

compete with that. We cannot even get international labor organization standards put into our free trade agreements which just say no child labor, no slave labor in these other countries. We cannot even get those into the agreements we sign.

We are not asking for everything. We are asking for basic human rights in the trade agreements that we sign.

When a lot of us talk about fair trade in this country, at least, at the minimum, have a social safety net that addresses unemployment benefits, that addresses health care insurance for people. How much anxiety would be relieved if you did lose your job if you knew you were going to have health care provided for you and your family.

Every time free trade agreements have come before this House and before this country, the commitment was always made that we had to invest in education. Meanwhile, in Ohio, the No Child Left Behind provisions are underfunded by \$1.5 billion, with a "B", a year. That is \$1.5 billion. So if we want to grab the last 25 percent of the kids and pull them across the finish line, which is what No Child Left Behind is supposed to do, and we are going to have all these Federal mandates, the Federal government must make a decision. Are we going to give tax cuts to the top 1 percent or are we going to invest that money in the No Child Left Behind so that every single child in this country will have an opportunity to compete on an already uneven playing field in the global economy?

Investments in research and development through the Veterans Administration are being cut. The facts are that we have told our kids that they must make investments in themselves and in their education through going to college, and yet we see the Pell Grant not keeping up with inflation and we see children not having the opportunity to live and work in a country where there is a reasonable wage and an opportunity for upward mobility.

We are trying to argue comparative advantage, a doctrine that was established in the early 1800s. We need to change our policy. I never thought that we would be asking for Newt Gingrich to come back and bring some reasonableness to this Congress.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GASOLINE PRICE HIKES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, gasoline prices have hit an all-time high. The national average for gasoline is now \$1.77 per gallon, up 25 cents from the beginning of the year; and President Bush is doing nothing to alleviate the strain that this is taking on the American people, on American businesses and on the American economy.

Mr. Speaker, high gas prices impact all of us, consumers and businesses alike. High fuel costs translate into a loss in profits margins for the manufacturing and transportation sectors that force prices for products and services higher, hitting American consumers twice. Not only do Americans need to dole out more cash to fill their gas tanks with the little disposable income they have left, they are forced to pay higher prices for goods and services.

□ 1845

For instance, Continental Airlines sought to impose a fuel surcharge for their services. And the real impact of all this is a slowdown in the economy with the potential for even more job loss. In fact, an estimate by Merrill Lynch shows that every penny increase in gasoline prices at the pump is equal to \$1 billion in lost consumer spending. That is nearly \$25 billion in lost spending since the beginning of the year.

Furthermore, Merrill Lynch estimates that while Federal tax refunds would total \$55 billion from February to May this year, a 30 percent increase from last year, and theoretically give the economy a nudge, higher pump prices will wipe out as much as half of the positive economic impact that these Federal refunds might have had.

Mr. Speaker, I would like to point out, too, that this is happening on the watch of an administration that said they would make energy policy a priority in the United States. Yet more than 3 years after President Bush first stepped in the White House, we have no national energy policy, and we have no national energy policy because the bill that the White House presented to Congress was filled with an extraordinary collection of energy industry giveaways, crafted by the members of Vice President CHENEY's secret energy task force, instead of meaningful policies that would increase fuel efficiency and the use of renewable and alternative energy sources.

Mr. Speaker, there are two things that President Bush must do immediately. First, he must hold off placing more oil in the Strategic Petroleum Reserve until prices come down. The SPR, or the Strategic Petroleum Reserve, is a power tool that the President can and should use in times of need, and right now consumers need relief. If President Bush reduced the amount of oil placed in the petroleum

reserve, we would have more on the market driving prices down for Americans now. The SPR can then be replenished when oil prices are lower.

