend those same warm welcomes to him for managing this measure.

Mr. Speaker, I rise today in opposition to this closed rule which limits debate on how this body should operate if it experiences mass causality. This is an issue of grave importance to the American people and the integrity of that democracy in times of dire crisis.

The decision of the majority to place any restrictions on this body prohibiting Members from offering amendments and freely debating the subject is not responsible.

The terrorist attacks of September 11 changed the way that we as a country operate. In turn, Congress has rightfully committed itself to creating policy that protects Americans from future attacks, though I question how successful we have been in our actions. September 11 also presented us with a challenge to consider continuity in the House during a worst-case scenario. In examining such a grim situation, we must foresee what will be needed to regain stability and reassure the American people and the world that our government is going about business as usual.

While I believe that the underlying legislation is an honest attempt to address the concerns which I just raised, the discussion surrounding the issue has been, as one constitutional scholar wrote, embarrassingly partisan. Even more, the product of 3 years of discussion on the issue that the majority is bringing to the floor is incomplete, unrealistic, and fails to consider the implications of changing statute when we should be amending the United States Constitution.

The underlying legislation requires the States to hold special elections within 45 days in the case of extraordinary circumstances. This is a problematic requirement. When the Committee on House Administration took testimony from State and local election officials, it was told that 45 days is not enough time to pull off a primary and general election. Election officials noted that mailing ballots to absentee, overseas, and military voters for a primary and general election and then waiting for their return would alone take more than 45 days. This does not include the time that it takes to print and process ballots.

Should this time period be adopted, it would undoubtedly result in the disenfranchisement of millions, including

seniors who vote absentee, our diplomatic corps, and our men and women serving in our Armed Forces.

The majority finally agreed with Democrats and local election officials yesterday that 45 days is not enough time to conduct these critical elections. Late last night we were informed that my friends on the Republican side are now seeking to amend the rule so that they may offer a manager's amendment which will increase the time elections must be conducted from 45 to 49 days. Four days, Mr. Speaker. What can you realistically do in 4 more days?

This is more of a cosmetic and convenient change than substantive. It still sets up a process that will lead to the selection of Members of Congress who are potentially not the real choice of the citizenry. All of this is happening at the same time my friends in the majority have blocked Democratic Members from offering three different amendments to the bill, all of which were germane and all of which were turned in on time. It seems to me that we operate under two rules in the House of Representatives: one for them and one for us.

Later today, Democrats will offer an amendment lengthening the special election period from 45 to 60 days. Our proposal provides elections officials with a more realistic solution to a daunting task most likely overshadowed by grief and angst. I hope that Members of this body will place the integrity of our democracy above petty politics and vote to adopt the Millender-McDonald amendment.

Additionally, the continuity-in-government commission has recommended a different approach. It has suggested that States create lists of possible appointments to seats vacated due to mass causality to ensure that the House can continue to operate while States move forward with their own special elections process. These temporary appointments would serve until States are able to elect representatives in accordance to their own laws.

This is a fair approach and one which should be considered on equal footing as the underlying legislation. Yet, when our colleague, the gentleman from Washington (Mr. BAIRD), offered this proposal in the 108th Congress, as a footnote, the gentleman from Washington's (Mr. BAIRD) wife is about to deliver their child and he might not get here. We are hoping that he does. But he certainly has been a stalwart leader in the effort to do what is necessary to preserve the integrity of this body. When he introduced this proposal, Republicans sought to embarrass him and the commission's ideas for which he was fighting. They set up a vote in the way that it was impossible for the proposal to be given its due consideration. In my view, it was cutthroat politics, and we should not allow for those kind of actions.

Incomplete as it is, the underlying legislation also fails to consider mass causality where the Speaker is a victim and is unable to trigger special elections. It does not address how the House quorum rules will work in the case of mass House vacancies. Perhaps most importantly, the underlying legislation could potentially leave our country without an effective or legitimate legislative branch for the first 6 weeks following a disaster.

Think about it this way: in the first 6 weeks following September 11, the House, this House, authorized the President to use force against terrorists and appropriated $40 billion to address the emergencies in New York and at the Pentagon. If the underlying legislation is dropped, the legitimacy of actions taken by a shorthanded Congress, most likely during a time of war, would always be in question. For me, this scenario is unacceptable.

Regardless of the House's decisions today, States and voters must ultimately approve this process through a constitutional amendment. It took less than 14 months to approve each of the 17th, 18th, 19th, 20th, 21st, 23rd, and 26th amendments respectively. Anyone who suggests that the constitutional amendment process takes years, in my view, is incorrect.

Throughout history, when constitutional amendments have been needed, States and voters have responded. I suspect that they will respond similarly in this case.

All of these concerns underscore the need for this body to consider this legislation in an open and much larger discussion on the continuity of our government during times of mass causality. The effects of our hastiness today may not be felt while any of us are alive, but at some point in the future our successors and our States will be trapped by poor decisions we might make today.

I urge my colleagues to oppose this closed rule.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I want to thank the gentleman for his kind words and I look forward to working with him as we move ahead and I learn from him as I already have in the context of the deliberations of the Committee on Rules.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me time. I want to begin by congratulating him on his superb service on the Committee on Rules.

This is obviously a very important issue to him. He joined the gentleman from Wisconsin (Mr. SENSENBRENNER) and me, along with former Secretary of State Candice Miller and our distinguished colleagues, the gentleman from Ohio (Mr. CHABOT), the gentleman from Texas (Mr. PAUL), and the gentleman from Maryland (Mr. BARTLETT), in co-sponsoring this legislation.

As a former Secretary of State, the gentleman from Oklahoma (Mr. COLE) understands how important this issue is for us to address.

□ 1045

I also want to express appreciation to my colleagues on the other side of the aisle. In the last Congress, while it has not happened in this Congress, I was very pleased that the distinguished ranking minority member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), joined as a cosponsor of this legislation, as well as my good friend and colleague, the gentleman from California (Mr. BERMAN). And it is my hope that we will be able to move ahead in a bipartisan way dealing with this very, very important institutional issue.

We all remember September 11 of 2001. My judgment has often been questioned because I was the last human being to walk out of this building on September 11 of 2001, and probably correctly. I did not think anyone would attack it. And I will say that when I left the building on September 11, 2001, I did so when one of the great Capitol Hill policemen said to me that there was a plane headed towards this building, and we all know now that that is the plane that went down with those very courageous passengers in Pennsylvania.

When we think back on September 11th, obviously it was one of the darkest days in the history of our republic, and it has led us to spend a great deal of time thinking about the unthinkable. Because of September 11th, we have had to ponder things that we would never even possibly consider because of the fact that we had not seen that kind of attack on U.S. soil. But since that time, the Speaker of the House has really stepped up to the plate and done a wide range of things that are designed to ensure that the people's House and, in fact, we hope both Houses of Congress, are able to continue to function.

If you recall on September 11th, late that afternoon, when Members of both Houses of Congress, both political parties, stood on the east front of the Capitol singing God Bless America. The reason that Members stood on the east front of the Capitol was to let the American people and to let anyone know who would want to do us in, that we, as a Nation, are strong, and this institution, the greatest deliberative body known to man, was continuing to function.

So beginning almost immediately after the attacks of September 11th, the Speaker took a number of steps that were designed to maintain the continuity of this great institution. He established the ability to adjourn to an alternative place and to declare an emergency recess. He established the ability to effect a joint leadership recall from a period of adjournment through designees, and the requirement that the Speaker submit to the

Clerk of the House a list of designees to act in the case of a vacancy in the Office of the Speaker. And, Mr. Speaker, we all know that at the beginning of this 109th Congress, we included in our opening day rules package the provisions that allow the House to establish a quorum, which could be lowered if we go through a litany of roll call votes that would determine that many Members had been incapacitated and could not actually show up to work here.

I think it is important to note that we provided a number of protections in the use of that rule, including several that have been suggested by the Members of the other side of the aisle. And I have to add, Mr. Speaker, that the Speaker of the House and the minority leader, the gentlewoman from California (Ms. PELOSI), have personally engaged and spent time talking about this very important issue. And it is my hope that we will, at the end of the day, end up with, as I said, a bipartisan compromise.

Some of those recommendations that came from Members of the minority on this issue: Extended roll calls lasting days at a time and excluding any time in recess so that Members can contact the House and let us know that they can come to vote. The availability of the motion to adjourn at any time. The nonpartisan advice of the Sergeant at Arms, the Capitol physician, and the medical and emergency personnel about the state of the membership of this body. And, Mr. Speaker, at the recommendation of the minority, consultation with the minority leader, in accordance with the traditional relationship between the Speaker and the minority leader.

And, finally, it is very important for us to remember that, as I just alluded to, that we have a bicameral legislature. The United States House of Representatives does not operate unilaterally, so there will always be a check on any action taken under the mass incapacitation quorum provision.

What I have been discussing, Mr. Speaker, answers how we will do the people's work if a terrorist attack incapacitates large numbers of us. Now, the Continuity in Representation Act of 2005, which we are considering here today, deals with how we will replenish the House if terrorists kill large numbers of our Members. This legislation calls for special elections to be held within 45 days following such a catastrophe.

The gentleman from Florida (Mr. HASTINGS) has just alluded to something, and while I know we do not enjoy the strong support of the minority on this, we have made a step in that we are going to have a manager's amendment made in order that would allow us to move in the direction of what it is that the minority wants, and that is allowing for 49 days, which would be a full 7 weeks.

Let me say that this legislation addresses a number of very important matters and it incorporates a number of suggestions made, again by Members on the other side of the aisle. They include more than doubling the amount of time for the special elections to occur from 21 days to 45 days. And again we are going even further, to a full 7 weeks.

Protecting overseas military and absentee voters so that they receive additional time in which to return ballots. And I want to thank, particularly, the distinguished ranking minority member of the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON), for his fine work in that area and his commitment to ensure that we address the issue of military and overseas voters.

Protecting civil and voter rights. You will recall when we considered this legislation, which at the end of the day drew large bipartisan support in the 108th Congress, we were able to address the concerns that were raised by the gentleman from North Carolina (Mr. WATT) at the end of the day when we were debating the legislation, and that is included in this. Again, that is a recommendation that came from the minority.

We allow States to have primaries and other options for selection of candidates for the special election so long as the general elections are completed within that period of time, which would be 49 days, excluding districts from the 49-day special election requirement if they already have either a general or special election scheduled, and including the four delegates and the resident commissioner of Puerto Rico within the provisions of the bill.

Now, I mentioned the large bipartisan support. Last year, this legislation passed the House by a vote of 306 to 97. I believe that we need to continue working in a strong bipartisan manner to move this bill through the House and get it to the other body just as expeditiously as possible. In that spirit, I anticipate that we will amend the rule, as I said, to move under this manager's amendment from 45 to 49 days. Again, our attempt to continue to work and address very, very correct concerns that are emerging from the minority.

I also have to say that on this rule itself we are very happy to have made in order the amendment of my colleague and neighbor, the very distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD), who has offered an amendment calling for 60 days. I also want to congratulate her, Mr. Speaker, on her new assignment as the ranking minority member of the Committee on Administration. She is working closely with the gentleman from Ohio (Mr. NEY) I know, and with the gentlewoman from Michigan (Mrs. MILLER), who is going to be managing this legislation, and so we look forward to seeing what I hope is, again, a good bipartisan work product.

I want to talk now, if I can, Mr. Speaker, about how this bill protects what I feel is a very, very key part of our responsibility here: Our representation. When I was an undergraduate at Claremont McKenna College, I had a professor who pounded the Federalist Papers into me. I remember my mentor and the importance of the Constitutional Convention, and the great Connecticut Compromise of July 16 of 1787. And I remember that date because we convened the Congress in Philadelphia to mark the bicentennial of the Connecticut Compromise back on July 16 of 1987.

Of course, the Federalists have been so important in explaining and justifying the actions of the framers as they put the Constitution together. We all know that James Madison was the Father of our Constitution, as well as having been President of the United States, he, as a matter of fact, was a member of the first Committee on Rules. And a relative of mine served on that Committee on Rules at the founding.

Madison wrote extensively about this institution, the House of Representatives in Federalists 52 through 57. And one of the things I believe is very important for us to note is that Madison talked about the absolutely critical importance of this institution being elected.

Now, Mr. Speaker, we all know that the 435 of us who serve as Members of the House of Representatives are the only Federal officials who must be elected before we can serve. In the other body, the United States Senate, people are appointed by their governors if vacancies take place. And we all know from the example of President Ford, one can be appointed to serve as Vice President and President of the United States without having been elected. But no one has ever served in the people's House, this body, without having first been elected. And I think it is important to note that Madison made it clear when he was talking especially about this institution, as he said in Federalist No. 53, ''where elections end, tyranny begins.''

Mr. Speaker, as I said, we are the only Federal office where no one has served here without having first been elected, and I think that is something we need to do everything we can to maintain.

