GENERAL LEAVE

Mr. WELLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of House Resolution 543.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXPEDITED SPECIAL ELECTIONS

Mr. NEY. Mr. Speaker, pursuant to the order of the House of Thursday, September 26, 2002, I call up the resolution (H. Res. 559) expressing the sense of the House of Representatives that each State should examine its existing statutes, practices, and procedures governing special elections so that, in the event of a catastrophe, vacancies in the House of Representatives may be filled in a timely fashion, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 559 is as follows:

H. RES. 559

Whereas the death or disability of hundreds of Members of Congress would deprive millions of Americans of representation in Congress, possibly for a period of months until special elections to fill the vacancies could be conducted;

Whereas such a catastrophe would severely impair the functioning of the House and effectively disrupt the legislative branch for an extended period;

Whereas the only method prescribed by the Constitution to fill a vacant seat in the House of Representatives is through election by the people;

Whereas article I, section 4 of the Constitution of the United States provides that ''The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of chusing Senators.'';

Whereas section 26 of the Revised Statutes of the United States (2 U.S.C. 8) provides that ''The time for holding elections in any State, District or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively;''; and

Whereas it is in the interest of each State to ensure that the people maintain their full rights to representation in the House: Now therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that each State should examine its existing statutes, practices, and procedures governing special elections so that, in the event of a catastrophe, vacancies in the House of Representatives may be filled in a timely fashion; and

(2) the Clerk of the House shall send a copy of this resolution to the chief executive official of each State.

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, September 26, 2002, the gentleman from Ohio (Mr. NEY), the gentleman from Maryland (Mr. HOYER), the gentleman from California (Mr. COX), and the gentleman from Texas (Mr. FROST) each will control 22½ minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in May of this year, the Speaker and minority leader formed the Continuity of Congress Bipartisan Working Group to study government continuity issues. The working group is cochaired by House Policy Committee Chairman CHRISTOPHER COX and Democratic Caucus Chairman MARTIN FROST. I want to thank both gentlemen for their efforts on this very important piece of work, as well as all participants in the working group on both sides of the aisle and the cosponsors of this resolution.

The purpose of the working group is to study ways to ensure that the U.S. House of Representatives continues to function in the event of a terrorist attack or other catastrophe that kills or incapacitates a large number of Members and, when appropriate, to make recommendations to the leadership on ways to resolve these issues. I know we do not really particularly want to talk about the demise of a lot of Members, but it is something that has to be spoken about on the floor in order to continue to have our energetic give and take of public debate in the freest body on planet Earth. That is why we are here.

On September 26, 2002, Chairmen COX and FROST, joined by all members of the working group as well as 98 other Members of the Congress, including Majority Whip TOM DELAY and Minority Leader RICHARD GEPHARDT, introduced this resolution calling upon States to study their existing special election statutes and procedures to ensure that if a large number of Members of Congress were unable to serve as a result of a catastrophic event, the States could quickly elect Members to their congressional delegations through expedited special elections.

The problems the House would encounter in the face of such an attack are unique. In the Senate, Governors would quickly fill vacancies by appointment, but in the House it could take months, perhaps up to half a year, for some States to hold special elections to elect Members to their congressional delegations.

Because article 1, section 4 of the Constitution prescribes that the States control the times, places and manner of holding elections, this resolution is a critically important step toward getting the States to focus on what would be their critical role in replenishing the Federal legislature by ensuring that special elections are held as quickly as possible.

In conclusion, I want to thank our ranking member, the gentleman from Maryland (Mr. HOYER), and all the members of the Committee on House Administration. We have dealt with a series of more than unique issues that have affected the body of this floor and also affected the staff of the U.S. House and the other body in the sense of anthrax, how to deal with issues we never even really thought of before. I want to thank the gentleman from Maryland for the working relationship we have had on that and just say this is another piece and component, I think, to making sure that those who want to hurt us will not infringe upon our democracy.

Mr. Speaker, I urge support of this resolution.

Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. COX) control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of this resolution, which was developed by the Committee on House Administration and the Bipartisan Working Group on Continuity of Government led by the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST). It urges the States to examine their laws regarding the conduct of special elections to the House.

The purpose of the resolution as has been said, is to ensure that in the event of a catastrophe, the States will conduct special elections as expeditiously as possible. The two cochairmen of the bipartisan working group, the gentleman from California and the gentleman from Texas, introduced the measure currently before us. H. Res. 559 was referred to the committee which has jurisdiction over congressional elections, the Committee on House Administration.

Mr. Speaker, article 1, section 2 of the Constitution provides: ''The House of Representatives shall be composed of Members chosen every second year by people of the several States.''

That is, of course, the only way to become a Member of this body. That requirement of popular election may be unusual in a leglislative body, because most legislatures can have appointed Members, at least for a time.

A variety of distinguished former Members of the House and scholarly observers of the Congress have proposed other ideas, ranging from filling vacancies through gubernatorial appointment to choosing replacement

Members from lists submitted in advance by sitting Members. Without discussing the merits of either of these ideas, it suffices to say that they are clearly unconstitutional.

□ 1215

It would require a constitutional amendment to fill a House seat in any manner other than by direct election. The resolution before us today is intended to facilitate the use of the existing constitutional framework. We must make the special election process work better, and work faster.

H. Res. 559 would request the States to re-examine their laws governing the conduct of special elections to the House. It does not require them to do so. It does not force them to change their laws, but it is intended to remind them of the potential disadvantages of their failure to do so—the loss of representation in the House for an extended period of time in the event of a future national catastrophe.

