

## GENERAL LEAVE

Mr. WELLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of House Resolution 543.

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

There was no objection.

## EXPEDITED SPECIAL ELECTIONS

Mr. NEY. Mr. Speaker, pursuant to the order of the House of Thursday, September 26, 2002, I call up the resolution (H. Res. 559) expressing the sense of the House of Representatives that each State should examine its existing statutes, practices, and procedures governing special elections so that, in the event of a catastrophe, vacancies in the House of Representatives may be filled in a timely fashion, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 559 is as follows:

## H. RES. 559

Whereas the death or disability of hundreds of Members of Congress would deprive millions of Americans of representation in Congress, possibly for a period of months until special elections to fill the vacancies could be conducted;

Whereas such a catastrophe would severely impair the functioning of the House and effectively disrupt the legislative branch for an extended period;

Whereas the only method prescribed by the Constitution to fill a vacant seat in the House of Representatives is through election by the people;

Whereas article I, section 4 of the Constitution of the United States provides that "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of choosing Senators.":

Whereas section 26 of the Revised Statutes of the United States (2 U.S.C. 8) provides that "The time for holding elections in any State, District or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively.": and

Whereas it is in the interest of each State to ensure that the people maintain their full rights to representation in the House: Now therefore, be it

*Resolved, That—*

(1) it is the sense of the House of Representatives that each State should examine its existing statutes, practices, and procedures governing special elections so that, in the event of a catastrophe, vacancies in the House of Representatives may be filled in a timely fashion; and

(2) the Clerk of the House shall send a copy of this resolution to the chief executive official of each State.

The SPEAKER pro tempore. Pursuant to the order of the House of Thurs-

day, September 26, 2002, the gentleman from Ohio (Mr. NEY), the gentleman from Maryland (Mr. HOYER), the gentleman from California (Mr. COX), and the gentleman from Texas (Mr. FROST) each will control 22½ minutes.

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

## GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this resolution.

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

There was no objection.

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

Mr. Speaker, in May of this year, the Speaker and minority leader formed the Continuity of Congress Bipartisan Working Group to study government continuity issues. The working group is cochaired by House Policy Committee Chairman CHRISTOPHER COX and Democratic Caucus Chairman MARTIN FROST. I want to thank both gentlemen for their efforts on this very important piece of work, as well as all participants in the working group on both sides of the aisle and the cosponsors of this resolution.

The purpose of the working group is to study ways to ensure that the U.S. House of Representatives continues to function in the event of a terrorist attack or other catastrophe that kills or incapacitates a large number of Members and, when appropriate, to make recommendations to the leadership on ways to resolve these issues. I know we do not really particularly want to talk about the demise of a lot of Members, but it is something that has to be spoken about on the floor in order to continue to have our energetic give and take of public debate in the freest body on planet Earth. That is why we are here.

On September 26, 2002, Chairmen COX and FROST, joined by all members of the working group as well as 98 other Members of the Congress, including Majority Whip TOM DELAY and Minority Leader RICHARD GEPHARDT, introduced this resolution calling upon States to study their existing special election statutes and procedures to ensure that if a large number of Members of Congress were unable to serve as a result of a catastrophic event, the States could quickly elect Members to their congressional delegations through expedited special elections.

The problems the House would encounter in the face of such an attack are unique. In the Senate, Governors would quickly fill vacancies by appointment, but in the House it could take months, perhaps up to half a year, for some States to hold special elections to elect Members to their congressional delegations.

Because article 1, section 4 of the Constitution prescribes that the States

control the times, places and manner of holding elections, this resolution is a critically important step toward getting the States to focus on what would be their critical role in replenishing the Federal legislature by ensuring that special elections are held as quickly as possible.

In conclusion, I want to thank our ranking member, the gentleman from Maryland (Mr. HOYER), and all the members of the Committee on House Administration. We have dealt with a series of more than unique issues that have affected the body of this floor and also affected the staff of the U.S. House and the other body in the sense of anthrax, how to deal with issues we never even really thought of before. I want to thank the gentleman from Maryland for the working relationship we have had on that and just say this is another piece and component, I think, to making sure that those who want to hurt us will not infringe upon our democracy.

Mr. Speaker, I urge support of this resolution.

Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. COX) control the balance of my time.

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

There was no objection.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of this resolution, which was developed by the Committee on House Administration and the Bipartisan Working Group on Continuity of Government led by the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST). It urges the States to examine their laws regarding the conduct of special elections to the House.

The purpose of the resolution as has been said, is to ensure that in the event of a catastrophe, the States will conduct special elections as expeditiously as possible. The two cochairmen of the bipartisan working group, the gentleman from California and the gentleman from Texas, introduced the measure currently before us. H. Res. 559 was referred to the committee which has jurisdiction over congressional elections, the Committee on House Administration.

Mr. Speaker, article 1, section 2 of the Constitution provides: "The House of Representatives shall be composed of Members chosen every second year by people of the several States."

That is, of course, the only way to become a Member of this body. That requirement of popular election may be unusual in a legislative body, because most legislatures can have appointed Members, at least for a time.

A variety of distinguished former Members of the House and scholarly observers of the Congress have proposed other ideas, ranging from filling vacancies through gubernatorial appointment to choosing replacement