In Federalist 52 Madison wrote: ''It is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on and an intimate sympathy with the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectively secured.''

He went on in Federalist 57 and wrote: ''Who are to be the electors of the Federal representatives? Not the rich more than the poor, not the learned more than the ignorant, not the haughty heirs of distinguished names more than the humble sons of

obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States.''

And, Mr. Speaker, Madison rejected the idea that appointment of Members is acceptable to the American public. He said, and I quote: ''The right of suffrage is certainly one of the fundamental articles of democratic government and ought not be regulated by the legislature. A gradual abridgement of this right has been the mode in which aristocracies have been built on the ruin of popular forms.''

I think it is very important for us to understand that there have been times in our Nation's history where we have faced greater difficulty than the difficulty that we face today, or even greater difficulty than we faced following September 11 of 2001, and that was the Civil War. If we think back to that time of the Civil War, we have to remember that this Capitol was surrounded by troops who were threatening the very being of our Republic. Yet President Lincoln proceeded with elections, understanding how critically important they are for our Republic's survival.

And, of course, we have the newest example of self-determination in the world. The brave people of Iraq recently tasted freedom and the joy of elections. What happened? We had many people saying those elections could not take place. Why? Because there was a great deal of tension. We saw terrorist attacks, and we continue to see that in Iraq. But we know that despite the bombs and the snipers and the fear of death, people exercised that very important right to self-determination. Having faced down aristocracy and tyranny, they knew just how important elections would be for them. We too are a democracy borne out of facing down aristocracy and tyranny ourselves, and we should never forget that for one moment.

Mr. Speaker, I am convinced that as we look at the struggles taking place in Iraq today, that building and reinforcing democratic institutions is crucial for the safety, security, and happiness of a nation's people, whether it is the people of Iraq or the people of the United States of America. That is why when we looked at some of the other options to provide for our continuity as an institution, such as the stand-in appointments provision that the House overwhelmingly defeated last year, we should ask what we lose if we, for one moment, give up on elections.

Some have said that this is different; that we will be dealing with a national emergency. And I say that elections are particularly important during a time of a national emergency. We should not have stand-ins or successors from a list in our back pockets passing laws, declaring war, or suspending habeas corpus. I believe that when we take this very, very unique institution, the people's House, where no one has served without having first been elected, and move away from elections, that we threaten the very basis of our strength as a democratic Nation.

□ 1100

Thus as we look at the very tough challenge of how to preserve our democracy in the face of catastrophe, this legislation is the most responsible way to continue the legitimacy of our government. If we look at the tragic loss of more than 100 Members, the idea of having the States hold special elections in that period of time is something that is doable. People will unite and will remove all obstacles in conducting elections.

Think about it, Mr. Speaker. In the time of a horrible tragedy, feeding and clothing one's family, making sure the roof is over their head, and then playing a role in picking one's leaders, that is all part of the process of rebuilding. And it can be done in a relatively short period of time.

My colleague (Ms. MILLENDER-MCDONALD) and I represent the State of California. A year and a half ago in our home State, we went through a special election—recently, going through an unprecedented situation. We had the recall of a Governor and an election that took place in 55 days. It was not a single congressional district of 650,000 people with two or three candidates. That race had 135 candidates on the ballot, and they were running among a populace of 35 million people. And I am happy to say that that election came off without a hitch. And I should parenthetically say I am happy with the outcome as well, Mr. Speaker.

Let me close by saying that I think it is very important for us to realize again what James Madison was telling us when he said ''When elections end, tyranny begins.'' We should do everything we possibly can to make sure that we keep this House's very, very precious election process.

This rule allows for consideration of measures that address that. It is a very fair rule that again gives the ranking minority member an opportunity to have her proposal considered. I do oppose that proposal because I believe that the notion of moving to 49 days will allow us to work this out very well. And I again thank my colleagues, the gentleman from Ohio (Mr. NEY) and the gentleman from Wisconsin (Mr. SENSENBRENNER) and others, who have worked long and hard on this.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume. I have great respect for the gentleman from California (Mr. DREIER), and I know that he knows that the 17th amendment of the United States Constitution speaks to continuity.

I also know that he knows that the Congress, for purposes of preserving our institutions, allowed for the development of a continuity-of-government commission. On that commission a significant number of outstanding individuals from America, a broad cross-section of them, came up with the notion that it was critical that we have a constitutional amendment to go forward. Let me name some of the people that were on that commission: Lloyd Cutler; Alan Simpson; Philip Chase Bobbitt; Kenneth Duberstein; Tom Foley, former Speaker of the House; Robert Michel, minority leader; Newt Gingrich, former Speaker of the House; Nicholas B. Katzenbach; Jamie Gorelick; Robert Katzmann; Kweisi Mfume; Lynn Martin; Donna Shalala; and their senior counselors were Norman Orenstein and Thomas Mann.

What they said in the very preamble of their document is the following: We held two public meetings where we heard testimony from experts, and in the course of our investigation, we explored a wide range of options short of a constitutional amendment to ameliorate or solve these problems.

The commissioners, all of those persons that I just identified, shared distaste for frivolous or unnecessary amendments to the Constitution. Unfortunately, because the Constitution dictates the way that vacancies are to be filled in the House and Senate, there is no way to establish a procedure to quickly fill mass vacancies without a constitutional amendment. No less authorities than Robert Michel and Newt Gingrich and Tom Foley and Lloyd Cutler, folks who have studied the Constitution, actively came to that conclusion. I tend to share their view.

And the chairman of the Committee on Rules spoke of James Madison. No greater or eminent scholar that laid the foundation perhaps, other than Jefferson, dealt with all of the issues that they contemplated in their time. But I wonder if Mr. Madison would deem it fair that the House operates with closed rules rather than open rules. We had a vote on whether or not there should be an open rule in this important process for America, and we had an amendment offered by a distinguished Member of this body, the gentleman from Minnesota (Mr. SABO), requiring States to offer same-day voter registration for special elections held in accordance with this bill. Seems reasonable that people would be scattered and other things on their minds in a crisis such as we had experienced on 9/11.

My colleague from New York (Mr. NADLER), who lost more people than all of us combined in the 9/11 tragedy, offered a measure to prohibit deceiving any person as to the time, place, or eligibility requirements of special elections held in accordance with this bill.

And the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, offered an amendment that would require States to equally and fairly distribute election personnel and equipment when it conducts the special elections contemplated in this bill. All three of those civil rights measures went down the tube with the closed rule.

When we open up this institution, we will be able to address matters in a

more meaningful way so that the minority can have their amendments contemplated in good kind.

I end by saying that Thomas Mann of the Brookings Institution, who was one of the lead authors of the continuity commission's report, stated in front of the Committee on House Administration the following: ''The inability to swiftly constitute the House and Senate would deprive the country of a fully functioning first branch of government at a time of grave national crisis. Unable to achieve a quorum, or relying on a questionable quorum interpretation allowing a small minority, possibly a handful of surviving Members to act for the full Chamber, Congress would be unable to legitimately elect a new Speaker or confirm a new Vice President, both critical links in Presidential succession.

They will be unable to declare war, appropriate funds, pass legislation needed to deal with the attack, confirm Supreme Court and Cabinet appointments, oversee an executive branch possibly run by someone largely unknown to the country, and reassure a stunned Nation that their constitutional democracy is alive and well.''

Constitutional democracy, not statutory democracy as we are offering here today.

Mr. Madison offered the 17th amendment to the United States Constitution that has held well through the years with reference to continuity, and we owe no less responsibility to those Founders to be mindful of our responsibilities in that regard by offering up to the American people an appropriate constitutional amendment to be debated and decided by the people of this great country.

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

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself the balance of my time.

In closing, I would like to say I believe the debate has been an excellent discussion underlining many of the substantive concerns of both sides of a complex issue. But let us make one thing clear, this bill is about America's security and the way that Congress will deal with a catastrophe of unprecedented proportions. To ignore this basic fact is to ignore the warnings of history and the tragedy of September 11.

Mr. Speaker, today others have placed this debate in the context of election laws and constitutional issues. I appreciate their concerns, but this is not what this legislation is about. It is about establishing an orderly procedure to ensure the continuity of the House in the aftermath of a catastrophic event. The potential for this was underlined by what occurred on September 11. We cannot ignore those facts or ignore the realities and dangers of a changed international and geopolitical environment. To do so would be irresponsible.

AMENDMENT OFFERED BY MR. COLE OF OKLAHOMA

Mr. COLE of Oklahoma. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLE of Oklahoma:

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment specified in section 3(a) shall be in order as though printed as the first amendment in House Report 109–10 if offered by Representative Ney of Ohio or a designee, and the amendment specified in section 3(b) may be in order in lieu of the amendment printed in House Report 109–10 and numbered 1.

Sec. 3(a). The first amendment referred to in section 2, which shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, is as follows:

In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike ''45 days'' and insert ''49 days''.

(b). The second amendment referred to in section 2 is as follows:

In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike ''shall take place'' and all that follows through ''the vacancy exists,'' and insert the following: ''shall take place not later than 60 days after the Speaker of the House of Representatives announces that the vacancy exists,''.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Oklahoma (Mr. COLE) is recognized.

Mr. COLE of Oklahoma. Mr. Speaker, I want to take this opportunity to briefly describe this amendment before going further.

This amendment makes in order another amendment to take one more step toward satisfying the concerns of the minority and the Senate by extending the time limits by which States can hold elections. It is a short extension, but useful in that it allows States to phase their election plans over 7 even weeks. To that end I would urge my colleagues to support this fair rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COLE).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. COLE of Oklahoma). Pursuant to House Resolution 125 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 841.

□ 1113

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 841) to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes, and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

□ 1115

Mrs. MILLER of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the legislation that we are going to be considering today deals with a very, very serious issue, the possibility actually of a tragic attack that would result in the death of a significant number of our colleagues in the House. Though I think it is safe to say that none of us are eager to consider this issue, the events of September 11, 2001, forced this House to consider the ramifications of a successful terrorist attack against this body. On that fateful day, the enemies of freedom clearly targeted the pillars of our Nation. The terrorists attacked the World Trade Center which represented our economic freedom. They attacked the Pentagon which represents our military strength. And, by all accounts, Flight 93 was targeted either at the White House or at this building, both symbols of our form of democratic government and of our freedoms.

In fact, only the heroic actions, the unbelievable bravery of those brave passengers on Flight 93 prevented that particular plane, that particular flight, from reaching its intended target.

And so, Mr. Chairman, we begin to think about the unthinkable, to do our duty and to plan for every eventuality. H.R. 841, the Continuity in Representation Act, provides a very reasonable, very well thought-out mechanism for the reconstitution of the House of Representatives in the event of such a tragedy. The sponsor of the bill, the gentleman from Wisconsin (Mr. SENSENBRENNER), as well as the gentleman from California (Mr. DREIER) and the

gentleman from Ohio (Mr. NEY) are to be commended for their great commitment and dedication in crafting this bill and bringing it to the floor today. The Congress must ensure that the government remains strong and stable during and following a terrorist attack, and this legislation would accomplish that goal.

Mr. Chairman, all the other branches of government already have contingency plans in place. In the case of a vacancy, the President would be replaced quickly by the existing line of succession. The courts would be replaced quickly by presidential appointment. The Senate would be reconstituted very quickly through gubernatorial appointment as is outlined in the 17th amendment. Only the House would be unable to function quickly in a time of national emergency.

The Continuity in Representation Act would correct this problem by requiring States to hold special elections to fill vacancies in the House of Representatives not later than 49 days after the vacancy is announced by the Speaker of this House in the extraordinary circumstances that vacancies in representation from the States exceed 100. Mr. Chairman, as we grapple with this issue, we must remind ourselves that the U.S. House of Representatives is the people's House. For the entirety of our national existence, Members of the House have been directly elected by the people. Article 1, section 2 of our Constitution states: ''When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of elections to fill such vacancies.'' The key word here is ''elections.'' No event should be reason enough to change this historic and constitutional constant.

The bill under consideration today allows us to remain true to the course charted for us by our Founding Fathers. There have been a number of suggested alternatives to the proposal in this legislation. Some have called for perhaps temporary appointment of the Members of Congress in such an emergency either through gubernatorial appointment like that in the Senate, or even by a sitting Member naming a successor to take the seat in the event of that Member's death.

Any of these ideas would require a constitutional amendment, which would be a change from both tradition and constitutional mandate which expressly calls again for the direct election of Members of the House of Representatives. Concerns have also been expressed regarding the requirement that special elections be completed within 49 days of the Speaker's announcement of 100 existing vacancies in the House would be difficult.

Mr. Chairman, before I came to Congress actually, I was honored to serve as Michigan's Secretary of State for 8 years with a principal responsibility of serving as that State's chief election official, so this is an area that I do have some expertise in. Some have argued and will argue that more time is necessary, but I disagree.