Special elections to the House are normally conducted pursuant to provisions of State law and regulations. We have not made uniform statutory requirements for special elections, preferring to leave it to the States to choose methods which reflect their unique politics and culture. One size does not necessarily fit all.

However, the preamble of H. Res. 559 notes the ultimate constitutional authority of the Congress over the conduct of all congressional elections. The provisions of article 1, section 4 state that '' . . . the Congress may at any time by law make or alter such regulations.''

Congress does have the power to pass a national statute governing the conduct of special elections. Such a statute would not be easy to draft, however, and might be opposed by States which prefer to use their own approaches. We would like to avoid this option, if possible, but it remains on the table.

Congress also has the power to pass and send to the States for ratification a constitutional amendment providing for some different method of filling vacancies. The problem with this approach is that it is extremely difficult and time-consuming and could take years, and there is no consensus on which method of filling vacancies to use in any such amendment.

While special elections are conducted by States, this is clearly a national problem and challenge. If enough States fail to elect new Representatives quickly, the House might find itself controlled for a time by a much smaller group of Members, unrepresentative perhaps geographically or ideologically of the American people.

The disruption to the legitimacy of the Congress and to the political and legislative process would be extraordinary.

The average time for the filling of a vacant House seat in the event of a Member's death, according to the Commission on Continuity in Government of the Brookings Institution and the American Enterprise Institute, is approximately 125 days. In my own case, having been elected to the House in a special election in 1981, it was 89 days. In some States the process of replacing a deceased or resigned Member can take as long as 6 months.

In the event of a catastrophe resulting in the deaths of many Members of House, it will be essential to replenish this body as soon as practicable to ensure that the House remains a body representative of, and responsive to, the American people. We simply cannot wait for States to react using existing laws which have not been seriously examined in decades, and which, of course, were never intended to be used in a time of emergency. The result of such laws will be that some States will remain unrepresented as the House, the Senate, the President, and the country take necessary actions to respond to, and to move beyond, such a future crisis.

So, Mr. Speaker, it is clearly in the interest of the States to ensure their full and continued representation as quickly as possible, just as it is in the interest of the House to move as quickly as possible back to a full complement of Members deliberating once again with the broadest possible range of views.

I believe that it would be appropriate for the committee with jurisdiction over congressional elections, the House Administration Committee, to hold hearings on this subject during the next Congress.

We can then evaluate any actions taken by the States in response to the 9/11 crisis, and to this resolution, and get a broader picture of the actual mechanics involved in conducting such elections.

We need to remind ourselves that, in the event special elections occur in large numbers, whether under current laws or new ones, that they may not be occurring under ideal circumstances at some future time.

There may be problems printing the ballots, setting up the polls, or completing many other steps incident to the proper conduct of an election which are complicated enough during normal times, as we have seen yet again recently in the state of Florida.

Mr. Speaker, this resolution sounds an alarm to the States that they have a pivotal role to play in ensuring the stability of our constitutional system. I urge all Members to support it, and all States to respond favorably to it.

I congratulate the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for their leadership on this issue. I believe that the States will be responsive and will come up with ideas that hopefully will accomplish the objective of ensuring that in the event of a catastrophe we can replace Members of the House lost in such a catastrophe so that the people's business can be done in this, the people's House.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent that the gentleman from Texas (Mr. FROST) may control the remainder of the time allotted to me, and that he may yield time.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. COX. Mr. Speaker, I yield myself such time as I may consume.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, because as I turned around, I saw the gentleman from Washington State (Mr. BAIRD), and it was an oversight that I did not mention his extraordinary leadership in bringing this matter to not only the attention of all the Members and pressing for attention of this matter, but also to the country. And I want to congratulate the gentleman from Washington (Mr. BAIRD) for his singular focus on this critical issue.

Mr. COX. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for raising the point, because it is a good one. I want to thank the gentleman from Washington (Mr. BAIRD) for his foresight and quick action on this problem as well.

It is appropriate at the outset of this discussion to explain to our colleagues why our thanks are in order for the hard work that is being done, because the hard work is being done behind closed doors for good reason. This is a grizzly topic, number one. Nobody likes to think about the destruction of the Capitol and the loss of hundreds of Members of Congress, Senators and Representatives, in some horrible catastrophe. Second, the work is very detailed, involved, legalistic and consequential. So a good job has to be done, a careful job has to be done, a thoughtful job has to be done, but there is not much profit in laying it out before the House every day.

We are necessarily here on the floor today because we are going to ask in the most formal way that we possess, through a resolution of this body, the cooperation of the States in this effort. We are made up of elected Representatives from States whose election laws interweave with our own Federal rules for eligibility and service in the United States House of Representatives. Some of the rules and procedures are House rules and are Federal rules. Some of them are State rules. In particular, the rules governing elections within the several States under our constitutional system are State rules.

The resolution we are bringing forward today respects that aspect of our federalism, but urgently asks every Governor and every State legislator to examine their election laws and amend them with a view toward solving a very serious problem that we have in the House, and that is if many Members are killed, there is no quick way to reconstitute the Congress of the United

States. A special election is required. Only election under our Constitution is prescribed as the means of filling a vacancy, and as a result, where the Senate can have its Members appointed by Governors, replacement Members, and be reconstituted, there would be no House, no functioning House, perhaps no majority, no quorum and thus no Senate, because we are a bicameral body, and they could produce no legislation on their own, thus no legislative branch in time of urgent crisis by definition in the United States.

