

**SENATE SETS CONTINUITY
AMENDMENT HEARING**

By Suzanne Nelson

Roll Call

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Although the Senate has yet to consider the creation of a bicameral panel to deal with ensuring continuity of Congress, the Judiciary Committee plans to move forward with a hearing on language for a constitutional amendment to address the issue.

Sen. John Cornyn (R-Texas), who chairs the subcommittee on the Constitution, said Chairman Orrin Hatch (R-Utah) asked him to chair a full committee hearing on the subject.

"It might make sense to do it somewhere around Sept. 11," Cornyn, elected in November 2002, said. "I'm for it."

Hatch has instructed his staff to begin drafting a constitutional amendment that would allow the legislative branch to be reconstituted in the event of catastrophe.

Although he said he didn't want to "prejudge where the committee might ultimately come down" in terms of the language itself, Cornyn added that he does think a constitutional amendment is probably necessary. He said the American Enterprise Institute-

Brookings Institution report on the need for Congress to address what would happen if many Members were killed or incapacitated "helped a lot" because it "reminded everybody" of a potential problem that has faded from the public eye since Sept. 11, 2001.

Earlier this month the House approved the creation of a joint committee to review "House and Senate rules, joint rules, and other matters assuring continuing representation and Congressional operations." The concurrent resolution has been referred to Senate Rules and Administration Committee.

Chairman Trent Lott (R-Miss.) - who along with his counterpart in the House, Rules Chairman David Dreier (R-Calif.), would chair the committee - has yet to act on the measure but has indicated that he supports the idea.

Meanwhile, the House is already at least casually assigning much of the responsibility for dealing with the continuity problem to the panel, and Minority Leader Nancy Pelosi (Calif.) has already unveiled the five Democrats she will recommend to serve on it: Reps. Martin Frost (Texas), Brian Baird (Wash.), Vic Snyder (Ark.), Mel Watt (N.C.) and Tammy Baldwin (Wis.). The panel will consist of 20 Members, 10 from each chamber, ultimately determined by the Speaker and Senate Majority Leader.

Homeland Security Chairman Christopher Cox (R-Calif.), who chaired a continuity working group last Congress with Frost, said that early discussions about which committees would have jurisdiction over continuity have focused on this yet-to-be-created panel. "We've just established this House-Senate Rules group that I expect will take the lead on this and submit proposals to the Judiciary committees in the House and Senate," Cox said.

Rep. Steve Chabot (R-Ohio), who chairs the Judiciary subcommittee on the Constitution, said no final decisions have been made about jurisdiction or a possible constitutional amendment.

"We've talked a bit but it's still something being considered. We've been considering more behind the scenes," Chabot said. "We're interested. We think it's an important issue," but added that this is "something you don't do knee-jerk."

He echoed statements by Speaker Dennis Hastert (R-Ill.) that if there are statutory ways of dealing with the issue, "then those are preferable to an amendment to the Constitution." But "there are exceptions," he noted.

"We're all looking at this and I feel confident that we will come up with a resolution that most Members find acceptable, but we are not there yet," Chabot added.

Rep. Jerrold Nadler (D-N.Y.), who serves as ranking member on the subcommittee on the Constitution, agreed with Chabot's assessment in terms of timing. Asked if there was enough momentum to do something this session, he said: "I don't know. I don't know if enough Members have really thought about it yet. I don't think it's jelled."

Nadler added that this isn't the kind of subject for which he would not like to get last minute notice of a markup or floor consideration, as it's something he thinks everyone needs to debate and think about.

"I think we have to do something, clearly," he said.