Under this legislation, States would have the option, let me repeat, the option, of eliminating the primary election and permitting political parties recognized by State law to choose their candidates. In turn, this would eliminate the petition requirements and the verification process that accompanies it. Additionally, it is important for us to remember that the U.S. Representative position would really be the only one on the ballot which would dramatically ease printing, programming and testing.

Furthermore, Mr. Chairman, the passage of the Help America Vote Act of 2002, HAVA as we commonly call it, has helped to prepare local election officials more than ever to conduct special elections. HAVA is granting Federal dollars to the States in historic proportions, quite frankly, dollars that they are using to eliminate antiquated election equipment and purchasing new state-of-the-art equipment. States have either constructed or are moving very quickly toward construction of statewide computerized voter registration files, similar to the one that we built in Michigan several years ago. Technology actually allows for these lists to be updated daily so that a clean, up-to-date file can be printed out literally any day of the year anytime, and provided to the polling sites. Obviously this is a fantastic election tool for any election, but particularly so for an expedited election.

Also, States are now moving toward uniformity of voting systems in their precincts. Uniformity of election equipment in a State will enable vendors to always have a camera ready template of the ballot, and then all they literally have to do is fill in the names of the nominees for U.S. Representative and go to print. Having a uniform system will eliminate confusion amongst poll workers and further ease election preparation.

H.R. 841 also protects the ability of military personnel and overseas citizens to participate in a special election by requiring that absentee ballots be transmitted to such voters within 15 days of the Speaker's announcement and that such absentee ballots be counted if they are received not later than 45 days after the State transmits them.

In fact, even now the Department of Defense, the DOD, is moving towards a program where service men and women stationed overseas can actually download their ballots via the Internet.

Some will make the argument, again, that 49 days is simply not enough time for the States to prepare. To that argument, I would simply point out that some States today already have requirements that special elections be held in much less time than the 49-day period. So I believe that argument is obviously moot.

Mr. Chairman, I certainly do not intend to imply that this would be a simple task. There is no question there is lots of hard work. Regardless, it has been my observation and my personal experience that the fine men and women who administer our elections always rise to the occasion to complete the required work on time. I have no doubts that they would do so in a time of national emergency.

While I hope, Mr. Chairman, that we never have to face this situation, we must nonetheless prepare for it. Clearly it is incumbent on us to find a solution to this issue which honors the wishes and the wisdom of the Founding Fathers that the House of Representatives remain the people's House.

Mr. Chairman, it has been said that the price of freedom is remaining ever vigilant. I believe passing H.R. 841 is a step in showing the enemies of freedom that America is remaining ever vigilant. Similar legislation received over 300 votes in the last Congress, and I would, again, ask my colleagues for their strong bipartisan support of this legislation.

Mr. Chairman, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield myself such time as I may consume.

First, let me congratulate the gentlewoman from Michigan in joining our committee, the Committee on House Administration. She is quite an addition to the committee and we congratulate her.

Mr. Chairman, I rise in opposition to H.R. 841 in its current form. While the bill number has changed since last year, the core problems in this legislation remain the same as in last year's bill, H.R. 2844. H.R. 841 is unworkable, unfair and undemocratic. It restricts the franchise and inhibits public participation in the expedited special elections it would create, an especially unfortunate development following so closely after the serious problems revealed in the aftermath of the 2004 elections.

This bill is part of a series of actions by the majority over the last 2 years as advertised in addressing problems of congressional continuity. The stated objective of the legislation is to override State laws in order to hold expedited special elections within 45 days of a catastrophe which may leave more than 100 vacancies in the Chamber. While this goal is laudable, the bill defines a problem, creates an unfunded mandate, but then provides no solution. This legislation dumps the problem onto the States to produce something called an ''election'' within 45 days, but without the political and democratic substance we associate with campaigns for the House of Representatives.

I want to stress that H.R. 841 has no partisan content. It is simply inadequate to the task of reconstituting the House in a truly democratic fashion. Members on our side of the aisle were split almost down the middle last

April in the vote on this legislation because they felt pressured to do something. But the majority voted for it virtually lockstep when not even its principal sponsors could explain how the bill was actually supposed to work. The Senate, not surprisingly, never acted on it. So here we go again.

H.R. 841 contains a wish list of provisions which would set impractical deadlines, ignore the rights of candidates to run and of voters to participate in elections, and create confusion in the aftermath of a national catastrophe when the country needs the stability of established constitutional processes and the legitimacy of the rule of law.

Let us look at some of the specifics of this bill. Among the principal flaws of this legislation are the time frame is much too short for the conducting of special elections in many States. Even States whose present laws contemplate 45 days may not cope in the aftermath of an unknown future crisis which could affect our infrastructure and communications systems nationwide. The House last year rejected a proposal for 75 days in which to conduct these elections. This year, I will offer a compromise amendment proposing 60 days, which is not a magic solution, either, but which at least provides valuable additional flexibility to the States.

The bill represents an unfunded mandate. While States could conduct special elections to fill vacancies even without this bill, it eliminates their flexibility in the scheduling of elections, in the format of the elections and in the costs of elections.

There is insufficient time for voter registration for those wishing to participate in an unscheduled, sudden election for the House. New voters would be blocked out of the system. Why should we prevent full public participation when a Congress, seeking to renew itself, needs the legitimacy which an open democratic system provides?

The bill provides no mechanism for candidates to qualify for the ballot in States which require petition gathering or other potentially time-consuming measures intended to assess the public support and credibility of potential candidates. States are expected to develop some faster method to accomplish these central goals of qualifying candidates to run very early before the bill's trigger is pulled or risk missing the deadline. So which should it be?

This bill assumes that there are instant candidates out there who, upon learning of a vacancy, will decide to run without full consultation with family and friends, or with their potential parties and relevant interest groups and who can instantly arrange financing and instantly have an infrastructure in place to negotiate the campaign finance laws. These steps are extraordinarily difficult even in normal circumstances. Are candidates who can make instant decisions to run and instantly finance their campaigns representative of the full range of political talent of America? More importantly, are they the people we want to give a head start in gaining seats in the House? I do not think we want that, Mr. Chairman.

This bill also allows insufficient time to conduct primary elections in the many States which allow them for special elections. Last year's bill originally banned primaries entirely, but the gentleman from Ohio (Mr. NEY) improved this bill during our committee markup by removing the prohibition on primaries. Nevertheless, the 45-day scheme would still effectively block them in many States.

This bill still allows insufficient time to send, receive and count absentee ballots, even in those States which will not use primaries. Those most likely to face exclusion include Americans abroad and our military personnel stationed and fighting overseas.

Mr. Chairman, this bill contains no mechanism to activate its own provisions in the event the entire House membership is wiped out. If so, what happens next?

□ 1130

H.R. 841 deals with a practical catastrophe and a partial one, but becomes useless in the event of a total catastrophe. It was suggested on the House floor last year that in the circumstances that the entire House was wiped out, it would be up to the people to come together and make the determination as to the rebuilding process and how it begins. Really? Then how? Is it not the responsibility of Congress to anticipate and find solutions to problems when it enacts laws and not to rely on some vague national town meeting if the bill fails to work? Should we not be settling this issue right now right here in the legislation before us?

The 45-day provision in the bill allows insufficient time to assemble the infrastructure of elections necessary to manage elections competently and fairly. Even in elections, under the best of circumstances, there are inevitably problems with voter registration lists, voting with provisional ballots, transmitting, receiving, and counting absentee ballots, reserving polling places and staffing the polls with voting machines and election workers.

After a catastrophe we can add a potential breakdown in communication systems and other infrastructure, including transportation, along with the potential inability to order voting machines and ballots. Forty-five days is simply not enough time in many States to conduct special elections, especially after a national catastrophe.

Mr. Chairman, this bill represents the wrong choices of values in a democracy. It creates an artificial election timetable aimed at simply creating a result, and that is just Members of the House. The American people deserve real choices, emergency or not.

Mr. Chairman, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 841, the Continuity of Representation Act of 2005.

On September 11, 2001, the fourth hijacked plane was headed toward the Nation's capital. Had it not been for the heroic actions of the passengers of United Flight 93 who forced the plane down over Pennsylvania, Congress's ability to serve the American people may have been severely disrupted.

Currently, there is no mechanism to quickly replace House Members by special election. During the last Congress, the House acted in an overwhelmingly bipartisan fashion to address this deficiency by passing the predecessor of this year's bill by a larger than three to one margin. Unfortunately, the bill was never brought up in the other body because of the objections of one or more anonymous Members of that Chamber. Consequently, the guarantee of the right to elected representation following a catastrophic incident has yet been unnecessarily imperiled.

The legislation before us again today will preserve the people's constitutional right to directly elected representation by providing for the expedited special election of new Members within 49 days of the Speaker's announcement that there are more than 100 House vacancies. The House, unique among all branches and bodies of the entire Federal Government, is rooted in the principle of direct elections, and that principle must be preserved. Current Federal law allows the Presidency and the Senate to consist of entirely the unelected in certain circumstances. Without an elected House, the entire Federal Government could be run and laws could be written without a single branch directly representing the popular will.

Congress has the clear authority to enact the Continuity in Representation Act under article I, section 4 of the Constitution, which allows Congress, at any time by law, to make or alter State election laws. Consistent with the right to chosen representation, the Founders explicitly considered Congress's power to require expedited special elections as the solution to potential discontinuity in government in extraordinary situations. As Alexander Hamilton wrote, the Constitution gives the Congress ''a right to interpose'' its special election rules on the States ''whenever extraordinary circumstances might render that interposition necessary to its safety.'' The Supreme Court has unanimously approved such clear congressional authority.

Members from both parties have a significant stake in the operation of

the House following a terrorist incident, and I am pleased that the legislation before us today is appropriately a product of bipartisan cooperation and input. For example, I worked with the gentleman from Missouri (Mr. SKELTON), ranking member of the Committee on Armed Services, to craft provisions that govern absentee ballots cast by members of the Armed Forces, and overseas voters, whose ballots would be counted if they are received within 45 days after the State transmits them.

Further, I have worked with the gentleman from Michigan (Mr. CONYERS), ranking member of the Committee on the Judiciary, to add a provision that all Federal laws governing the administration of elections for Federal office are explicitly preserved.

During the Committee on House Administration's markup of the bill, a substitute amendment offered by the gentleman from Ohio (Chairman NEY) was adopted, which includes further changes that directly respond to concerns expressed by the minority. First, the current bill continues to allow States the option of having special election candidates selected by parties within 10 days, but would also authorize the States to select such candidates by any other method including primaries provided such method will ensure the State will hold the special election within the 45-day period.

Second, the bill considered today includes a provision that will allow seats left vacant by delegates and resident commissioners to also be filled by special election pursuant to the bill's requirements.

While some take the pessimistic view of the resiliency of the electoral process following an attack on the Nation's capital, I have a different view. I have no doubt that the boundless spirit of the American people will ensure that democracy prevails even in the most pressing conditions.

What I have heard from the opponents of this bill is that they say, well, we cannot have an election put together so quickly. The gentlewoman from Michigan (Mrs. MILLER), I think, has made it quite clear that from her experience as Michigan's Secretary of State and chief election officer that we will be able to do that. And I point out that what this bill does is to ensure the prompt filling of vacant seats in States that have long special election processes.

Virginia is able to fill vacancies in its general assembly by special election within 12 days after the vacancy occurs provided the Governor calls a special election. If Virginia makes that apply to vacancies in the House of Representatives, we are going to have a full Virginia delegation sitting in this Chamber or elsewhere legislating while the States that decide that they want to have more debates and keep the seats vacant will end up sitting unrepresented here.

What this bill does is that it speeds up the process in the slow States, the ones that have lengthy special election processes, including the gentlewoman from California's own State.

The one seat in the House of Representatives that is vacant today is that occupied by our beloved colleague, the late Bob Matsui. He died on January 1. That was 63 days ago, and his seat is still unfilled. There is an election next week to fill the vacancy. But if no candidate in that election gets more than 50 percent of the vote, then we will wait until May 3 to find out who the new Representative from Sacramento, California is.

And what this bill will do is to make sure that California will have a full delegation as quickly as possible, notwithstanding the current State law, while other States fill their delegations up and those Representatives-elect will come to Congress and be seated and be functioning immediately after their election.

Let us make sure that every State as quickly as possible can have adequate representation. Let us pass this bill.

Mr. Chairman, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself 30 seconds.

To respond to the gentleman's comments about California, it does show that we do need beyond 45 days to hold a special election, such as in the case of our late friend, Representative Bob Matsui. And also I refer to the committees that were convened to preserve our institution, and it aligns many States where the vacancy days for holding elections were not fewer than 74 days. So those are the number of days that are important that we need to adhere to.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, this bill does have flaws, as have been identified, and I think the criticisms are fairly taken. And the ranking gentlewoman's amendment is a sound one I will support. But in the end, we do need to have special elections in the case of a catastrophe. I voted for this last year and will vote for it again.