When after an attack on our Nation, the Commander in Chief, whoever that might be, because the attack might kill simultaneously the President, Vice President, Secretary of State perhaps, as well as the Speaker of the House, who is third in line, we do not even know who the President would be in that circumstance. So the operation of our legislative check and balance against executive power would be of vital importance. We might lack it. And something as workaday and ordinary and mechanical in procedure, therefore, as the State election laws becomes of vital importance, and we are asking in this resolution for the States to address that problem.

This is one and only one of several issues that have arisen as a result of a study by the working group established by the Speaker of House, the gentleman from Illinois (Mr. HASTERT); and the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader, the minority leader. Both Speaker HASTERT and the gentleman from Missouri (Mr. GEPHARDT) have shown extraordinary leadership by putting together a high-level leadership task force that has as its contributors not only the chairman and the ranking member of the House Committee on Rules, the gentleman from Texas (Mr. FROST), who is also the chairman of the Democratic Caucus, my cochairman of this working group; but also, as we have seen, the chairman and ranking member of the Committee on House Administration, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), who were just here on the floor; and also the chairman and ranking member of the House Committee on the Judiciary and the Subcommittee on the Constitution, which is very involved in these issues.

The members of the working group include, besides myself and the gentleman from Texas (Mr. FROST), the gentleman from California (Mr. DREIER); the gentleman from Ohio (Mr. CHABOT), who is the subcommittee chairman on the Committee on the Judiciary responsible for the Constitution; the gentleman from New York (Mr. NADLER), the ranking member on that subcommittee; the gentleman from Ohio (Mr. NEY); and the gentleman from Maryland (Mr. HOYER); the gentleman from Washington (Mr. BAIRD), to whom we just referred for his efforts; the gentleman from Louisiana (Mr. VITTER), who is the chairman of the policy subcommittee on reform; the gentlewoman from Texas (Ms. JACKSON-LEE); and the gentleman from Rhode Island (Mr. LANGEVIN).

Throughout several months and nearly a score of meetings, we have covered the waterfront on these issues.

I will return to further discussion on the specifics of this resolution, but I have several speakers on our side who wish to be recognized.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

(Mr. CANTOR asked and was given permission to revise and extend his remarks.)

Mr. CANTOR. Mr. Speaker, I thank my friend from California (Mr. COX) for yielding me this time, and I congratulate him and the gentleman from Texas and others who bring this very important bill forward.

Ours is the oldest written Constitution in the world. The Founding Fathers with great wisdom crafted a government of enduring stability, with the flexibility to survive the shocks and strains of 226 years. It would have been impossible for them to foresee the events of last September with passenger jets full of fuel smashing into skyscrapers. It was simply impossible in their day for so much to be destroyed by so few so quickly. And so the prospect of a large number of seats in the House of Representatives becoming simultaneously vacant was probably not one they entertained.

And yet in their wisdom the Founders provided us with all we need to confront such a possibility. Article 1, section 4 of the Constitution gives the States the power to govern the times, place, and manner of holding elections for the House. This recognizes the appropriateness of the people deciding through their State governments how best to choose the representatives in this House. However, the Constitution also allows Congress at any time by law to make or alter such regulations except as to the place of choosing Senators. This recognizes the right of Congress to ensure that the States live up to their responsibility to ensure that their citizens are represented in the Federal Government.

This resolution is in perfect keeping with the Constitution and the Founders' intent. It preserves the rights of the States to determine their own interests in determining procedures for electing representatives. It also reminds the States that this House will continue to take an interest in ensuring that these procedures are sufficient to ensure the survival of this body and the welfare of our Republic in the event of a major attack on the Capitol.

Mr. COX. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this resolution sponsored by my friends and colleagues, the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) which expresses a sense of the U.S. House of Representatives that all 50 States should examine their laws governing special elections to fill vacancies in the House with an eye toward developing expedited procedures for such elections in the case of such a catastrophe.

Mr. Speaker, the United States of America learned many lessons about need for enhanced homeland security from the tragic events of September 11, 2001. Given that it is widely believed that the United Airlines Flight 93 was headed for the U.S. Capitol that Tuesday morning, we can only imagine the damage that would have been done to the legislative branch of our Federal Government but for the truly remarkable bravery of Flight 93's passengers.

Their heroic actions have, however, given us a chance to make contingency plans for the future. In the case of another attempt to disrupt or destroy our democratic system of government, we should be prepared, and that is why a prompt and overwhelming passage of H. Res. 559 is so important today. The U.S. House of Representatives is urging the States to take whatever steps they deem appropriate to modify, change, or update their laws governing special elections to fill vacancies in the House such that a catastrophic event would not unduly hinder the ability of the U.S. Congress to conduct its business in the future.

I am pleased to serve as the Chairman of the Subcommittee on Technology and the House of the Committee on Rules. Among the matters under my subcommittee's jurisdiction are the rules of the House.

□ 1230

As has been noted by some, the House rules do not speak to how this institution would conduct its business in the event of a catastrophic disaster, and that is an issue that I fully expect we will explore in the 108th Congress next year.

In the meantime, I know that my colleagues, the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST), are currently chairing a commission of distinguished individuals, including former House Speakers Gingrich and Foley, who are looking into this matter in greater detail with the hope of bringing forward other recommendations for how best to deal with the myriad of questions involving ensuring the continuity of Congress. In this respect, I look forward to working closely with the Cox-Frost Commission and other Members of the House on both sides of the aisle in the next congressional session. Nothing less than the future stability of the U.S. Congress, the Federal Government's legislative branch, and the rule of law are at stake.

Mr. Speaker, in closing, I urge my colleagues to support this bill.