Second, Mr. Speaker, President Bush needs to get on the phone with OPEC and demand increased oil production. Recent news indicates that OPEC has hinted at plans to lower production by 1 million barrels per day after April 1; and the administration's response to this from Secretary Abraham is that the U.S., and I quote, "will not beg OPEC for oil." That is a different tune than the one that candidate Bush sang during the 2000 election. Four years ago on the campaign trail, President Bush, in a swipe at President Clinton, said, "What I think the President ought to do is he ought to get on the phone with the OPEC cartel and say, we expect you to open your spigots and the President of the United States must jawbone OPEC members to lower the price." Mr. President, put your action where your mouth is and insist that OPEC increase production now to alleviate the strain these high gasoline prices are having on the American people and the American economy.

Mr. Speaker, we cannot afford to lose more jobs because of the President's inability to address this problem. He needs to address it now, and I think we should continue to take issue with it and bring it up on the floor until he does.

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 30, 2004.

Hon. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Effective March 30, 2004, I hereby resign from the Committee on Agriculture.

Sincerely,

KEN LUCAS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

PRESIDENTIAL SUCCESSION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. BAIRD) is recognized for 60 minutes as the designee of the minority leader.

Mr. BAIRD. Mr. Speaker, I rise today to address a matter that we would all

prefer to hope we never have to address, but that after September 11 we must address. I would ask my colleagues and friends to imagine the unimaginable. Imagine that the American people are going about their daily business while Congress is meeting in full session here in the House and the Senate is doing its business and suddenly the national news wires, television and radio are interrupted. They are interrupted by an announcement that a nuclear weapon has been detonated without warning in the Nation's Capital. The Capitol has been destroyed. The White House has been obliterated. It is evident that in all likelihood all Members of the House and Senate have perished, that the administration, the President and Vice President and most members at least of the Cabinet have been killed, that the Supreme Court has likely been killed along with thousands of our fellow citizens and government workers. At that moment, we must have an answer to the American people of what happens next, and at this moment we do not have an answer to that question.

It has now been 2½ years since September 11. On that fateful day, not only did we see live on television as thousands of our fellow citizens were killed in an horrific manner, but what we did not know was that a fourth plane was coming here in an attempt to kill everyone in this building and that were it not for the heroism of the passengers on that flight and fortunate circumstances that delayed it by a few moments, many of us would likely have perished.

The question then arises, what would happen in this event? We know that it is possible. We know that our adversaries seek nuclear weapons. We know that our adversaries seek chemical and biological weapons. And we know that in this era it is very possible, indeed probable, that one day they may obtain such weapons. Yet, Mr. Speaker and my friends, we have not prepared for congressional succession, and there are grave problems with the Presidential succession law.

Let me walk you through, if I may, a scenario of what might happen. First let me start with the Constitution. Under the Constitution of the United States, a quorum to do business is made up of a majority of the Members. House rules stipulate that a quorum is made of the majority chosen and sworn and living. Let us suppose that three Members of the Congress are on a trip abroad and while they are overseas, they witness this horrific event. Everyone else in this body has been killed. The President and the Vice President are dead. America is in crisis to say the least.

Those three Members under current House rules could declare themselves a functioning House of Representatives. They could elect one of the three the Speaker of the House of Representatives. Under current succession law, the third in line to the Presidency is

the Speaker of the House of Representatives. Let us suppose further that those three are from a party other than the current President. What we now have is a situation where three surviving Members of a catastrophe, randomly chosen more or less by events, have now become the entire House of Representatives, have chosen one of their own Members Speaker and that person has acceded to the role of Presidency.

We now also have a situation where under our system of checks and balances, the article 1 provisions of the Constitution, declaration of war, approval of spending and taxation, and a host of other issues that are the rightful jurisdiction of this body and the Senate working together are presumably going to be carried out by two or three surviving Members, if there are survivors; or we would have a President who could say that because there is no Congress, the President is declaring extra-constitutional powers, conceivably taking our Nation into war without a vote of the Congress, conceivably imposing martial law, conceivably spending hundreds of billions of dollars and doing a host of other events with no representation from the people of the States as a check and balance on that person.