The problem is it misses the point of what happens in the 45 days or, if the gentlewoman from California (Ms. MILLENDER-MCDONALD) passes, in the 75 days. What happens then?

I read with some alarm the ''Roll Call'' article of December 6, 2004, on this subject, and I will quote from that article: ''The country is going to be under martial law until we have elections anyway.'' That was actually said by the gentleman from Ohio (Mr. CHABOT), chairman of the Constitution Subcommittee. And I just must say, is the agenda martial law? Because that appears to be the case, and absent a constitutional amendment to allow for a temporary appointment, we will have martial law and the elimination of a Republic in this country.

Mrs. MILLER of Michigan. Mr. Chairman, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank the gentlewoman for yielding me this time.

My good colleague from California raised the exact and critical point. The question is, what happens during those 45 days? We will need to support elections. There is not a single Member of this House who has not supported some form of general election, a special election, to replace the Members at some point. But during that 45 days, what happens?

The Chair of the Constitution Subcommittee says this is what happens: martial law. We do not know who would fill the vacancy of the Presidency, but we do know that the Succession Act most likely suggests it would be an unelected person.

The sponsors of the bill before us today insist, and I think rightfully so, on the importance of elections. But to then say that during a 45-day period we would have none of the checks and balances so fundamental to our Constitution, none of the separation of powers, and that the Presidency would be filled by an unelected member of the Cabinet who not a single member of this country, not a single citizen, voted to fill that position, and that that person would have no checks and balances from Congress for a period of 45 days I find extraordinary. I find it inconsistent. I find it illogical, and, frankly, I find it dangerous.

The gentleman from Wisconsin refused earlier to yield time, but I was going to ask him, if Virginia has those elections in a shorter time period, they should be commended for that. So now we have a situation in the Congress where the Virginia delegation has sent their Members here, but many other States do not have Members here. Do they at that point elect a Speaker of the House in the absence of other Members? And then three more States elect their representatives, temporary replacements, or full replacements at that point. They come in. Do they elect a new Speaker? And if that happens, who becomes the President under the Succession Act?

This bill does not address that question. This bill responds to real threats with fantasies. It responds with the fantasy, first of all, that a lot of people will still survive; but we have no guarantee of that. It responds with the fantasy that those who do survive will do the right thing. We are here having this debate, we have debates every day, because people differ on what the right thing is to do.

I have been in very traumatic situations with people in severe car wrecks and mountain climbing accidents. My experience has not been that crisis imbues universal sagacity and fairness. It has not been that. People respond in extraordinary ways, and we must preserve an institution that has the deliberative body and the checks and balances to meet those challenges.

□ 1145

Many of our States are going increasingly to mail-in ballots. We in this body were effectively disabled by an anthrax attack not long after September 11. I would ask my dear friends, will you conduct this election in 45 days if there is anthrax in the mail and still preserve the franchise of the American people? How will you do that? You have no answer to that question.

I find it extraordinary, frankly, that while saying you do not want to amend the Constitution, we began this very Congress by amending the Constitution through the rule, by undermining the principle that a quorum is 50 percent of the body and instead saying it is however many people survive. And if that rule applies, who will designate it, who will implement it? The Speaker, or the Speaker's designee? Again, not an elected person, as you say is so critical and I believe is critical, but a temporary appointee, frankly, who not a single other Member of this body knows who they are. So we not only have an unelected person, we have an unknown person who will convene this body, and who, by the way, could conceivably convene it for their own election to then become the President of the United States under the Succession Act.

You have refused steadfastly to debate this real issue broadly. You had a mock debate in the Committee on the Judiciary in which the distinguished chairman presented my bill without allowing me the courtesy or dignity to defend it myself. And on that, you proudly say you defend democracy. Sir, I think you dissemble in that regard.

Here is the fundamental question for us, my friends, and it is this: The American people are watching television and an announcement comes on and says the Congress has been destroyed in a nuclear attack, the President and Vice President are killed and the Supreme Court is dead and thousands of our citizens in this town are.

What happens next? Under your bill, 45 days of chaos. Apparently, according to the Committee on the Judiciary Subcommittee on the Constitution chairman, 45 days of marshal law, rule of this country by an unelected President with no checks and balances. Or an alternative, an alternative which says quite simply that the people have entrusted the Representatives they send here to make profound decisions, war, taxation, a host of other things, and those Representatives would have the power under the bill of the gentleman from California (Mr. ROHRABACHER) bill or mine to designate temporary successors, temporary, only until we can have a real election.

The American people, in one scenario, are told we do not know who is going to run the country, we have no Representatives; where in another you will have temporary Representatives carrying your interests to this great body while we deliberate and have real elections. That is the choice.

You are making the wrong choice today if you think you have solved this problem.

Mrs. MILLER of Michigan. Mr. Chairman, I continue to reserve my time.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in opposition to H.R. 841, and I regret the partisan flavor that seems to have become part of this debate.

Mr. Chairman, this bill offers a solution to a crisis, to a problem that we face, to a challenge that we face, but it is a solution that will not work. I plead with my fellow Republicans to listen to the arguments that have just been made and to determine for themselves whether or not this legislation will do the job that it claims it is intended to do.

I looked at it with an open heart and an open mind and find that I agree with the gentleman from Washington (Mr. BAIRD) that at a time when we need it the most, this bill will leave us in limbo, without leadership, and it will make America vulnerable at a time when we need leadership the most.

I oppose this legislation. This bill focuses on the continuity of the election process rather than the continuity of Congress. The people who wrote this bill got their priorities all mixed up as to what the purpose of this was supposed to be.

Mr. Chairman, the time frame in this bill of 45 days is both too long and too short. Forty-five days is too long to reconstruct the House of Representatives in a time of crisis when decisions need to be made immediately, so in that 45 days, when we are the most vulnerable, this legislation would leave America the most vulnerable.

But 45 days is also too short a period to preserve the democratic representation that we have heard about, because, yes, you could have elections, but it does not allow time for primary elections. So who are those elections going to be all about? Under this law, party bosses rather than party voters will choose the candidates; thus, they will choose the Representatives. This is hollow, a very hollow approach to democracy, suggesting that this would permit people to be elected, when in fact it will be the party bosses that will be deciding who the voters will have a chance to vote on.

The gentleman from Washington (Mr. BAIRD) and I have introduced a bipartisan constitutional amendment that solves the problems that H.R. 841 attempts to address, and it does this without the inevitable limitations of trying to fix a constitutional problem with a simple statute.

House Joint Resolution 26 provides for the immediate replacement of both deceased and incapacitated Members by alternates, who become acting Representatives only until a new Representative is elected. Just as the Vice President of the United States is elected as part of a ticket with the President, alternate Representatives would go on the ballot and be elected as a ticket with their Representative so that in times of crisis, there would be immediate representation for the United States Congress and for the people throughout our country.

H.J. Res. 26 thus solves the constitutional problem that a statute such as H.R. 841 cannot. It provides for both the continuity of Congress and for the continuity of representation for every district in the country, even if only one Representative dies or is in incapacitated. Under our alternative, thus no district would ever be without representation.

H.R. 841, on the other hand, does nothing to address incapacity, and in the case of death, allows as many as 99 districts at a time to go without representation for months.

Under H.J. Res. 26, Acting Representatives would be every bit as much elected officials as the Vice President is, yet would serve only until a new Representative is elected under the fully democratic procedures used by States today. Thus the Rohrabacher-Baird amendment not only solves all the continuity problems, but also preserves the principle that only elected officials may cast a vote in the House of Representatives.

Mr. Chairman, although I oppose the bill before us, the Rohrabacher-Baird amendment is something that can be supported even by those who vote for the bill. I ask my colleagues for their support and co-sponsorship of H.J. Res. 26.

On 9/11 we lived through a crisis that at times seemed bizarre and even surreal. Many otherwise competent leaders were in a state of shock and at one moment when we gathered on the Capitol steps to send a message to the American people, Representative BAIRD and I realized more was needed and began singing God Bless America. All our colleagues joined in. That was the message the American people needed.

Today let's do what is needed for the American people at a time of maximum crisis.

Mr. Chairman, I would ask my fellow Republicans, please give this serious consideration. This is too important an issue to think about in terms of party politics. This is a time of crisis, when American people will be counting on us to do our best and to set up something that will work in a time of crisis.

Mrs. MILLER of Michigan. Mr. Chairman, I continue to reserve my time.

The CHAIRMAN. The Chair would announce that the gentlewoman from Michigan (Mrs. MILLER) has 12.5 minutes remaining, the gentleman from Wisconsin (Mr. SENSENBRENNER) has 2.5 minutes remaining and the gentlewoman from California (Ms. MILLENDER-MCDONALD) has 30 seconds remaining. The order of closing is the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentlewoman from California (Ms. MILLENDER-MCDONALD) and the gentlewoman from Michigan (Mrs. MILLER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the primary opposition to this legislation comes from people who have favored a constitutional amendment to provide for the appointment of substitute Representatives should there be a catastrophe that wipes out a significant part or all of the House of Representatives.

I believe last year, the House of Representatives laid that proposition to rest. We did have a full debate on the floor of the constitutional amendment that both the gentleman from Washington (Mr. BAIRD) and the gentleman from California (Mr. ROHRABACHER) supported. It only got 63 votes. Twenty votes are necessary for the two-thirds majority necessary to propose amendments to the Constitution on any subject, and I believe that the House of Representatives at that time clearly and emphatically spoke in favor of maintaining elections as the only way one could enter the House of Representatives, the people's House.

So now we hear that the 49 days that are proposed in this bill are too short to be able to organize a proper election in a time of crisis. I do not think that is correct. During the Second World War, Great Britain was under attack constantly by the German Air Force, and even during the war they were able to hold special elections to fill vacancies in the House of Commons within 42 days. Democracy prevailed because the people of Great Britain insisted that it do so, and those elections worked and those people who were elected entered the House of Commons with a mandate from the people.

This bill will work just as well in a time of crisis as a way of repopulating the House. We are not going to have appointed Representatives. The constitutional amendment has been overwhelmingly rejected here. So the responsible thing to do is to speed up the special election process, particularly in those States like California where it takes forever to fill a vacancy so that the States can have full representation as quickly as possible.

Pass the bill.

Mr. Chairman, I yield back the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this bill is not a bill that will work. You have heard it from several Members. This bill is unfair and is undemocratic. It has also been shown it is too short a time to conduct special elections in many States. It is insufficient time for voter registration and for those who want to participate in this unscheduled election. New voters will be blocked out of the system entirely. Is this what we want, given the last election of 2004? I think not.

This bill simply represents the wrong choices of values in a democracy. This bill should be voted down.

Mrs. MILLER of Michigan. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the Continuity in Representation Act provides a process to ensure that our democratic government remains stable and orderly during a possible time of great instability. In addition, it preserves the unique status of the House of Representatives by continuing the tradition and the constitutional mandate that every Member of this body must be elected by his or her constituents. In such a time of crisis, the people of this Nation must have a voice in the critical decisions that are being made. This legislation ensures that that will be the case.

The time limit of 49 days that this bill lays out is more than adequate, Mr. Chairman. In fact, a survey of election officials confirmed that this is a realistic time frame, and I will tell you as a former elections official myself, I concur with those findings.

Furthermore, several States already have laws in place that require special elections to be conducted in a shorter period of time than the 49-day limit that this legislation requires. It is a short enough period that the House is reconstituted quickly and loses none of its authority, and, at the same time, it is a long enough period for fair elections to be conducted.

When this issue was before the 108th Congress, Mr. Chairman, the House acted in an overwhelmingly bipartisan fashion and approved the Continuity in Representation Act by a more than three-to-one margin. In fact, H.R. 841 that we consider today has improved on the previous bill by addressing the following reservations that some Members of the House and some of the States had regarding that bill.

First, the special election privilege is extended now to Delegates and Resident Commissioners so that they could be replaced just as quickly as Members.

Second, the legislation explicitly gives States any method that they choose to selects the candidates for special elections. Certainly as an advocate of States' rights, this provision was extremely important to both myself and many of us here in this Chamber.

Finally, the time limit for special elections to be completed has been extended to 49 days from the time of the Speaker's announcement that over 100 vacancies exist. This gives local and State officials 7 full weeks to select candidates, to print ballots and to fully execute those special elections.

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With these changes I am hopeful that the bipartisan support for this legislation will be even greater today than it has been in the past. Mr. Speaker, this is not simply a bill about elections or the best way to replace Members of Congress. Mr. Chairman, this bill is about the strength of our Nation. It is about our ability to secure the homeland, and it does that by ensuring that our democratically elected government is able to respond in the face of an urgent threat.

Homeland security is not a Republican issue. It is not a Democratic issue. This is an issue that affects every single American, Mr. Chairman; and the Congress should act in the interest of America and of democracy.

I urge all of my colleagues to join me in supporting H.R. 841, and I look forward very much to supporting and passing this important and historic legislation.

