

**HOUSE PASSES BILL TO ENSURE
CONTINUITY;
ELECTIONS WOULD FOLLOW FATAL
ATTACK**

By Christopher Lee
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The House passed a measure yesterday to ensure Congress can continue its work if many lawmakers perish in a terrorist attack. But opponents warned that the bill will not prevent a power vacuum at a time when the country can least afford one.

The legislation, approved 306 to 97, would require states to hold special elections within 45 days after the House speaker certifies that at least 100 of the chamber's 435 members have been killed in a catastrophic event. (Under House rules, the speaker designates a list of temporary successors for his post in the event he is unable to serve.)

A Senate panel is considering legislation to provide for the continuity of its operations if many of its members are incapacitated.

The House bill represents the first legislative step taken by Congress to ensure its institutional survival since the Sept. 11, 2001, terrorist attacks illustrated for many members their vulnerability to a devastating strike. Many lawmakers believe the Capitol was the intended target of hijackers aboard United Flight 93, which crashed in Pennsylvania.

"We face a grim new reality today," said Rep. Richard Hastings (R-Wash.), "the reality that so many vacancies might suddenly occur in the House that our

ability to function and to be confident that the decisions made in this chamber reflect the broad desires of the American people . . . could be severely impaired."

The fear is that the loss of many lawmakers could leave the House or Senate without a quorum and unable to conduct such business as authorizing military force and approving spending. If only a few survived, the legitimacy of their actions could be questioned.

Members of both parties agree on the problem, but solutions divide largely along partisan lines.

Most Republicans insist that any legislative fix maintain the constitutional requirement that all members of the House be elected, which they say makes the chamber uniquely reflective of the will of the people and best suited to make decisions in a crisis. (In contrast, a governor can appoint a replacement if a senator dies.)

Many Democrats say that approach, although laudable in theory, could leave the House paralyzed for more than a month while it awaits the election of new members. It also, however, allows too short a time for some states to prepare for elections, they say. So some lawmakers favor changing the Constitution to allow for the appointment of temporary replacements of deceased members until elections could be held.

Rep. Martin Frost (D-Tex.) called yesterday's bill a "poorly thought-out and wholly inadequate response." Rep. Brian Baird (D-Wash.), who has proposed a constitutional amendment to allow governors to appoint temporary

replacements, said the bill approved yesterday could lead to "chaos."

"We agree that you must have special elections but, my friends, you have not created a vehicle to deal with the interim," said Baird, who also voted against the bill.

Republicans said a constitutional amendment requires a two-thirds majority in both chambers and ratification by three-fourths of state legislatures, a process that could take years to complete.

Last year, a nonpartisan Continuity of Government Commission that included former speakers Newt Gingrich (R-Ga.) and Thomas S. Foley (D-Wash.) backed the constitutional amendment approach.

Democrats complained that House GOP leaders blocked consideration of a constitutional amendment. Rep. F. James Sensenbrenner (R-Wis.), chairman of the House Judiciary Committee, said his panel would send Baird's proposal to the House floor within the next few weeks.

"I am opposed to having appointed members sit in this House of Representatives, but we ought to have a debate on this," said Sensenbrenner, chief sponsor of yesterday's bill.

Rep. Roy Blunt (R-Mo.), the House's third-ranking Republican, called the Sensenbrenner bill "an appropriate interim step." Then he sounded one of the more bipartisan notes of the day, saying, "I hope the work we do here today is never tested, one way or the other."

All Washington area members voted for

the bill except Maryland Democrats Steny H. Hoyer, Elijah E. Cummings and Chris Van Hollen, who opposed it, and Benjamin L. Cardin, who did not vote.

The legislation omitted the District of Columbia and four U.S. territories. Del. Eleanor Holmes Norton (D-D.C.) said Sensenbrenner promised to correct the oversight in conference. "Even in matters of life or death," Norton said, "this shows how our lack of equality in voting representation harms the city and harms the nation."