Mr. COX. Mr. Speaker, I yield myself such time as I may consume. I think it

is important to add to the list of people whom it is necessary to thank for their efforts on this thus far: the Parliamentarian and his office and his staff, Charles Johnson, who has contributed extraordinary expertise and hard work on this initiative; also, the American Enterprise Institute and the Brookings Institution who, in addition to their scholarly studies on these subjects, have convened a commission on the continuity of government, which has been an extraordinary resource to this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, over the past several months, Democrats and Republicans on the Bipartisan Working Group on the Continuity of Congress have worked together to think the unthinkable: to consider how Congress would function in the aftermath of a terrorist attack.

This is not an idle question, Mr. Speaker.

September 11 made clear once and for all just how vulnerable the U.S. Congress is to such an attack. For the past year, many of us in Washington have believed that if not for the courage of the passengers of United Flight 93, the fourth hijacked plane may well have hit the U.S. Capitol. Well, just weeks ago, our suspicions may have been confirmed by an al-Jazeera interview with the man suspected to be the twentieth September 11 hijacker, who said that Flight 93 was indeed headed for the Capitol, code-named ''The Faculty of Law.''

Obviously, Mr. Speaker, if Flight 93 had reached the Capitol on September 11, countless lives would have been lost. Additionally, the legislative branch of the United States Congress would have been crippled.

This is a very dangerous possibility, Mr. Speaker; and I am glad the Committee on House Administration, the Capitol Police, and others have worked so hard since September 11 to increase the security of all of the staff and Members who work here in the Capitol complex.

But the Congress is the branch of government closest to the people; and all of us, I believe, want it to remain as open as possible. For that reason, the Congress will always be somewhat vulnerable to those who might wish to strike at the United States through the Capitol, the symbol and the seat of our democracy.

That means that we have to prepare for what used to be unthinkable and we have to answer the question, How would the House function in the aftermath of such an attack?

Personally, Mr. Speaker, I believe that it would be critical for the American public to have secure representation in Congress in a time of national emergency. But this is a weighty matter, one that gets to the heart of representative democracy in this country. On the one hand, we want to ensure the stability of the legislative branch in the aftermath of a catastrophe. On the other hand, we all understand the importance of preserving the unique function of the House of Representatives that it has served in the American system of government for more than 200 years.

This bipartisan working group was formed to study the very important, very complicated, and very difficult series of questions raised by this situation.

We have benefited, and are still enjoying, the tremendous expertise of all of the members who have participated. We have received tremendous assistance from the committees of jurisdiction and their staff; and as the gentleman from California (Chairman Cox) mentioned, I want to personally recognize the Parliamentarian, Charlie Johnson, as well as his staff. After serving on the House Committee on Rules for more than 20 years, I have known for a long time what fine professionals they are.

This process could have never started without the support of the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and the gentleman from Missouri (Mr. GEPHARDT), our Democratic leader. Most importantly, Mr. Speaker, I want to recognize my colleagues on the working group, the gentleman from California (Mr. DREIER), the gentleman from Ohio (Mr. NEY), and the gentleman from Ohio (Mr. CHABOT), as well as the gentleman from Maryland (Mr. HOYER) and the gentleman from New York (Mr. NADLER), and the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Washington (Mr. BAIRD), the gentleman from Rhode Island (Mr. LANGEVIN), and the gentleman from Louisiana (Mr. VITTER). Of course, the gentleman from California (Mr. COX) and his staff have been a pleasure to work with on this project.

Mr. Speaker, the working group is examining proposed changes to the House Rules regarding quorum requirements and succession of House officers, amendments to the Presidential Succession Act of 1947, and constitutional amendments. But our primary goal has been to examine the law to ensure that Congress can function in the event of an attack or a catastrophe.

That is what House Resolution 559 addresses today. It encourages the States to examine their existing statutes, practices, and procedures governing special elections; and it urges Governors and State representatives to amend their election laws so that in the event of a catastrophe, vacancies in the House of Representatives could be filled in a timely fashion.

As we can see, Mr. Speaker, this is an ongoing process, and the resolution on the floor today does not solve all of the problems we face; but it takes a sensible, bipartisan step toward addressing one of them. So I urge my colleagues to join the bipartisan working group and passing it overwhelmingly.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD), the Member of the House who really first raised this issue.

Mr. BAIRD. Mr. Speaker, I thank my good friend and colleague, and I want to thank also the gentleman from California (Mr. COX) for his outstanding leadership. In the time I have been privileged to serve here, I have never had such great satisfaction from working with a group of talented, bright, dedicated individuals. The Parliamentarian, the staff of the Committee on the Judiciary have been outstanding. Hopefully, we will never need this legislation; but if it is ever needed, it may be one of the most important things we will ever do in our lifetime and during our service to this Congress.

This is a start. This is an effort to say to the States that you too need to think about what we have come to have to face on a daily basis, almost: the prospect that some terrorist organization could strike suddenly, without warning, and eliminate this body that we hold so dear; and we must have preparations to replace us in the event that that should happen.

I also want to thank the gentleman from Rhode Island (Mr. LANGEVIN), as well as the gentleman from Louisiana (Mr. VITTER) and the gentleman from Arkansas (Mr. SNYDER), for their valuable and invaluable contributions to this process.

Mr. Speaker, this is the start in working with the States to make sure that they have a mechanism for replacing us if the time arises, but we also have other tasks before us. We are addressing some ambiguities in the Presidential succession law that are important to close certain ambiguities there. We are looking at the House rules, particularly what would constitute a quorum and how this body would reconvene in the event of a catastrophe. We are also looking at mechanisms for possibly replacing Members in the short term, pending the outcome of special elections. Every one of us in this body holds very dear and proud the tradition of direct elections, but we also hold dear and proud to the principle of election and representation by our States in this great body, and the principle of checks and balances on the executive. So we are working on a host of fronts.

