

## CONGRESS

### BACKUP LACKING

HOUSE ESPECIALLY NEEDS

FASTER PLAN FOR EMERGENCY

SUCCESSION

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WASHINGTON -- The shining Capitol dome, punctuating Washington's skyline, was the likely target of the hijacked airliner downed by a passenger revolt in a Pennsylvania field two years ago today.

Yet, there has been little progress on plans to keep Congress functioning if a large number of its members are killed or incapacitated.

"Obviously, no one likes to think about it," said Rep. Shelley Moore Capito, who was sequestered with a number of other lawmakers the morning of Sept. 11, 2001.

Within three days of the attacks in New York and Washington, Congress had acted to give President Bush the authority to use force against terrorist groups and the governments that harbor them and had approved billions of dollars in emergency funding.

But many worry Congress may not be able to fulfill its mission if catastrophe struck the Capitol.

"Congress must act to ensure it is able to reconstitute itself if, God forbid, terrorists were to perpetrate an attack on the first branch of government," Norman Ornstein of the American Enterprise Institute told a Senate committee earlier this week. "This is no longer the stuff of Tom Clancy novels."

Ornstein was a consultant to an independent Continuity of Government Commission, which has recommended a constitutional amendment to empower Congress to write laws to preserve its ability to function.

While governors already have the ability to appoint an interim senator if a lawmaker dies in office, under the Constitution, House members must be elected. The typical special election currently takes four months -- precious time during a national emergency.

There also currently is no provision for what happens if a senator is incapacitated and fears about the impact mass vacancies in Congress could have on the presidential order of successions, which includes the House speaker and the Senate president pro tempore.

"Presidential succession has to be reworked," said Sen. Jay Rockefeller, D-W.Va.

However, the problem is most acute for the House.

The independent commission, which includes former high-ranking members of Congress and the executive branch, said it fears delays for special elections could leave the government crippled.

"Waiting for special elections would leave Congress rudderless in a time of national emergency," the report found.

Aside from proposing a broad constitutional amendment, the commission made no recommendations of how the new representatives should be named. One idea is to allow current members to designate a successor. Others have proposed allowing the

governor to fill the seat temporarily until an election can be called.

"It seems to me expediency is the name of the game," said Capito, R-W.Va.

Others object, saying it undermines the fundamental nature of the "people's House."

Several House members have introduced legislation that would mandate special elections within three weeks of an act that eliminates more than 100 lawmakers.

"It's not an easy thing, but no one said democracy was easy," said Rep. Alan Mollohan, D-W.Va. "I would not be sympathetic to any approach that did not preserve the right of the people to elect their representatives."

Sen. Robert Byrd, the Senate's constitutional expert, said he thought Congress should seek solutions to the succession problems that are "faithful to the principles of the Constitution."

"If we need to make changes to the rules of succession for the presidency, Congress can probably address those changes through ordinary legislation, without an amendment to the Constitution," Byrd, D-W.Va.

And others question whether devoting time and money to a constitutional amendment is appropriate when homeland security and anti-terrorism needs remain great.

"I think we ought to spend our time on not losing 100 Americans, much less any member of Congress," said Rep. Nick Joe Rahall, D-W.Va.

Another issue to be contemplated: what happens if Congress is unable to meet in Washington?

With the once-secret congressional bunker under The Greenbrier out of service, Congress may need a new safehouse.