

**HOUSE MULLS CONTINUITY;
MEASURE MAY MOVE IF HIGHWAY
DEAL STALLS**

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Roll Call

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Even as House leaders mulled bringing up a bill to expedite special elections in the event of catastrophe, Rep. Brian Baird (D-Wash.) formally introduced a resolution Tuesday that would provide a rule to debate any and all constitutional amendments allowing temporary appointments until such elections could be held.

The resolution would bring up Baird's proposed amendment for debate, but it explicitly permits other proposals to be offered as substitutes in a so-called "queen of the hill" approach. Whichever approach wins the most votes could then be amended and debated a week later.

"We are bending over backwards to be as fair and open as we can possibly be, while at the same time not allowing those who might oppose a fair and open debate" to quash it with procedural maneuvers, Baird said.

The resolution would allow one hour of general debate, divided equally between Baird and Judiciary Chairman Jim Sensenbrenner (R-Wis.).

In testimony before House and Senate committees over the past year, Sensenbrenner has steadfastly opposed a constitutional amendment to deal with what experts deem an intractable problem.

The 17th Amendment allows the states appointment power if a Senator dies. But

as the Constitution is written, if large numbers of House Members were killed or incapacitated, the body could be without a quorum - or even nonexistent - until special elections are held. It currently takes the states an average of 126 days to hold special elections. And neither chamber has a constitutional mechanism to deal with mass incapacitation.

Sensenbrenner has offered a bill, along with Reps. David Dreier (R-Calif.) and Candice Miller (R-Mich.), to expedite special elections to within 45 days after more than 100 Members were killed.

His bill could come up as soon as next week. Burson Taylor, a spokeswoman for House Majority Whip Roy Blunt (R-Mo.), said it could be brought up if the highway bill isn't ready for the floor. "It's something that could fill that hole," she said.

It does not deal with the issue of incapacitation, however, which Baird and others believe can be addressed for either chamber only by amending the Constitution.

"Our hope is that the leadership of the House would realize there is merit to open debate," Baird said. "If they won't allow us to debate this issue, we will seek a discharge on the grounds that this is simply too important to not address and on any given day we may run out of time.

"What has astonished me in two and a half years is the unwillingness of the leadership of the House and the chairman of the respective committee to let the Members have a debate," Baird added. "They may argue that we've had

debate in committee. They know that that's disingenuous."

The Judiciary subcommittee on the Constitution held one hearing two years ago on potential amendments to the Constitution.

As of the end of last week, GOP leadership aides indicated that Blunt was in conversations with Sensenbrenner and other lawmakers about providing an outlet for those who support an amendment to debate the issue.

And on Monday Sensenbrenner backed off his outright opposition to allowing his committee to consider a constitutional approach, indicating potential movement on the issue for the first time in months.

Generally, House Republicans have opposed a constitutional approach, while all three proposed amendments in the chamber have been offered by Democrats. Sen. John Cornyn (R-Texas), who chairs the Judiciary subcommittee on the Constitution, has been the lone Republican voice openly supporting an amendment, introducing language late last year.

Baird said he wasn't sure what to make of shifts in the dynamic he has perceived in the House in recent days.

"I can't tell if there is just a desire to do something to put this issue behind us and appear to have addressed it or if there is a desire to sincerely allow the Members of the Congress to grapple with the issues and use their good judgment and solve this problem," Baird said. "If it's the former it's lamentable now and

possibly on a future date tragic and shameful. It's the latter I commend the leadership and embrace their effort.