A year or so ago, my father passed away. Before he died, he sat my sister and brother and I down and walked through all of his files. He said, Son and daughter, when I die, this is what you need to know about, how to carry on the finances, how to deal with my estate, et cetera. Because of his forethought, his death, regardless of how tremendously painful it was, was nevertheless handled in a manner that allowed us to go on, taking care of his affairs responsibly and in an efficient manner.

We owe it to this Nation to show no less forethought. We owe it to this Nation to make sure that if something horrific happens to us, the business of this great Republic will carry on, uninterrupted, unimpeded. We need to tell our adversaries that even if they destroy us and kill every one of us, others will rise up, carry that torch of liberty forward, and the Republic will stand and will persevere.

Mr. Speaker, I thank again the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for their leadership.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding me this time.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, as a member of the Cox-Frost Continuity of Congress Working Group and an original cosponsor of this legislation, I strongly urge my colleagues to support House Resolution 559 to address problems with our method of filling vacancies in the House of Representatives.

The Constitution declares that Members of the House must be popularly elected. However, the specter of terrorism, notably, reports that the Capitol was a targeted Capitol on September 11, reminds us that mass casualties in Washington or elsewhere could have a detrimental effect on the representative nature of the House and its ability to fulfill its duties. As a former Secretary of State, I know that States have vastly different methods and time lines for filling vacant House seats, which could pose a serious problem in the event of a catastrophe. For example, Rhode Island general laws state simply: ''The Governor shall immediately issue a writ of election ordering a new election as early as possible.'' Today's resolution would address such problems by encouraging States to review their special elections procedures to fill House vacancies as expeditiously as possible.

This resolution is the first recommendation of the Continuity of Congress Working Group, which has been tackling the complicated issues of how government would function in the wake of a catastrophe. I would like to thank my good friend and colleague, the gentleman from Washington (Mr. BAIRD), who has helped raise the profile and understanding of these complex problems while leading the effort to find solutions. I also commend the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST) for devoting so much of their time and effort to this topic and making it a priority for Congress.

Another area I feel worthy of discussion is the ability of Congress to communicate and possibly even conduct legislative operations remotely in the event of a major disruption. The Committee on House Administration has held hearings on the feasibility of establishing an e-Congress for emergency situations, and I have introduced legislation to study this matter. At this time I would like to commend and recognize the efforts of the distinguished chairman of the Committee on House Administration, the gentleman from Ohio (Mr. NEY), and also my colleague, the ranking member, the gentleman from Maryland (Mr. HOYER), for their outstanding efforts and leadership on this issue.

While several of my colleagues have expressed discomfort with this and other related topics, it is our duty to prepare the legislative branch for any kind of disaster. We must never allow the people's business to be interrupted.

Today's resolution is an important first step in addressing complex questions about our government's ability to function in the age of terrorism, and I encourage my colleagues to support this legislation.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I heard a commentator make the statement that somehow Congress is dragging their feet on these issues because we cannot face the possibility of our own demise. I do not agree with that statement at all. I think that Members of Congress are very much aware of the potential risks and threats out there, but that it is a complicated topic. One of the complications is that we work in a Federal system with both State responsibilities and Federal responsibilities.

To me, the number one issue is how in all of this do we protect the essence of democracy; and to me, the essence of democracy is the right of a free people to be governed, to be governed by those whom they elect and have the right to vote on. We summarize that by calling this ''The People's House,'' and I do not think in any way should we be supportive of any kind of constitutional amendment that would turn the people's House into the ''Appointeds' House.'' That would be a very tragic outcome to September 11.

The Federal issue here is that elections are State responsibilities, and we know that there is a tremendous amount of variety from State to State and also that there is too much time in an emergency situation in some, in a lot, of the State laws. Patsy Mink has been referred to, our colleague who tragically passed away over the weekend; and it is my understanding that it may take three special elections to finally replace her. Also, Oregon does their elections by mail, and every State deals with the issue of absentee ballots overseas and locally differently. There is a lot of complexity to this.

Our message to the States today is please look at your election laws and figure out a way that you can be responsive should this terrible tragedy occur.

To me, there are two scenarios that States ought to look at. The first one is what has been talked about today by the gentleman from California (Mr. COX) and others: What if we had a massive loss of life of Members of the U.S. House here? That is what has driven this issue. But there also is a second issue that States ought to look at. In Arkansas, we have four House Members and two Senators, and it is not uncommon for us to be all in the same place or on the same plane. States ought to look at what should happen if an individual State lost its entire congressional delegation, should that trigger some kind of expedited special elections process. These are not easy questions; they are complicated questions. But they fall under the area of State responsibility, and the resolution today is sending a message to the States that we will be glad to work with you and hope that you will work on these very important issues of expediting special elections at a time of massive loss of life in the U.S. House.

Mr. COX. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. VITTER), the chairman of the Subcommittee on Policy and Election Reform.

□ 1245

Mr. VITTER. Mr. Speaker, as a Member of the Working Group on Continuity of Congress, I rise in strong support of this resolution. As has been said, it is a simple, straightforward, bipartisan, but very important measure to urge all of the States, with the utmost seriousness and focus, to look at their election laws and ensure that special elections would happen as expeditiously as possible, particularly in the event of a disaster that killed many House Members at once.

Of course, this resolution today highlights one of the many issues that our working group has been focused on, and, in fact, the central one, which is how do we replenish the House of Representatives quickly in such a horrible catastrophe.