Mr. PAUL. Mr. Chairman, I am pleased to support H.R. 841, the Continuity in Representation Act, introduced by my distinguished colleague, House Judiciary Committee Chairman JAMES SENSENBRENNER. H.R. 841 provides a practical and constitutional way to ensure that the House of Representatives can continue to operate in the event that more than 100 Members are killed, H.R. 841 thus protects the people's right to choose their Representatives at the time when such a right may be most important, while ensuring continuity of the legislative branch.

Article I section 2 of the United States Constitution grants State governors the authority to hold special elections to fill vacancies in the House of Representatives. Article I, section 4 of the Constitution gives Congress the authority to designate the time, place and manner of such special elections if States should fail to act expeditiously following a national emergency. Alexander Hamilton, who played a major role in the drafting and ratification of the United States Constitution, characterized authority over Federal elections as shared between the States and Congress, with neither being able to control the process entirety. H.R. 841 exercises Congress's power to regulate the time, place and manner of elections by requiring the holding of special elections within 45 days after the Speaker or Acting Speaker declares 100 Members of the House have been killed.

I have no doubt that the people of the States are quite competent to hold elections in a timely fashion. After all, it is in each State's interest to ensure it has adequate elected representation in Washington. The version of H.R. 841 before Congress today was drafted with input from State elections commissioners to make sure it sets realistic goals and will not unduly burden State governments.

I am disappointed that some of my colleagues reject the sensible approach of H.R. 841 and instead support amending the Constitution to allow appointed Members to serve in this body. Allowing appointed Members to serve in "the people's house" will fundamentally alter the nature of this institution and sever the people's most direct connection with their government.

Even with the direct election of Senators, the fact that Members of the House are elected every 2 years while Senators run for statewide office every 6 years means that Members of the House of Representatives are still more accountable to the people than members of any other part of the Federal Government. Appointed Members of Congress simply cannot be truly representative. James Madison and Alexander Hamilton eloquently made this point in Federalist 52:

As it is essential to liberty that the government in general should have a common

interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectively secured.

Mr. Chairman, there are those who say that the power of appointment is necessary in order to preserve checks and balances and thus prevent an abuse of executive power during a time of crisis. Of course, I agree that it is very important to carefully guard our constitutional liberties in times of crisis and that an over-centralization of power in the executive branch is one of the most serious dangers to that liberty. However, Mr. Chairman, during a time of crisis it is all the more important to have Representatives accountable to the people. Otherwise, the citizenry has no check on the inevitable tendency of government to infringe on the people's liberties at such a time. I would remind my colleagues that the only reason we are considering reexamining provisions of the PATRIOT Act is because of public concerns that this act gives up excessive liberty for a phantom security. Appointed officials would not be as responsive to public concerns.

Supporters of amending the Constitution claim that the appointment power will be necessary in the event of an emergency and that the appointed Representatives will only be temporary. However, the laws passed by these ''temporary'' Representatives will be permanent.

Mr. Chairman, this country has faced the possibility of threats to the continuity of this body several times in our history. Yet no one suggested removing the people's right to vote for Members of Congress. For example, the British in the War of 1812 attacked the city of Washington, yet nobody suggested the States could not address the lack of a quorum in the House of Representatives through elections. During the Civil War, the neighboring State of Virginia, where today many Capitol Hill staffers reside and many Members stay while Congress is in session, was actively involved in hostilities against the United States Government. Yet, Abraham Lincoln never suggested that non-elected persons serve in the House. Adopting any of the proposals to deny the people the ability to choose their own Representatives would let the terrorists know that they can succeed in altering our republican institutions. I hope all my colleagues who are considering rejecting H.R. 841 in favor of a constitutional amendment will question the wisdom of handing terrorists a preemptive victory over republican government.

As noted above, the Framers gave Congress all the tools it needs to address problems of mass vacancies in the House without compromising this institution's primary function as a representative body. In fact, as Hamilton explains in Federalist 59, the ''time, place, and manner'' clause was specifically designed to address the kind of extraordinary circumstances imagined by those who support amending the Constitution.

In conclusion, I urge my colleagues to support H.R. 841, the Continuity in Representation Act, which ensures an elected Congress can continue to operate in the event of an emergency. This is what the drafters of the Constitution intended. Furthermore, passage of H.R. 841 sends a strong message to terrorists that they cannot alter our republican government.

Mrs. MILLER of Michigan. I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 841

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 ''Continuity in Representation Act of 2005''.

SEC. 2. REQUIRING SPECIAL ELECTIONS TO BE HELD TO FILL VACANCIES IN THE HOUSE IN EXTRAORDINARY CIRCUMSTANCES.

Section 26 of the Revised Statutes of the United States (2 U.S.C. 8) is amended—

(1) by striking ''The time'' and inserting ''(a) IN GENERAL.—Except as provided in subsection (b), the time''; and

(2) by adding at the end the following new subsection:

''(b) SPECIAL RULES IN EXTRAORDINARY CIRCUMSTANCES.—

''(1) IN GENERAL.—In extraordinary circumstances, the executive authority of any State in which a vacancy exists in its representation in the House of Representatives shall issue a writ of election to fill such vacancy by special election.

''(2) TIMING OF SPECIAL ELECTION.—A special election held under this subsection to fill a vacancy shall take place not later than 45 days after the Speaker of the House of Representatives announces that the vacancy exists, unless, during the 75-day period which begins on the date of the announcement of the vacancy—

''(A) a regularly scheduled general election for the office involved is to be held; or

''(B) another special election for the office involved is to be held, pursuant to a writ for a special election issued by the chief executive of the State prior to the date of the announcement of the vacancy.

''(3) NOMINATIONS BY PARTIES.—If a special election is to be held under this subsection, the determination of the candidates who will run in such election shall be made—

''(A) by nominations made not later than 10 days after the Speaker announces that the vacancy exists by the political parties of the State that are authorized by State law to nominate candidates for the election; or

''(B) by any other method the State considers appropriate, including holding primary elections, that will ensure that the State will hold the special election within the deadline required under paragraph (2).

''(4) EXTRAORDINARY CIRCUMSTANCES.—

''(A) IN GENERAL.—In this subsection, 'extraordinary circumstances' occur when the Speaker of the House of Representatives announces that vacancies in the representation from the States in the House exceed 100.

''(B) JUDICIAL REVIEW.—If any action is brought for declaratory or injunctive relief to challenge an announcement made under subparagraph (A), the following rules shall apply:

''(i) Not later than 2 days after the announcement, the action shall be filed in the United States District Court having jurisdiction in the district of the Member of the House of Representatives whose seat has been announced to be vacant and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

''(ii) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives.

''(iii) A final decision in the action shall be made within 3 days of the filing of such action and shall not be reviewable.

''(iv) The executive authority of the State that contains the district of the Member of the House of Representatives whose seat has been announced to be vacant shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the announcement of such vacancy.

''(5) PROTECTING ABILITY OF ABSENT MILITARY AND OVERSEAS VOTERS TO PARTICIPATE IN SPECIAL ELECTIONS.—

''(A) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

''(B) PERIOD FOR BALLOT TRANSIT TIME.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.

''(6) APPLICATION TO DISTRICT OF COLUMBIA AND TERRITORIES.—This subsection shall apply—

''(A) to a Delegate or Resident Commissioner to the Congress in the same manner as it applies to a Member of the House of Representatives; and

''(B) to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands in the same manner as it applies to a State, except that a vacancy in the representation from any such jurisdiction in the House shall not be taken into account by the Speaker in determining whether vacancies in the representation from the States in the House exceed 100 for purposes of paragraph (4)(A).

''(7) RULE OF CONSTRUCTION REGARDING FEDERAL ELECTION LAWS.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

''(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

''(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

''(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

''(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

''(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

''(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

''(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.''.

The CHAIRMAN. No amendment to the committee amendment is in order

except those printed or considered as printed in House Report 109–10. Each amendment may be offered only in the order printed or considered as printed in the report, by a Member designated, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

It is now in order to consider the amendment considered to be the first amendment printed in House Report 109–10.

AMENDMENT OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offer the manager's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment made in order pursuant to House Resolution 125 offered by Mr. NEY:

In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike ''45 days'' and insert ''49 days''.

The CHAIRMAN. Pursuant to House Resolution 125, the gentleman from Ohio (Mr. NEY) and a Member opposed each will control 5 minutes.

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

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

I rise today to offer this manager's amendment, but first I want to thank the gentlewoman from Michigan (Mrs. MILLER). She is our able new committee member. We are so pleased to have the gentlewoman on the Committee on House Administration and thank her for managing this bill.

She is a former Secretary of State. She brings a wealth of knowledge and personal experience regarding running elections to this debate. And of course House Administration does a wide variety of things, but we also oversee Federal election laws, so we appreciate her carrying this bill through, and also her perspectives on it.

And it is a pleasure to be here with the gentlewoman from California (Ms. MILLENDER-MCDONALD), our new ranking member. And again, we like the working relationship we have had on the issues.

Mr. Chairman, H.R. 841, the Continuity in Representation Act of 2005 is an important piece of legislation that furthers the vital objective of ensuring that the people's House would continue to function effectively and with legitimacy in the event of a catastrophic terrorist attack in which a large number of House Members would be killed.

This amendment I am introducing today would extend the time frame for holding expedited special elections from 45 days to 49 days. The addition of the extra days would provide additional time for State and local election officials to prepare for expedited special elections and for the voting public to make informed choices.

This amendment also addresses the concerns of those who felt that too little time was provided for conducting expedited special elections. It marks yet another step the majority has been willing to take to accommodate some concerns that have been raised by the minority.

Last Congress, Doug Lewis, executive director of the Election Center, a nonprofit organization representing State and local election officials whose purpose is to promote, preserve and improve democracy, testified before our committee that it appears that elections administrators feel they can conduct an election within as few as 45 days. He had varied opinions on how long, frankly, this process could take. He pointed out, however, that any additional days would enable election officials to better prepare for the election and ensure that the process went forward as smoothly as possible.

When operating under a tight time frame, any additional time can make a difference in the quality of the process. Thus I believe this amendment enables us to better strike the proper balance between the demand to fill House vacancies through special elections in as short a time frame as possible and the need for election officials and the voting public to have the necessary time to get ready for elections and to examine the candidates and the issues.

It is a good important piece of legislation. And I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for carrying this through. And it preserves the fundamental character of the House as a body consisting of only elected Members and allows for reconstitution of that body as quickly as possible if we ever face these terrible circumstances which we hope do not happen. Therefore, I urge my colleagues to support this amendment and the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. ROHRABACHER. I claim the time for the opposition.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume. I oppose this amendment because it does not correct the fundamental flaw of H.R. 841, which is leaving the United States of America at a time of its worst crisis, its worst potential crisis that you can imagine, it leaves the American people in the lurch, leaves them without representative government and without representation in the Congress for 7 weeks. According to this amendment, there will be no representation for the American people at a time when our government needs leadership.

On 9/11 we lived through a crisis which at times seemed bizarre and even surreal. Many otherwise competent leaders were in a state of shock and at that moment, on 9/11, did not necessarily know or were incapable of doing exactly what the right thing was.

Many of us gathered at the Capitol on that fateful day; we gathered on the steps to back up our leadership. The purpose was to send a message to the American people. Representative BARRETT and I realized, once a very short message had been given by our leaders, that the message was not adequate enough. And let me note that on that day, that time of crisis when we were all in confusion, standing on the Capitol about ready to break up, Representative BARRETT and I looked at each other in our eyes and said this is not enough. We are going to start singing God bless America right now. And it was Representative BARRETT and myself that started leading that singing and were joined in by our colleagues.

Let me note that that was the message the American people needed to hear of unity and God bless America at this time.

Let us today do what is needed for the American people at the time of the next crisis. What is happening is we are being offered an alternative that will leave them in the lurch, leave them wanting at the time of maximum crisis. If we do believe in God bless America, let us join in now with the partisan flavor of this debate and do what is right to make sure our people are prepared if our country is ever attacked like this again.

Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I want to thank my good friend from California (Mr. ROHRABACHER). I will always remember that day, as we all will. His point is well taken.

I understand there is good intent behind the bill before us today and the amendment, but it is not enough. It simply is not. It leaves our country vulnerable for 45 days and that is too long.

The distinguished chairman of the Committee on the Judiciary made some comments recently that suggested that somehow terrorists would oppose this bill and by some implication would favor the bill the gentleman from California (Mr. ROHRABACHER) and I have put forward because it seems to support their autocratic views of government. Nothing could be further from the truth.

In fact, what our bill would do is tell the terrorists, you could come on a single day and set off a nuclear weapon in this town and kill every single Member of us; and though we would be missed, the very next day the Congress would be up and functioning with every single State, every single district having full representation by statesmen and stateswomen at a time of national crisis.

