

such regulations, that is the regulations of the States, except as to the places of choosing Senators.

So this Congress could, as any Congress before it could have, preempt every State election law, every State election law in the country governing the election of Representatives either in times of catastrophe or any other time for that matter. But of course just because we have the power to do these things does not mean we should exercise this power, and in this resolution we have chosen a different course. We are going to the States and asking them to act.

What we are doing today is precisely what we ought to be doing, no more, no less. It is the measured response that continues to respect the rights of the States to govern their own elections but highlights to them their critical role in our Federal legislature and emphasizes their responsibility to ensure that their representation in Congress is never long diminished. It is, after all, in the best interest of each State to ensure that it can quickly replenish its congressional delegation, lest it be left out, unrepresented during what could be one of the most crucial moments in our Nation's history.

Therefore, we should, before we do anything more, give the States the opportunity to act in their best interest and in a way that suits each State's own unique needs, and that is precisely what this resolution does.

Our working group has also been examining possible amendments to the Presidential Succession Act of 1947 because the Speaker of the House stands third in line to the Presidency; and any attack on this body that decimates it, that deprives of it of Members, could take away the Speaker as well, indeed, take away other potential successor Speakers. We want to be sure that the line of Presidential succession is clear and uninterrupted.

Virtually ever proposed solution to every issue the working group has addressed, including this one over the past four months, whether it be a change in the rules of the House, passing a new law, amending an old one, or changing our Constitution by altering its language, presents very serious legal issues requiring careful thought and deliberation.

We are not the first to grapple with these issues. The very first Congress, meeting at the site where Federal Hall in New York stands today and where this Congress gathered just a few weeks ago, grappled with the issue of Presidential succession. One can hardly image a Congress more in touch with the sentiments and intentions of the founders than that very first Congress; and one can hardly imagine a government more tentative and fragile and in need of the stability a well-defined and certain line of Presidential succession would provide. Yet the first Congress was unable to agree on a Presidential succession law, and they went without one.

It was left to the second Congress to finally pass the first Presidential Succession Act in 1792. This act stated that in the event of a vacancy in the office of President and Vice President, succession will pass first to the President pro tem of the Senate and second to the Speaker of the House.

The act has been amended in all of the years intervening since 1792 only twice since then: first following the assassination of President James Garfield in 1881 and the death of Vice President Thomas Hendrix in 1886, when concerns were raised because at the time of their deaths Congress had not yet convened, leaving the office of President pro tem and Speaker of the House vacant. As a result, in 1886 Congress removed the Speaker and the President pro tem from the line of Presidential succession.

Fast forward to 1945. President Truman urged Congress to restore the Speaker and President pro tem to the line of Presidential succession. Two years later in 1947, Congress did so. This time putting the Speaker first and then the President pro tem of the Senate second. This brief history demonstrates the time and deliberation that have gone into the very few changes that have been made to our Presidential succession laws since the inception of the Republic. Therefore, those of us on this working group tasked with finding a solution to these problems of congressional continuity, of the line of Presidential succession should take comfort in a history where thoughtful deliberations has been the rule, not the exception.

Mr. Speaker, it is exactly that kind of deliberation, thoughtful and measured, that has gone into the proposals that the working group has put forward to the Committee on the Judiciary on statutory changes, for example, to the Presidential Succession Act, put forward to the Committee on Rules, changes to our quorum requirements in the manner of recognizing the death of a Member, particularly when mass death occurs, and on this question of the special election of Members after a death of a Member.

This resolution is the first step towards ensuring that this body will endure no matter what, no matter what our enemies do to us. I encourage every Member to join the 11 Members of the bipartisan working group in supporting this resolution, this important first step to ensuring the continuity of this great institution.

Mr. Speaker, I want to conclude by thanking in particular the gentleman from Texas (Mr. FROST) and his superb staff for the time, energy and effort they have put into these matters. We have much work ahead of us. We cannot congratulate ourselves too much for work half done, but we will be after this year and next year. And as I mentioned, given this long history, we cannot be concerned that we are not moving too precipitously fast. We are moving very fast, I think. We have gotten

a lot done, but we will have sometime before us. So I look forward toward working further with the gentleman from Texas (Mr. FROST).

Mr. Speaker, I thank the Members who have spoken on this very important topic today. I apologize to those who were concerned with raising such grizzly topics. Now, Mr. Speaker, I hope we can put ourselves and our minds back to other workday matters more important to we, the living, than this horrible-to-contemplate future contingency. I urge the adoption of this resolution by all the Members of this House, and I urge action of the States in furtherance of this resolution, Mr. Speaker.

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

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to the order of the House of Thursday, September 26, 2002, the resolution is considered read for amendment and the previous question is ordered.

The question is on the resolution.

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

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. COX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 559.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Mrs. MEEK of Florida. Mr. Speaker, I offer a motion to instruct conferees on the Help America Vote Act.

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

The Clerk read as follows:

Mrs. MEEK of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to take such actions as may be appropriate—

(1) to convene a public meeting of the managers on the part of the House and the managers on the part of the Senate; and

(2) to ensure that a conference report is filed on the bill prior to October 4, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from