And who might that person be? If it is not the Speaker of the House or the President pro tem of the Senate, it would most likely be a Cabinet member, assuming a survivor. I think we need to be frank. Cabinet members were never elected to their post. They were approved by the Senate, but they were not elected; and we need to be more frank still. Most Americans have not a clue, once you get past a couple of the top Cabinet members, just who they are. So if one of the lower Secretaries emerges on TV and says, I am now the President of the United States. Because there is no functioning Congress, I have authority to take this country into war, would the American people give that legitimacy? I do not think so. Would the Founders have given that legitimacy? I doubt that still further.

We must face this problem, and we must face it before the time comes. Because when that happens, should it happen, the very institutions charged with crafting a solution will have been destroyed in the very event that demands a solution. And who will be left? The American people will be left wondering who is their Representative in Congress. How does our constitutional system of government function? The world will be left wondering who now has control over nuclear weapons and on what checks and balances can we rely that that person will conduct themselves responsibly?

One of my good friends and colleagues has actually looked at this matter extensively, the matter of Presidential succession. The gentleman from California has offered a resolution that I think would address this, and I

would encourage our colleagues to bring this up for a vote at some point soon, certainly before we need it. I would ask my friend from California to describe his resolution and some of the challenges it would address.

I yield to the gentleman from California.

Mr. SHERMAN. I thank the gentleman for yielding and for his dedication to the importance of assuring the continuity of our government.

We here in Washington have erected these concrete barriers, blocking this road, blocking Pennsylvania Avenue, all to assure the survival of our physical embodiment of our government. We must make sure that we have done just as much to protect the identity of those who will make the decisions. Our laws should be as strong as our concrete barriers. In the post-September 11 world, that which was just thought to be a distant possibility must now be something that we plan for. The line of Presidential succession determines who becomes President after the President and the Vice President if they are both permanently or temporarily unable to carry out their duties.

We can change this without amending the Constitution. It is the 1947 Presidential Succession Act which currently governs. In fact, going back to the statute that existed before 1947 would be a substantial step in the right direction and would deal with many of the problems that I will identify here tonight. Not only is this an issue that we can solve without amending our Constitution, it is one that is critically important to solve for two reasons.

First, as important as Congress is, and I am proud to serve in this body, in the days following a catastrophic attack, knowing the identity of the Commander in Chief will be perhaps the most important legal issue to deal with that crisis. And, second, while it would take a nuclear bomb, perhaps, to destroy a majority of the Members of the House or the Members of the Senate, it does not take anywhere near such a catastrophe to have the President and the Vice President not able to serve. In fact, John Wilkes Booth came within an inch of doing it in 1865, and he did not have any nuclear weapons. Yes, he killed President Lincoln. He also tried to kill the Secretary of State and the Vice President of the United States. Those other assassination attempts failed. So muskets or hand revolvers have been sufficient to bring us close to a position where we would move through the line of succession.

What is that line of succession now? Right after the Vice President is the Speaker of this House. That creates a few problems, illustrated in a "West Wing" scenario. It was as if "West Wing" had focused on the bill that I introduced to this Congress very early in 2001. In that scenario, you had no Vice President serving, the Speaker of the House was of another political party, and the President was only temporarily incapacitated. What happened on

television was not quite believable to those of us who live in the politically charged atmosphere here in Washington. The President temporarily gave up the Presidency to a person of another political party, voluntarily and under a circumstance where he would have legitimately continued to retain the Presidency, but he thought that the kidnapping of his daughter in this scenario made him too preoccupied to serve. What about the real Washington? Would a President whose family circumstance makes it difficult or impossible to continue to serve temporarily give up the White House to somebody of the opposite philosophy? One can only imagine the aides coming and saying, Mr. President, don't do it. There will be 500 pieces of legislation signed into law within the first hour of your incapacity.