That is what the gentleman from California (Mr. ROHRABACHER) and I are trying to do. We are trying to tell the terrorists, you can kill all of us as individuals, but you will not defeat this institution. You will not defeat the principle of representation. You will not

defeat the principles of checks and balances. You will not impose martial law.

Here is the irony. If terrorists hit us today when we finally vote on this, let us suppose a few Democrats do not make it over here. You are leaving this country vulnerable to change in power. If the terrorists were to strike your conference retreat where the President speaks to the Republican House and Senate Members and kill hundreds of House and Senate Members on the Republican side, the Democrats at that point claim the majority. The Democrats at that point elect a Speaker of the House. I am a Democrat, for goodness sakes; but that is not the way to leave our country vulnerable.

You are leaving your own party, you are leaving the will of the people through their elections vulnerable. If we have temporary replacements, you immediately reconstitute the House; you immediately ensure representation; you assure that you maintain the balance of political power; and you do it in an orderly, structured way with no chaos, in a way that is constitutionally valid by definition.

What you have proposed is not necessarily constitutionally valid. It leaves the terrorists able to change our system of government. It depends on a fantasy immediate or quick election. It does not allow really qualified people necessarily to get here and act in time. There are so many things you have left undone.

You are going to try to say that at the start of this year we have solved this problem; let us go home.

You have not solved the problem, and it is a doggone disgrace, and it is a danger to this country.

The other day a gentleman testified before the Committee on the Budget and said this: ''The lack of preparation for continuity, for true continuity invites attack.''

You are inviting attack. Not preventing attack.

The CHAIRMAN. The gentleman from Ohio (Mr. NEY) has 2 minutes remaining.

Mr. NEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. NEY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment number 1 printed in House Report 109–10 or the amendment made in order in lieu thereof.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I offer an amendment in lieu of amendment No. 1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment made in order pursuant to H. Res. 125 in lieu of amendment No. 1 printed in House Report 109–10 offered by Ms. MILLENDER-MCDONALD:

In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike ''shall take place'' and all that follows through ''the vacancy exists,'' and insert the following: ''shall take place not later than 60 days after the Speaker of the House of Representatives announces that the vacancy exists,''.

The CHAIRMAN. Pursuant to House Resolution 125, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this compromise amendment would change the overall deadline to conduct expedited special elections under extraordinary circumstances to 60 days instead of the 49 which we just voted on.

I urge Members to support 60 days because it is a more practical and realistic deadline, places less burden on the States, and still accomplishes the bill's goals to expedite special elections in a large number of States.

A 60-day deadline would allow more time for States to attempt to implement the election law restructuring, whatever that might be, and require to comply with the bill's goals.

It would also allow some States more options if they wish to preserve their primary elections which at the insistence of the minority are no longer explicitly prohibited by this version of the legislation. But while primaries may no longer be barred, 49 days to hold both a primary and a special election is still a high bar to meet.

Mr. Chairman, I would like to read from a letter that was presented by Kevin Kennedy, the executive director to the State Elections Board of Wisconsin, the State which the author of the bill comes from. And he states in portions of the letter: ''62 days is the minimum time necessary to ensure proper mechanical operation of an expedited special election, consistent with democratic integrity, and offering of all voters the opportunity of a meaningful opportunity to vote.''

This is what I am speaking about in my amendment. The principle 49 days is really not enough time; and so, therefore, the bill is really flawed because it decrees that the elections will occur 49 days after the Speaker's announcement. But having said that, what would happen next?

How States which would have to reduce their preexisting time frame for special elections could actually accomplish this is the great unknown. Would it require States' enactments, States' constitutional amendments, popular referenda in some States?

I do not know the answers and the bill's sponsors surely do not know the answers. But 60 days at least provides some additional flexibility in the hands of the decision-makers who must grapple with the jig-saw puzzle of demands the bill places upon them. Sixty days is not a magic bullet any more than 49 days is; but experience as well as decades spent as candidates running for public office teaches us to err on the side of flexibility, especially at a time of potential national crisis.

□ 1215

This amendment is an effort to find common ground after the House rejected a 75-day time frame offered last year by the gentleman from Connecticut (Mr. LARSON). My 60-day amendment also conforms to the recommendations of the Election Center, which represents the Nation's voting registration and election officials and administrators at the city, township, county and State levels. Proponents seeking a truncated time frame for this legislation have often, misleadingly, cited Doug Williams, Executive Director of the Election Center, which, once again, represents the Nation's voting registration and election officials and administrators at the city, township, and State levels, but he has not endorsed this bill, and he has said that 45 days is still too short and that a time frame closer to 60 days would provide States a greater assurance of success. State and local election officials at election process forums over the last 2 years have raised questions about the time frame as well.

In testimony prepared before the Committee on House Administration on September 19, 2003, Mr. LEWIS framed the debate as follows: ''What is an election? Is it a date-certain event so that voters can vote? Or is it more than that? Is an election in American democracy really a process that includes time for the identification of candidates, the ability of candidates to mount a campaign, to raise funds, to attract supporters, to inform the voters of what their choices are between the individual contestants, and then going to the polls to make that choice? The point is this: If it is only an event, then we can structure an event in a short time frame and carry out the event as flawlessly as possible. If, however, you define it in the broadest possible terms, then you have to allow the process time to work.''

Mr. Chairman, I agree that elections are a process which implement democracy.

Mr. Chairman, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, the amendment proposed by the gentlewoman from California, while certainly a very well-intentioned amendment, is completely unnecessary and, I believe, would severely weaken this bill.

While this amendment would only increase the time limit in which to conduct the special election by 11 days, more than the limit provided for in H.R. 841, it would weaken the power of Congress in a significant way. According to the War Powers Act, when the

President has put our Armed Forces into action, Congress must act within 60 days to either approve or to disapprove the use of those troops. Following an attack in which over 100 Members of Congress have been killed, it is quite likely that a military response would be required.

If Congress is not reconstituted within this 60-day period, it would lose its ability to either affirm or disapprove of the executive's use of military actions and, thus, the power of the legislative branch would be diminished. The amendment by the gentlewoman would prevent Congress from acting in this situation. H.R. 841, as it stands, would allow for Congress to reconstitute and to act on such an important matter.

Another argument against this amendment, Mr. Chairman, is that while it is not only dangerous, again it is completely unnecessary. A survey of election officials, as I mentioned earlier, shows that 49 days is a reasonable period of time in which to conduct a special election. And as a former chief elections officer of the State of Michigan, I agree with that assessment. As the legislation currently stands, States would have the option, and let me reiterate again, the States have the option of eliminating the primary election and permitting political parties recognized by State law to choose those candidates.

In turn, this would eliminate the petition requirements, and the verification process that accompanies it. Additionally, it is again very important to remember that the U.S. Representative position would really be the only race on the ballot. Again, dramatically easy printing, programming, and testing.

Furthermore, Mr. Chairman, the passage of the Help America Vote Act of 2002, HAVA, as it is commonly called, has helped prepare election officials more than ever to conduct such a special election. HAVA is granting Federal dollars to the States in historic proportions, dollars that are being used to eliminate antiquated election equipment, and the States are purchasing new state-of-the-art equipment. States have either constructed or are moving towards construction of statewide, computerized voter registration files, similar, as I mentioned, to the one we built in Michigan several years ago.

Technology is allowing these lists to be updated literally daily, so that a clean up-to-date file can be printed out any date of the year and provided to every polling site. Again, a fantastic election tool for any election, but particularly so in this case for an expedited election.

Also, States are rapidly moving towards a uniform system of voting machines. Uniformity of election equipment in a State will enable vendors to always have a camera-ready template on the ballot, and then all they have to do is just fill in the name of the nominees for U.S. Representative and go to print. Having a uniform system will eliminate confusion amongst poll workers and further ease election preparation.

Finally, Mr. Chairman, some States already prescribe that special elections be conducted in a period of time even shorter than this. The gentleman from Wisconsin (Mr. SENSENBRENNER) mentioned the Virginia experience; Minnesota, I believe, requires a 30- or 35-day limit as well. All of this goes to prove that the amendment is completely unnecessary. The only thing that this amendment would effectively do is extend the time period for which some parts of the Nation would not be represented in this body, in the United States House of Representatives. And there is never a good reason to do that, Mr. Chairman.

While it is true that State and local officials must have sufficient time to conduct elections, it is imperative that they be completed as quickly as possible so that there is some semblance of continuity in representation. There should not be any unnecessary delay to this process.

Mr. Chairman, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield 4 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a former Secretary of State.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise today in opposition to this legislation and am disappointed we are taking up this measure again when we should be debating this issue in a more thoughtful and comprehensive manner. Many of my colleagues, including the gentleman from Washington (Mr. BAIRD), the gentleman from California (Mr. COX), the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) have tried to encourage dialogue on this matter, but this bill simply does not address many of the concerns raised by Members and outside experts during the last 3½ years.

If under H.R. 841 the House experienced the deaths of more than 100 Members, the Speaker could direct States to conduct special elections now within 49 days. Well, Mr. Chairman, I am sure that the authors of this legislation had all the good intentions in the world, but unfortunately we find in the real world, in practice, it does not always work out as we had intended. As a former Secretary of State, I have run numerous elections, and I can tell you that the 49-day limit would constrain election officials' ability to prepare ballots, train poll workers, select polling locations, and inform the voting public about the process.

Mr. Chairman, make no mistake about it, under this limited time frame, there would be voters who would be disenfranchised. The mail ballot process itself can be very cumbersome, and I can guarantee you that very potentially the elderly, people with disabilities, and most especially, our men and women in uniform who are overseas would potentially be disenfranchised by this shortened time frame.

Now, at a time when our Nation would be looking to its government for answers, it will instead face confusion and uncertainty about how its leaders are elected. Mr. Chairman, it would seem to me to be reasonable to support the gentlewoman's amendment to extend the time period to 60 days. At the very least, if we are going to do this, I believe we need to do it the right way, and this would allow us the extra time we would need.

But, Mr. Chairman, my colleague the gentleman from California (Mr. ROHRABACHER) really said it right. Whether it is 49 days or the 60 days, it is really both too long and too short. Even if we were able to hold special elections within the 49 days, that would still be too long for Congress to remain inactive. I want to remind everyone that in the 6 weeks after the attacks of September 11, Congress passed legislation authorizing the use of military force, an airline assistance measure, an economic stimulus bill, the Defense Authorization Act, numerous appropriation bills, the farm bill, legislation pertaining to bioterrorism, victims assistance, and terrorism financing.

H.R. 841 would leave important decisions to a greatly diminished and possibly unrepresentative House. Worse, in the case of widespread incapacitation, the House would be unable to achieve a quorum and become inoperative during a time of crisis. A recent change in House rules tried to circumvent this problem by creating a provisional quorum, which would permit a smaller number of Members to constitute a quorum in emergency circumstances. However, one must question the constitutionality and public support of laws that would be passed by a handful of Members during a time of national crisis.

The House is attempting to address this complex issue over congressional continuity, Mr. Chairman, by passing feel-good legislation and tweaking our internal rules. But I am disappointed that H.R. 841 does not take a comprehensive approach to continuity nor does it address a priority of mine, deciding how Congress could communicate and function if terrorist acts prevented it from meeting in one location.

Mr. Chairman, these matters warrant greater discussion than the limited bill before us, and I urge my colleagues to oppose H.R. 841 so that we can have the full debate that this Congress and our Nation deserves.

Mrs. MILLER of Michigan. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary,

who has been a driving force in bringing this legislation to the floor today.

Mr. SENSENBRENNER. Mr. Chairman, I would like to make three points.

First, under the 60-day time frame proposed by the gentlewoman's amendment, the time under the War Powers Act for Congress to make a decision following an attack will have expired and, consequently, less than the full House will make the important decisions relative to under what circumstances American troops will be committed overseas. Under the 49-day time limit, that problem will not exist because the House will be reconstituted and repopulated before the War Powers Act limitation expires.

Secondly, the purpose of this bill is to require special elections to be held in those States with slower special election processes, to be held as quickly as possible within the 49-day period. The gentlewoman from California has read parts of the letter that Mr. Kennedy, who is the Executive Director of the Wisconsin Elections Board has written. I would respond to that simply by saying if Virginia repopulates the House, or its delegation to the House within 12 days and it takes at least 62 days for Wisconsin to do so, 50 days will elapse, or almost 2 months will elapse while Wisconsin has either a reduced or no delegation in the House, but the House keeps on legislating. And that is not fair to the people of my State, and it is not fair to the people of the other States, including the gentlewoman from California's own State that have relatively slow special election procedures.

So that is why this bill is here, is to speed up the process by which States can fill up their delegations to the House so that they will be fully represented when important decisions are made. And should this bill go down and the slow States continue to be really slow, then their delegations will either be nonexistent or have a relatively few number of Members.