As has been said, the U.S. Constitution is very clear: House vacancies can only be filled, under the present constitutional terms, by an election. Sometimes, as has also been said, in different States where State law applies, that can take a very long time, maybe up to 6 months; so we want all of the State legislatures, all of the Governors, to look at their State law very clearly, in a very focused way, and move as quickly as possible to make sure their State law makes that happen as quickly as possible, particularly in the event of mass deaths.

In considering this, I ask all of my colleagues and, in fact, all of the State legislators and Governors around the country to think of all of the work we had to do, and I believe we did do, after September 11: The Committee on the Judiciary moved to protect us here and abroad; the Committee on Appropriations addressed critical emergency funding; the Committee on Armed Services examined our military response.

All of that was actually done in a matter of just a couple of weeks beginning with September 11. Nearly every House committee did significant work on the war that was at its infancy planning stage then, or homeland security, or related issues.

If we also remember Flight 93 downed in Pennsylvania, brought about by brave passengers, all of that work may have only been possible because of their bravery and the luxury we were afforded by not having an attack on the Capitol.

Of course, all of us hope there is never a next time. All of us pray that there will not be a next time. But if there is, we may not be so lucky; so all of that work we did in the very few weeks after September 11, and the specter of Flight 93, makes it clear why we need to think about this issue, and why State legislatures need to act to make sure that the House is replenished as quickly as possible.

In closing, I want to say that this is a very important step, but I hope it is a first step, because our working group is thinking about other key issues, quorum issues, incapacity issues, that can be dealt with under rules. These issues are very significant, which I believe can be addressed under our House rules. There are Presidential succession issues, which are significant and related to this, which could clearly be addressed under statute.

And, yes, although it would be very difficult politically, I also think we need to debate and think carefully about proposed constitutional amendments.

So I think this is a very important, very responsible step, but I am hopeful it will be a first step. I know the working group is continuing its work in a very focused, careful way.

I want to particularly thank the chairman of that, the gentleman from California (Mr. COX), and also the co-chairman, the gentleman from Texas (Mr. FROST), for all of their work; the other Members of the working group; the House Parliamentarians; the CRS researchers; other staff who have given us invaluable information in our deliberations.

Mr. Speaker, I strongly urge all of our colleagues to vote for this resolution.

Mr. COX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Louisiana makes a fine point in commending the Congressional Research Service, and I was remiss in not mentioning this earlier. Walter Oleszek and others from CRS have been an enormous and very, very professional resource for us in our work.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I neglected to mention two people who were tremendously helpful: the Pierce County auditor Cathy Pearsall-Stipek, and the Cowlitz County auditor Chris Swanstron. These folks helped us understand that even in optimal circumstances, a special election would probably take at least 60 days, or more like 90.

In Washington State, for example, we mail our ballots out 3 weeks before the election. If we are going to get an election done in 2 months, we have essentially got about a week to run for office, and then the ballots would have to be printed, distributed, counted, there would be one more week to run for office after the primary, and then we would have to have the special election.

I want to follow up on something my colleague, the gentleman from Louisiana, said. He has offered such great, thoughtful insights to this. This is a first step, but we need to make sure, I believe, that there is a mechanism for quick replacement in some fashion to occupy the position in the House of Representatives and get the body's work done in the interim while these special elections are conducted. We simply cannot say that there will be no House of Representatives for the period of 60 days or more while special elections take place.

Declarations of war, appropriations of funds, approval of Vice-Presidential nominees, election of the Speaker of the House and a host of other tasks must be accomplished, and we must have the representation of the States in that process, and we must have the constitutional checks and balances which are so critical.

In a time of catastrophe, it is indeed, I believe, likely that the Presidential position would be occupied by a Cabinet member who was never elected; which is fine, that is under the Succession Act, and we accept that; but for an unelected Cabinet member to serve as the President of the United States with no checks and balances by the legislative branch as represented through the House of Representatives I believe imperils a fundamental principle of the Constitution.

So while I absolutely and unequivocally urge strong sponsoring of this legislation and recognize its importance, it is indeed a first step, and we must move forward, as the working group will do, and as I hope and trust all my colleagues will do, to consider further mechanisms to make sure this great body and the Constitution it represents will continue to function.

Mr. COX. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to commend my colleagues, particularly the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. FROST), for their leadership on this very important issue. I strongly urge all of my colleagues to support House Resolution 559.

In the event of an emergency that leaves large numbers of seats of the House vacant, the House of Representatives will have lost much of its representative character. There are, however, statutory solutions to this problem. The Constitution leaves it to the States in the first instance to enact such solutions.

Article 1, section 1, clause 1 of the United States Constitution states that: ''The Times, Places, and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations. . . .''

While Congress has the constitutional authority to make or alter State special election laws, Congress extends great deference to State solutions to the problem of vacant House seats in times of emergency. This congressional deference to State action is codified in 2 U.S.C. Section 8, which provides that ''The time for holding elections in any State, District, or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively.''

Article 1, section 2, clause 4 of the Constitution further provides that ''When vacancies happen in the Representation from any State, the Executive Authority thereof (the Governor) shall issue Writs of Election to fill such vacancies,'' and such elections will be held in accordance with the State law, absent congressional action otherwise.

This resolution constitutes congressional due diligence by putting the States on formal notice that it is within their constitutional power, and also their constitutional duty, to revise State laws to allow for the conducting of expedited special elections in cases of emergency in which the seats of district representation are suddenly left vacant, and constituents are suddenly left without a voice in the House of Representatives.

The uninterrupted House tradition is that only duly elected representatives should have the final say in legislation passed by the House. This resolution expresses Congress's strong support for States' efforts to strengthen that tradition by providing for the filling of vacant House seats quickly, fairly, and efficiently in emergency circumstances.

