

**SPECTER INTRODUCES  
CONSTITUTIONAL AMENDMENT  
DEALING WITH POSSIBILITY OF  
CONGRESSIONAL CATASTROPHE**

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Five months after the terrorist attacks led to frenzied concern about how to replace a massive loss of House Members in a national catastrophe, Sen. Arlen Specter (R-Pa.) is trying to breathe new life into legislation meant to address the possibility of such a calamity.

Specter has introduced companion legislation to a constitutional amendment, sponsored by Rep. Brian Baird (D-Wash.), which would empower governors to appoint replacements in the event that 25 percent of House Members die or are incapacitated.

With Congress distracted by many other issues since the Sept. 11 terrorist attacks, Specter has not been able to attract any cosponsors thus far.

"As 9-11 recedes, there's simply less thought about it," Specter said in an interview. "The natural focus is on other matters."

But differences in a key provision in the legislation should be easily reconciled, singling a potential breakthrough. Baird said he would "imminently support" Specter's language to set the replacement threshold at 50 percent of House Members, rather than the 25 percent proposed in the House version.

Baird is hoping his legislation will get a boost when it is taken up by the House Judiciary subcommittee on the Constitution in mid-March.

Baird said he intends to meet with Specter prior to the House hearing in order to discuss their separate measures and drum up interest in

the cause.

"We'll certainly work to coordinate our efforts with theirs," Baird said.

The House Member said the terrorist attacks gave Congress a "horrific wake-up call" and he doesn't think the issue should lose steam. "Once you're awake, you need to stay awake," he said.

But constitutional amendments face major hurdles before enactment, and most die in committee. In addition to requiring a two-thirds majority in both chambers of Congress, altering the Constitution requires approval by three-quarters of state legislatures.

Ratified in 1992, the 27th Amendment, which requires elections to take place before changes to Members' salaries go into effect, was the last amendment to become law. The previous amendment put into law, which lowered the voting age to 18, was ratified in 1971.

Despite similar language in the House and Senate versions, a sticking point could emerge over a provision in Specter's proposal. His legislation requires that new Members be from the same political party as those being replaced.

"The party issue is one that I think we really need to have a discussion of," Baird said. "The Constitution has never mentioned political party before, and I was concerned about breaking tradition. But I very much understand the reasons for addressing party so that there's not a temptation to take advantage of a difficult situation."

Specter expressed the need not to change the chamber's political make-up. "I think that it's important to maintain the same balance," he said.

Both measures stipulate appointments must be made within seven days.

Although Baird's proposal has attracted bipartisan support and 86 cosponsors since being introduced in October, objections to changing the Constitution may be difficult to overcome.

"The objections that have been raised don't make a lot of sense to me," said Rep. Peter DeFazio, (D-Ore.), a strong advocate of the amendment. "Just because we've done something one way for 200 years and it worked doesn't mean with new threats and new realities that that's adequate for the next 200 years. But that seems to be the argument a lot of people are relying on."

Baird said the government waited too long to act to secure cockpit doors, investigate flight school students and deal with al Qaeda, and does not want to miss the chance to establish procedures to replace House Members.

"Given the nature of the people and the weapons, and the nature of the kinds of attacks that we could be dealing with, we don't necessarily have the luxury of setting the timeline," he said. "If we could, we'd set the timeline at never."

But DeFazio raised doubts about Congress' ability to quickly act on the issue.

"It makes a tremendous amount of sense in the current reality of the world that we would have 21st-century procedures to replace Congress in the case of an attack or mass catastrophe," DeFazio said. "That unfortunately doesn't mean that Congress in its normal sort of 19th-century pace and thinking will adopt such a measure."

Baird said his bill provides a clear-cut answer to maintain continuity of government that has support from all sides of the political spectrum.

"This is not a partisan issue," he said. "It really shouldn't be a political issue. ... If we find that

the Constitution could be jeopardized, then we need to make sure we protect it."

No member of the House GOP leadership has signed on as a cosponsor, which doesn't bode well for carving it a spot on a busy legislative calendar.

"We have a very short session this year," DeFazio said. "I don't even know how we're going to do the must-pass bills. Absent some impetus on the part of the Republican leadership, no, it's not going to come up."

Baird said he is hopeful of a vote, but it's too soon to make predictions. "We have a long way to go before we get there," he said.

"My hope is people will say, 'We live in new times and those new times demand new thinking.'"