Now, the final point I would like to make is that we have heard everybody who is against this bill say that this is too fast and too slow. Well, to speed up the process of repopulating the House, quicker than when special elections can be held, will require a constitutional amendment. We did debate a constitutional amendment and it was defeated by a vote of 63 ayes to 350-plus noes. This House is firmly on record against an appointment procedure however it is done.

So now we have to figure out how to make the special election procedure occur as quickly as possible and yet maintain fairness. The 49 days required under this bill is the way to do it to get people here to make important decisions under the War Powers Act. Sixty days or a longer period of time simply will not cut it. Defeat the amendment and pass the bill.

Ms. MILLENDER-McDONALD. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman from California has 6 minutes remaining.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. BROWN), who is also a former Secretary of State.

□ 1230

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise in support of the Millender-McDonald amendment and to express concern for the underlying bill. I am glad we are considering legislation that would address what should be done in the event of a large-scale incapacitation of Congress. It obviously makes sense to do that. It is more essential than ever in a time of national emergency that democracy be preserved.

Our Constitution established the House of Representatives to provide directly elected representation in the event of a catastrophe that must be restored as quickly as possible. We have heard sort of grand, philosophical statements of our allegiance to democracy on the floor of this House; but at the same time, we need to be practical about what actually can work in a time of national crisis.

I think my friends on the other side of the aisle have glossed over the problems that especially military voters, the elderly, others who do not have access on an election day to the polls, the kind of problems that they would face.

I was Secretary of State in the 1980s for 8 years in the State of Ohio, a large State with several million registered voters, a State that has always had a tradition of bipartisan elections conducted fairly. The year of 2004 may have been different where the election machinery frankly was not so well administered as it had been in the past by Secretaries of State of both parties. That aside, I have serious concerns as a former Secretary of State about the legislation we are considering today. Forty-nine days establishes an unrealistic time frame for holding legitimate, fair elections where people have access to the polling booth.

In a national emergency, Congress must be able to provide immediate relief, and this legislation would allow the country to elect representation for those 6 or 7 weeks. You cannot, I believe, hold fair elections, accessible elections, in 49 days. The process simply takes longer than that. Again, military voters, people far away outside the country, in uniform serving our country, elderly voters who do not have access to the polls, the most vulnerable among us, in many ways, that cannot simply do that.

There are alternatives, and I want to answer the concerns of the gentleman from Wisconsin (Chairman SENSENBRENNER). There are alternatives that would create immediate representation while providing a framework for States to conduct elections. I supported legislation last year that, as the gentleman from Wisconsin (Chairman SENSENBRENNER) said, was defeated, but could be considered in the light of understanding how elections actually work in that there needs to be a time line to get candidates on the ballots, to get the ballots printed, to get them sent to the Armed Forces around the world, and get those ballots back in time for an election.

The Baird proposal would allow States to appoint temporary replacements for deceased or incapacitated Representatives. States could then conduct special elections to elect permanent Representatives according to State laws.

I support the Millender-McDonald amendment because appointing the process, if we could do that down the line, and I understand that is not on the table today, but to do them in 45 or 49 days simply is not practical, and too many people will be denied the right to vote.

We want to do this right. We want to refill, if you will, the House of Representatives as quickly as possible, but we want to do it in the most democratic way possible, and ultimately that means giving the election machinery time so that everyone, especially our servicemen and -women overseas, so that everyone has access to the ballots. I think the underlying bill does not do that. I think the Millender-McDonald amendment makes this bill work much better than it does otherwise. I ask support for the Millender-McDonald amendment.

Mrs. MILLER of Michigan. Mr. Chairman, I yield myself the balance of my time.

As I have listened to the debate, I feel more strongly than ever that this amendment would severely weaken the impact of H.R. 841. I urge my colleagues to reject the Millender-McDonald amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield myself the balance of my time.

In this book we have, the first ''Report of the Continuity of Government Commission,'' in that it outlined an election in Michigan, Michigan's Third Congressional District where the vacancy occurred in 1993, and the time that was allotted for that election was 178 days, which brought us the distinguished gentleman from Michigan (Mr. EHLERS) who is part of our committee.

Mr. Chairman, in returning to the testimony of Mr. Doug Lewis, executive director of Election Center, after polling election officials from around the country, he summarized the results: ''While the responses indicated a variety of dates ranging from the shortest time period of 35 days after determination of who the candidates will be to a period of 4 months, it appears that election administrators feel that they can conduct an election with as few as 45 days. However, the election officials would be far more confident

that the interest of democracy would be best served by having up to 60 days to get the elections organized and held. Each additional day beyond the 45 day minimum time frame creates greater confidence in the process.''

Mr. Chairman, I prefer to come down on the side of the interest of democracy, and my instincts after campaigns for local, State, and Federal office tell me 49 days is simply too short.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 109–10.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered Ms. JACKSON-LEE of Texas:

In section 26(b)(4)(B)(i) of the Revised Statutes of the United States, as proposed to be added by the bill, strike ''2 days'' and insert ''5 days''.

In section 26(b)(4)(B)(iii) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after ''the action'' the following: ''(taking into account an opportunity for an expedited appeal of the initial decision)''.

In section 26(b)(4)(B)(iv) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after ''vacant'' the following: ''and any citizen of the district or any group of citizens of the State''.

The CHAIRMAN. Pursuant to House Resolution 125, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to inquire of the distinguished gentleman from Wisconsin (Chairman SENSENBRENNER), I have an amendment in the nature of a substitute. In the spirit of collegiality, I realize that we have a rule, but I gained a sense that the Committee on House Administration would be supportive of this substitute which would only allow an added 5 days for an appeal from 2 days, less than a week. I would inquire of the chairman of the Committee on the Judiciary, would the gentleman allow that to move forward by unanimous consent? If the gentleman would answer with just a yes or no whether we would be able to move forward with this substitute, I would be delighted to work with the chairman.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I appreciate the gentlewoman yielding.

The membership has been preparing for the debate on this bill with the amendment made in order under the rule. The gentlewoman now wants to submit a new amendment. I do not think that is fair to the membership who have prepared debate on the bill; so the answer is no.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I think they would have followed the gentleman's lead, but I thank the gentleman very much.

Let me move forward with the amendment before us. This is my very point. I encourage my colleagues, both Republicans and Democrats, to look very carefully at the Jackson-Lee amendment, and I ask for their support.

This is the problem we have here today, and that is the continuity and the preservation of this historic and honorable institution, the Members of the United States Congress, really should be a bipartisan process. I am disappointed we are not, even in time of death and tragedy, terrorism, that we cannot find in our hearts and in our intellectual minds the ability to be collegial and to work in an very informed and thoughtful way.

This particular amendment is very succinct, and I ask my colleagues to give it considerable thought and vote for it. One, the amendment has the expansion of the ability of an aggrieved party to file suit for either declaratory or injunctive relief from just 2 days to 5 days. This is a question to answer the needs of the Secretaries of State and the States that when this crisis occurs, that all of them have the procedures in place to be able to fulfill our democratic calling.

This is not a constitutional amendment. I wish it were. But since we are doing this by statute, why not give the opportunity for there to be enough open view and transparency for this to occur?

Number 2 of this amendment is a provision for an expedited appeals process to the United States District Court for matters rising out of the special election process because a 45-day deadline for special State election already places significant constraints on the electoral process and on the citizens represented due to its brevity, taking away the right to an appeal to the U.S. District Court. This gives an expedited appeal.

In addition, this provides for an expansion of the right to sue for declaratory judgment beyond the Governor, but to citizens and classes of citizens.

Mr. Chairman, the gravity of the matter of reconstituting the House of Representatives in the face of catastrophe requires the fullest debate possible. However, due to the fact that a structured rule was reported out of Committee, this body is relegated to saving this severely flawed legislation by way of the only two amendments made in order last Tuesday—those of my colleague, the distinguished Ranking Member of the House Administration Committee and the Jackson-Lee Amendment. The Jackson-Lee Amendment has three essential components which propose to preserve the rights of the States, the voters, and of the spirit of democracy:

The first portion of this amendment, Jackson-Lee #1, reads as follows:

In section 26(b)(4)(B)(i) of the Revised Statutes of the United States, as proposed to be added by the bill, strike ''2 days'' and insert ''5 days.''

This change would amend the section of the bill that deals with the time in which a person(s) may file a lawsuit arising out of the Speaker of the House's announcement of vacancies in the House of Representatives in excess of 100. This change would amend paragraph (4), subparagraph (B)(i) and expand the ability of an aggrieved party to file suit for either declaratory or injunctive party to file suit for either declaratory or injunctive relief from just two (2) days to five (5) days.

Because not every State has a Capital Beltway or even a superhighway system, and because information travels at a different rate in every location, it is important that we establish a fair standard for a filing rule that affects every State in the country. The principle of procedural due process dictates that every citizen of each State have a realistic opportunity to obtain legal relief through our Judicial Branch.

The second portion of this proposal speaks even more to the issue of due process for all citizens. Its text reads as follows:

In section 26(b)(4)(B)(iii) of the Revised Statues of the United States, as proposed to be added by the bill, insert after ''the action'' the following: ''(taking into account an opportunity for an expedited appeal of the initial decision).''.

Because the 45-day deadline for special State elections already places significant constraints on the electoral process and on the citizens represented due to its brevity, taking away the right to an appeal from the U.S. District Court would excessively curtail the procedural due process rights enjoyed by citizens. Given that the time in which a Federal judge has to compose an order disposing of these matters is provided in this bill, an equally expeditious appeals process should be provided so as to maintain consistency with the U.S. Constitution and the commitment to both the 5th and 14th Amendments.

Thirdly, the amendment reads as follows:

In section 26(b)(4)(B)(iv) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after ''vacant'' the following: ''any citizen of the district or any group of citizens of the State.''.

This proposal is very important to protect the interests of all citizens in the various congressional districts in the midst of party politics as well as the certification of classes in legal actions. As the bill is drafted, Section 2, paragraph (4), subparagraph (iv) would confer the right to sue in the event of a vacancy announcement by the Speaker of the House

solely to the "executive authority," in the case of Texas, the Governor. Such overly restrictive language almost certainly threatens to deprive the citizens of a right that they should enjoy in the event that the Governor chooses not to participate in a suit for declaratory or injunctive relief pursuant to a vacancy announcement made by the Speaker of the House. In order to protect the rights of every person who truly has an interest in a call for a special election under this Act, this provision must be amended to allow citizens and classes of citizens to sue for relief.

Mr. Chairman, I ask that my colleagues support the voters of each State, the framework of the U.S. Constitution, and the spirit of democracy by supporting the Jackson-Lee Amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge the committee to defeat this amendment, just as it did last year when the gentlewoman from Texas (Ms. JACKSON-LEE) brought it up. The issue is very simple. We want elections. Her amendment wants lawsuits. The way she has phrased her amendment for the lawsuits is that anybody can sue, not just the Governor, to determine whether or not a vacancy actually exists. And also, there is an appeals process in the gentlewoman's amendment that would allow the appeals to be dragged out indefinitely.

When there is a catastrophe that wipes out a significant number of Members of the House, it is in the interest of the public to fill those vacancies as quickly as possible through a fair election. We should not allow anybody to tie up an election call in the courts forever and ever and ever simply because their candidate might not be in a proper position to win the election.

So let us have the people decide when these vacancies will be filled and who will fill them. Let us not allow endless litigation at a time of national catastrophe. Elections can bring people together. They will result in new Representatives coming with mandates rather than having the frustration of lawsuits that go on interminably.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, do I have the right to close?

The CHAIRMAN. The gentlewoman does not.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, this is about chaos and confusion. There is no definition of how the announcement will go out to the people beyond the beltway. A mere extending from 2 days to 5 days to make sure that Americans, even in crisis, have due process and democracy and justice is not too much to ask. I would indulge and beg my colleagues to realize all this does is simply allow for the people of America in crisis to be represented and to be responded to.

Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. MILLENDER-MCDONALD), the ranking member of the Committee on House Administration.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise in strong support of the Jackson-Lee amendment. A portion of the gentlewoman's amendment seeks to provide an expedited appeals process to the United States District Court for matters arising out of the special election process. We have been talking about this 44, 45, 49-day deadline for special State elections, and it already places significant constraints on the electoral process and on the citizens represented due to its brevity.

Taking away the right of an appeal to United States District Court would excessively curtail the procedural due process rights enjoyed by citizens. I support the gentlewoman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time, and thank the gentlewoman for her support.

Again, the idea of this amendment, in the judicial review aspect, one, there is no definitive information about how the information will be disseminated to our States and to citizens in a 2-day period if crisis is occurring, if a terrorist act has occurred. My amendment gives an additional 5 days to guarantee that that notice be given.

In addition, the other aspects of the legislation provides for an expedited time frame. It does not in any way cause a sufficient delay that would not allow us to restore this body to its ability to do business on behalf of the American people. Continuity, tragedy, all equal bipartisanship. I would ask my colleagues to look at this amendment and all it does provide, the enhanced due process. And I think we would not want the terrorists to believe that because of a terrorist act that we have lost our sense of judgment, the Constitution and due process.