I urge strong bipartisan passage of this common-sense resolution.

Mr. FROST. Mr. Speaker, I urge adoption of the resolution. I have no further requests for time, and I yield back the balance of my time.

Mr. COX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we have heard thus far this afternoon should be very sobering to all of us. We are asking the States in this resolution to join in a thorough examination of their role, what they can do to help us with these problems.

But the problems are manifold. It is not simply a question of solving the special election problem, it is not simply a question of solving the Presidential succession problem; we have other equally serious problems, and, in combination, they multiply into virtual paralysis of our government at a time when we would need our government to be functioning at its peak efficiency: a time of crisis.

Mr. Speaker, we are here, of course, because of September 11. In working with my colleagues and our expert staff in this working group over several months, we have all been heartened to draw upon such a long and rich tradition in our Congress, in our democracy. There is barely a question that can come before us about the governance of this House or about the election of Members or about the relationship of the States to the Federal Government that has not been considered in other contexts; so we are not without precedent, far from it.

Yet there is something unprecedented to what we are doing here. Were it not for September 11, I do not think any of us doubts we would not be here today, because on September 11 we were forced to confront a different kind of danger, qualitatively different, and we hope not quantitatively different than what we have seen thus far: a disastrous, horrible, apocalyptic future in which the unthinkable becomes reality.

None of us here wishes that ever to occur. We are taking every national security step elsewhere, separate from this measure, to stave that off, to avoid it, to make our world and the rest of the world safe. But if these things happen, if loose nukes become a threat to our domestic security, if chemical warfare or the spread of biological toxins become our future, and if these attacks are directed against the Capitol, then we simply have to imagine that contingency. So that is what the gentleman from Texas (Chairman FROST) and I and our working group have been focused upon.

The fact that, according to al-Jazeera Television, we now know that Flight 93 was directed towards the United States Capitol makes this all too real. Had Flight 93 hit the Capitol, many Members of Congress, we do not know how many, would have been killed. Had a joint session been attacked, the worst case, we can imagine not only a heavy toll, a nearly complete toll among Members of the House and Senate, but also the executive branch, including the President and the Vice President.

The remaining Members of the House of Representatives would have had to try to muster a quorum. If none of them objected on the ground that a quorum was not present, then even 10 Members could have kept the House going. If, on the other hand, someone objected, then there would have to be somehow a quorum.

□ 1300

And a quorum of 435 Members being 218, if more Members than that were killed or injured and unable to function in the attack, then Congress itself would be unable to function and unable to get a quorum. We are working in this working group on rules changes to address this, but ultimately we have got to have Members of Congress back in this body, real live Members. Because even if we can, through changing the rules or through unanimous consent of those remaining 10 Members, get those 10 Members to function as the House of Representatives, who would not question the legitimacy of Congress in those circumstances? Indeed, there might be court challenges.

If the President of the United States, no longer the President that we elected but some replacement under the Presidential Succession Act is now acting in the teeth of an attack on our Nation so severe that the Congress itself has been wasted in that attack, is that not the time when the legislative branch should be operating in full force as a check against excess of executive power because the Nation itself would be tempted at that point to all manner of revenge, some of it perhaps not coolheaded, not wise, not in our national security interest? The checks and balances system itself would not be functioning.

As has been mentioned several times, because of the historical evolution of United States Senate from an appointed body originally in the Constitution, members were not elected in the Senate, and then subsequently by Constitutional amendment, we got direct election of Senators. Still a vestige of that earlier appointment regime is that vacancies in the Senate are filled even in the 21st century by appointment, not so for the House. We have got to have the cooperation of the States to at least speed up special elections so that the time during which Congress cannot function is not needlessly protracted.

This resolution, as has been mentioned, is serious. It is also very short and to the point. It has only one purpose and that is to provoke action in the State legislatures. The resolution is an important first step, as my colleague, the gentleman from Washington (Mr. BAIRD), has described it, toward focusing the attention of the States on what is their critical role in replenishing the Federal legislature by ensuring that special elections are held as expeditiously as possible.

Article one, section four of the Constitution, with which many Americans became familiar during our last electoral crisis, if we can call it that, sets forth the authority of the States to determine the time, places and manner for holding elections for Congress. This creates a symbiotic relationship between the States, who the founders believed and who we still believe today were the sovereigns in their own right; a symbiotic relationship between the States, on the one hand, and the Republic in total, on the other hand, ultimately supreme over the States in all matters encompassed by the Constitution. That is the supremacy clause. And, of course, Congress as the institution representing that sovereignty, that Federal sovereignty, must remain strong and invulnerable.

Our strength is drawn from every Member representing every State in the Union. This is something about which all of the Members of our working group agree. Some are focused on a constitutional amendment to try and ensure that we can get Members back here from the States. Others are focused on the absolute necessity of ensuring that the device for returning Members from the States is some form of election. But at essence, the very important thing is we have Members back here and we not have a distinct minority abnormally representing only portions of the country and disproportionately representing certain interests against other interests, defiling the whole basis of our governance by the people.

Our strength is drawn from every Member representing every State in the Union who daily appears in this Chamber to conduct America's business on behalf of each of our States and each of our constituents.

Our vulnerability is a result of the independence that each of our States has in deciding how and when it will hold elections. So quite simply, as an institution, we are designed as an instrument of the people of each State and ultimately they, not us, control our fate.

The proper place, of course, to discuss this and debate it is on the floor of House; but the proper place to solve this problem is in the legislatures of the various States.

This is, as my colleague, the gentleman from Arkansas (Mr. SNYDER), said a moment ago, the people's House. And it is my opinion it is totally appropriate for the people working through their respective States to decide how best to populate this House with their representatives.

The founders in their profound wisdom in perhaps glimpsing into the future, as they seem to have done so many times, did not leave us without recourse. Where the first clause of the first paragraph of article one, section four gives the States the power to govern every aspect of electing their Federal representatives, there is a second clause. If Congress so decides, Congress has the ultimate authority to take that power away from the States. The second clause in article one, section four reads as follows: The Congress may at any time by law make or alter

such regulations, that is the regulations of the States, except as to the places of choosing Senators.

So this Congress could, as any Congress before it could have, preempt every State election law, every State election law in the country governing the election of Representatives either in times of catastrophe or any other time for that matter. But of course just because we have the power to do these things does not mean we should exercise this power, and in this resolution we have chosen a different course. We are going to the States and asking them to act.

What we are doing today is precisely what we ought to be doing, no more, no less. It is the measured response that continues to respect the rights of the States to govern their own elections but highlights to them their critical role in our Federal legislature and emphasizes their responsibility to ensure that their representation in Congress is never long diminished. It is, after all, in the best interest of each State to ensure that it can quickly replenish its congressional delegation, lest it be left out, unrepresented during what could be one of the most crucial moments in our Nation's history.

Therefore, we should, before we do anything more, give the States the opportunity to act in their best interest and in a way that suits each State's own unique needs, and that is precisely what this resolution does.

Our working group has also been examining possible amendments to the Presidential Succession Act of 1947 because the Speaker of the House stands third in line to the Presidency; and any attack on this body that decimates it, that deprives of it of Members, could take away the Speaker as well, indeed, take away other potential successor Speakers. We want to be sure that the line of Presidential succession is clear and uninterrupted.

Virtually ever proposed solution to every issue the working group has addressed, including this one over the past four months, whether it be a change in the rules of the House, passing a new law, amending an old one, or changing our Constitution by altering its language, presents very serious legal issues requiring careful thought and deliberation.

We are not the first to grapple with these issues. The very first Congress, meeting at the site where Federal Hall in New York stands today and where this Congress gathered just a few weeks ago, grappled with the issue of Presidential succession. One can hardly image a Congress more in touch with the sentiments and intentions of the founders than that very first Congress; and one can hardly imagine a government more tentative and fragile and in need of the stability a well-defined and certain line of Presidential succession would provide. Yet the first Congress was unable to agree on a Presidential succession law, and they went without one.

It was left to the second Congress to finally pass the first Presidential Succession Act in 1792. This act stated that in the event of a vacancy in the office of President and Vice President, succession will pass first to the President pro tem of the Senate and second to the Speaker of the House.

The act has been amended in all of the years intervening since 1792 only twice since then: first following the assassination of President James Garfield in 1881 and the death of Vice President Thomas Hendrix in 1886, when concerns were raised because at the time of their deaths Congress had not yet convened, leaving the office of President pro tem and Speaker of the House vacant. As a result, in 1886 Congress removed the Speaker and the President pro tem from the line of Presidential succession.

Fast forward to 1945. President Truman urged Congress to restore the Speaker and President pro tem to the line of Presidential succession. Two years later in 1947, Congress did so. This time putting the Speaker first and then the President pro tem of the Senate second. This brief history demonstrates the time and deliberation that have gone into the very few changes that have been made to our Presidential succession laws since the inception of the Republic. Therefore, those of us on this working group tasked with finding a solution to these problems of congressional continuity, of the line of Presidential succession should take comfort in a history where thoughtful deliberations has been the rule, not the exception.

Mr. Speaker, it is exactly that kind of deliberation, thoughtful and measured, that has gone into the proposals that the working group has put forward to the Committee on the Judiciary on statutory changes, for example, to the Presidential Succession Act, put forward to the Committee on Rules, changes to our quorum requirements in the manner of recognizing the death of a Member, particularly when mass death occurs, and on this question of the special election of Members after a death of a Member.

This resolution is the first step towards ensuring that this body will endure no matter what, no matter what our enemies do to us. I encourage every Member to join the 11 Members of the bipartisan working group in supporting this resolution, this important first step to ensuring the continuity of this great institution.

Mr. Speaker, I want to conclude by thanking in particular the gentleman from Texas (Mr. FROST) and his superb staff for the time, energy and effort they have put into these matters. We have much work ahead of us. We cannot congratulate ourselves too much for work half done, but we will be after this year and next year. And as I mentioned, given this long history, we cannot be concerned that we are not moving too precipitously fast. We are moving very fast, I think. We have gotten a lot done, but we will have sometime before us. So I look forward toward to working further with the gentleman from Texas (Mr. FROST).

Mr. Speaker, I thank the Members who have spoken on this very important topic today. I apologize to those who were concerned with raising such grizzly topics. Now, Mr. Speaker, I hope we can put ourselves and our minds back to other workday matters more important to we, the living, than this horrible-to-contemplate future contingency. I urge the adoption of this resolution by all the Members of this House, and I urge action of the States in furtherance of this resolution, Mr. Speaker.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to the order of the House of Thursday, September 26, 2002, the resolution is considered read for amendment and the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. COX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 559.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Mrs. MEEK of Florida. Mr. Speaker, I offer a motion to instruct conferees on the Help America Vote Act.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mrs. MEEK of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to take such actions as may be appropriate—

(1) to convene a public meeting of the managers on the part of the House and the managers on the part of the Senate; and

(2) to ensure that a conference report is filed on the bill prior to October 4, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from