After 9/11, we went to New York to show that we are not afraid of the terrorists. I believe we should show that we are not afraid of them by upholding the Constitution and due process on behalf of the American people. Vote for the Jackson-Lee amendment. I ask my colleagues to vote for this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the fatal flaw in this amendment is it does not extend the 49 days under which the election is required to be held under the provisions of this bill.

□ 1245

So the more time we spend in court, the less time the election officials have to be able to organize the election, print the ballots, mail the ballots to absentee voters at home and overseas and get them back in time to be counted.

We have heard an awful lot saying, well, the time frame is just too compact in order to run a fair election. What the gentlewoman's amendment does is that it makes it more compact because every day and every week that is spent tied up in the courts is going to be that much less time for the election machinery to operate.

This is a question very simply of lawsuits versus elections. If you want more lawsuits, vote yes. If you want a quicker and fairer election, vote no. I urge a ''no'' vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

The amendment in lieu of amendment No. 1 offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) and amendment No. 2 offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in lieu of amendment No. 1 offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 229, not voting 12, as follows:

[Roll No. 49]

AYES—192

Abercrombie	Berman	Butterfield
Ackerman	Berry	Capps
Allen	Bishop (GA)	Capuano
Andrews	Bishop (NY)	Cardin
Baca	Blumenauer	Cardoza
Baird	Boren	Carnahan
Baldwin	Boswell	Case
Barrow	Boucher	Chandler
Bean	Boyd	Clay
Becerra	Brady (PA)	Cleaver
Berkley	Brown, Corrine	Clyburn

Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—229

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Higgins
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—12

Brown (OH)
Carson
Cunningham
Ford
Harris
Inglis (SC)
Leach
Lewis (GA)
Meeks (NY)
Napolitano
Rothman
Young (AK)

□ 1314

Mr. CUELLAR and Mr. BRADLEY of New Hampshire changed their vote from ''aye'' to ''no.''

Mr. DINGELL changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 printed in House Report 109–10 offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 239, not voting 11, as follows:

[Roll No. 50]

AYES—183

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hefley
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—239

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Eshoo
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack

Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—11

Brown (OH)
Carson
Cunningham
Ford
Harris
Leach
Lewis (GA)
Meeks (NY)
Napolitano
Rothman
Young (AK)

□ 1325

So the amendment was rejected.

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. BAIRD

Mr. BAIRD. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BAIRD moves that the Committee do now rise and report the bill H.R. 841 back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. BAIRD) for 5 minutes in support of his motion.

Mr. BAIRD. Mr. Chairman, I rise to make two fundamental points before we proceed to vote on this. The two points are these: This resolution does not solve the real problem and it may create more problems than it purports to solve, and we have to understand that.

It does not solve the problem for this reason: By leaving us without a Congress for 45 days, we essentially impose the opportunity for the executive branch to exert marshal law, and that is not what the Framers of this country had in mind.

This bill, if we do not provide some mechanism for prompt replacement other than this bill, will leave this country governed by an unelected executive, a cabinet member most likely who not a single American elected to that office.

Furthermore, it has a host of problems. It does not address the possibility that one delegation will elect its Representatives more promptly than another. They will come to this body, choose one of its members as Speaker. That person could move on to become the President. Then another delegation comes in, et cetera.

You are essentially leaving this country without a House of Representatives, without checks and balances, without separation of powers, for at least 45 days, assuming an election can be held in 45 days and assuming that the terrorists through an anthrax attack, like they subjected this very Capitol to, will not somehow undermine that ability.

This is reality. We have seen the reality here. We saw those airplanes hit the buildings, we saw the anthrax, and yet we are not truly acting to solve this.

Mr. Chairman, I yield to my distinguished friend, the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I am asking my fellow Republicans to please look at what we are about to do. This solution that we are being offered will not work and will leave the American people vulnerable at a time of maximum crisis.

This is one of the most important votes that we are going to have. What is going to happen in the future if we put this solution in place and there is a crisis? For 45 days after the death or incapacitation of these Members, we will have no government. We will basically be left to marshal law or anything else.

There is an alternative. The people who have written this bill basically have come up with a continuity of elections instead of a continuity of Congress, and they have good motives, but the fact is it will not work. It will create a huge crisis for America at the moment that it needs to have something laid down for them, something solid on which to rely upon at a time of crisis. So, please look at this.

There is an alternative. We did not have to do this by statute. We can do this by constitutional amendment. The gentleman from Washington (Mr. BAIRD) and I have a constitutional amendment which will do that.

So, again, let us not leave a void, which this bill does, for the future Americans who will face the crisis of a generation and leave them in the lurch.

Mr. BAIRD. Mr. Chairman, reclaiming my time, let me make two final points: One, the majority party must understand this: If you are at a Republican Conference retreat and terrorists should strike you and kill the President and Vice President and significant numbers of your side of the aisle, the Democrats under your proposed law will obtain the majority, will elect a Speaker of the House, and that person will then become the President of the United States of America. You are leaving this country vulnerable to that. You must not do it. You must not.

This matter must be taken seriously. It deserves full debate. Whether it is the proposal of the gentleman from California (Mr. ROHRABACHER) and mine or others, we should commit to having this full House seriously consider this. If we do not and we are not fortunate, history will not look kindly upon the jeopardy in which we have left this great Nation.

Vote no on this bill and insist on true debate on true continuity of Congress in a responsible way that protects the balance of power, assures real succession to the presidency, and, most importantly, assures that your constituents will have representation at a time when our Nation may well go to nuclear war, institute a draft, appropriate trillions of dollars, suspend habeas corpus and impose marshal law. You do not want that. But if you stop at this bill, you leave this Nation vulnerable.

Mr. Chairman, if there is no one to speak in opposition, I ask unanimous consent to withdraw my preferential motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1330

The CHAIRMAN. There being no further amendment, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Accordingly, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 841) to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, pursuant to House Resolution 125, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the bill H.R. 841 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after paragraph (5) the following new paragraph (and redesignate accordingly):

''(6) MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS IN POLLING PLACES USED IN SPECIAL ELECTIONS.—In carrying out special elections under this subsection, each State shall provide for the minimum required number of functioning and accurate voting systems and poll workers required in each precinct used on the day of the election, using a uniform and nondiscriminatory geographic distribution of such systems and workers based on a ratio of the number of systems and workers per voter, taking into account voter registration statistics for the precinct, the most recent available census data regarding the number of individuals residing within the precinct who are eligible to register to vote, and the level of voter turnout during previous elections held in the precinct.''.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

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

Mr. Speaker, my motion to recommit would simply require that each State provide a minimum required number of functioning and accurate voting machines and poll workers for each precinct on the day of any special election. I do this and offer the amendment so that we can avoid the misallocation of voting machines and poll workers that occurred last year in the Ohio Presidential election that led to lines of sometimes 10 hours and disenfranchisement of tens of thousands of voters.

Consider the following: in Franklin County in that State, 27 of the 30 wards with the most machines per registered voter showed majorities for Bush while six of the seven wards with the fewest machines delivered the large margins for KERRY. They also found that election officials in Franklin County decided to make due with 2,868 machines even though their analysis showed that 5,000 machines were needed. In Columbus alone it is estimated that the misallocation of machines reduced the number of votes by up to 15,000 votes.

There is also an investigation that revealed the Franklin County election officials reduced the number of election voting machines assigned to downtown precincts and added them to suburbs. They used a formula based not on the number of registered voters but on past turnout. In the Columbus area, the result was that suburban precincts that supported Mr. Bush tended to have more machines per registered voter than those in the inner-city precincts that supported Mr. KERRY.

The Election Protection Coalition testified that more than half the complaints about the long lines they received came from Columbus and Cleveland where a huge proportion of the State's Democratic voters lived.

This should never happen again in an election in our Nation. It is unconscionable to stack the deck so that Americans are forced to wait in the rain in line while others are given the red carpet treatment.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I appreciate the gentleman from Michigan (Mr. CONYERS) for allowing me a moment to speak on this issue.

This is very, very important. I would like to bring to your attention the fact that former Minority Leader Gephardt appointed me to chair a special committee on election reform of the Democratic Caucus. And I have traveled to at least four States talking to people about what had gone wrong in the elections in the 2000 elections.

One of the things that we concentrated on was provisional ballots. And we wrote into the Help America Vote Act that if you went to a polling place and they said your name was not there, that you are to be given a provisional ballot no matter where you went. Little did I know that something had happened in the Help America Vote Act, perhaps, that allowed Ken Blackwell in Ohio to have a different law from everybody else on provisional ballots. And so thousands of people went to polling places and were told they could not vote because they were in the wrong precinct. That is not what we wrote into the law. So we had thousands of ballots that were not counted in Ohio because Mr. Ken Blackwell described his law a lot differently than we had framed the law in the Help America Vote Act.

That is the one place perhaps in America with a law on provisional balloting that does not allow someone who swears that they are registered to vote to be able to vote.

I thank the gentleman for the opportunity to share this information at this important time.

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

The motion to recommit would fix the problem raised by the gentlewoman from California (Ms. WATERS), at least for special elections under this bill.

I urge the support of the motion to recommit.

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

Mrs. MILLER of Michigan. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

The language in the motion to recommit is very similar to the language in the Help America Vote Act legislation, HAVA, as it is commonly called, that legislation being H.R. 533. In fact, the gentleman from Michigan (Mr. CONYERS) is not the only Member who has proposed comprehensive election reform. A number of other bills have been introduced by Members on both sides of the aisle proposing amendments to the HAVA bill.

The Committee on House Administration has scheduled hearings on these issues, including in the State of Ohio I would say, and we will be considering all of these bills in due course.

Today is not the time nor is it the place to be debating election reform issues. We are here to provide for continuity and representation of this House and the American people. So let us focus on what needs to be done to provide for expedited special elections so that we can have a functioning House as soon as possible if there is a horrible, catastrophic attack.

Let us leave these other issues for a later day when they can be debated in the proper context.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

Mr. HASTERT. Mr. Speaker, our forefathers fought a revolution. They fought a revolution for freedom against a power that at that time was much greater than the sum of this Nation. They fought against private gentry.

George Mason said at the Constitutional Convention that ''the people will be represented; they ought therefore to choose their representatives.''

This is a conceptual framework that has governed this body for more than 2 centuries. Today, even though times have changed, the spirit of Mason lives on. And with God's blessing we will never have to use this piece of legislation. But we have to seriously consider the issue of the continuity in Congress.

We have specifically designed authority to other Members of this body to call the House back into session should I not be here to do it. We have changed the rules of the House to allow it to function if Members are incapacitated.

Today we debate a bill that calls for the States to provide special elections if more than 100 Members are killed. And yes, even though we have provided for rules if Members are incapacitated, we have a constitutional responsibility to ensure the American people have full representation in this Congress.

Congress has always been for the people and by the people. And in keeping with the great traditions of our country, we need to keep it that way. Last Congress we overwhelmingly passed a very similar bill to the one we are debating today. It was improved by the

Congress with various amendments, many from the other side of the aisle, which the gentleman from Ohio (Mr. NEY) has incorporated into this bill. We heard a desire to make sure that this bill specifically allows for primaries; that language is incorporated in this bill. And my good friend, the gentleman from Missouri (Mr. SKELTON), wanted to make sure that the military ballots from overseas were counted. We have incorporated that suggestion into this bill.

I discussed with the Democratic leader the idea of increasing the number of days from 45 to 49, 7 weeks, to provide the 7 weeks for these special elections. I thought it was important to add a few more days. However, 60 days is too long a time for the framework of the national crisis because of our role under the War Powers Act.

The bill we had adopted last Congress with the support of 306 Members was a very good bill. The gentleman from Ohio (Mr. NEY) and the gentleman from Wisconsin (Mr. SENSENBRENNER) have even a better bill this year, and I expect the same overwhelming bipartisan support.

In closing, we face a significant threat. What makes America great is that we can come together during times of national tragedy. And my point is that after September 11, partisan bickering was on the back burner, and we were able to come together and do great things for the American people.

Terrorists hate everything we stand for, especially our democracy. Their whole object is to disrupt and destroy. In the event of the unthinkable, this bill strikes a blow to the heart of the terrorists and allows this body to reconstitute itself as quickly as possible, therefore carrying on the spirit of Mason and of this great Nation.

I urge the defeat of the motion to recommit. I urge the passage of this bill.

Mrs. MILLER of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for an electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 196, noes 223, not voting 15, as follows:

[Roll No. 51]

AYES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—15

Carson
Cunningham
Diaz-Balart, M.
Ford
Harris
Issa
Kingston
Leach
Lewis (GA)
Meeks (NY)
Napolitano
Ros-Lehtinen
Rothman
Wamp
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (Mr. SHIMKUS) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1404

Mr. PORTMAN changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MILLER of Michigan. 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 the subject of H.R. 841.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.