□ 1900

In addition, under this scenario, the Speaker agreed to assume the presidency, had to resign his seat in the Congress, served as President for only a day or two, and then left public service. Would every Speaker of this House be willing to resign their seat in Congress for an hour or two or a day or two in the White House? And if not, what does that do to our system?

The answer is that we must maintain a system in which the philosophy that governs in the White House is the same throughout a 4-year term in office. This is important for a number of reasons. First, let us say the office of Vice President was vacant. Our friends wonder whether a heart attack or an assassination could suddenly change the direction of America. The stock markets wonder whether all economic policy could change with one ill-fated bad effect on one man or woman's health. Not a good situation. We should have continuity of philosophy in the White House throughout the 4-year term.

Not only that, it encourages assassins. Imagine either a group of fanatics or an individual lunatic believing they could justify their act because they were not just killing an individual man or woman, they were radically changing the philosophy that governed here in Washington.

Who is fourth in line? Fourth in line is the President pro tempore of the Senate. Yes, that means Mr. Strom Thurmond. An individual who served this country quite long as a United States Senator in his 98th year was third in line to serve as President of the United States. Could al Qaeda come up with a better plan than the death of three individuals vesting the presidency in a man who at that time had seen better days? I think that in a world of suicide assassins, we are negligent in our duties if we do not revisit the 1947 Presidential Succession Act.

There will be those who say we have muddled along so far without having to worry about this. Clearly, the events of 9/11 illustrate that we have to protect ourselves not just from what has hap-

pened but from that which might happen.

There are a number of possible solutions. I put before this House, in I believe it was February of 2001, a bill which I reintroduced in the current Congress that would provide two things: First, it would deal with one final problem I have not had a chance to identify here and a problem that is also substantial. That is a current law not only goes through a list of those who would succeed to the presidency that causes the problems I have outlined but is also unclear particularly in the circumstance in which someone succeeds to the presidency because they were third, fourth, or fifth on the list and then someone else is confirmed or elected to be second on the list. What happens if there is no Speaker of the House and the President pro tempore succeeds to the presidency and then this body meets and elects a Speaker? Do we bump the person who succeeded only because they held that less-high-in-line position? That is something we need to clarify in our statutes.

So I presented a bill that solved that problem and identified that, once somebody became President, they stayed as President through the end of that term, and also identified that the second in line to serve would be either the Speaker or the minority leader, whichever was designated by the President, and whoever would serve after that would be either the majority or the minority leader of the other body. What this would assure under this scenario is that whoever succeeded to the presidency would have been elected by their State or district and selected by their colleagues for a position of national leadership, not as the President pro tempore is for a position of ceremonial honor.

Another solution, a simpler one, is to simply take Congress out of it, have the line of succession go through the Cabinet.

A final idea put forward by Norm Ornstein, a scholar who has studied in this area, is to create a list of several governors selected by the elected President to be in line of succession and have them become Federal officers by giving them a ceremonial position perhaps as head of their own National Guards so that they could be in line.

As the gentleman from Washington pointed out, it may be that we do not want the line of succession to go all through the Cabinet even to Cabinet officers not well known by the American people so a hybrid solution would be that the line of succession would go through the top five or six Cabinet officers and then to a list of five governors selected and ranked in a document filed with the House and the Senate by the then serving and inaugurated President.

So there are several ways to solve this constellation of problems. There is one thing that it is simply criminally negligent for us to do, and that is to ig-

nore the problem until it happens. To do so invites assassination. To do so invites people around the world to wonder whether there will be a sudden shift in policy or whether the United States will be temporarily unable to respond because the identity of its President cannot be determined with a legitimacy that is accepted by all the American people.

It is time for us to act on the Presidential Succession Act of 1947 and to adopt the amendments or a change of it this year.

I thank the gentleman for his great generosity in yielding to me.

Mr. BAIRD. Mr. Speaker, could I ask my colleague a question if I may? There is a recent book out, I think, called *The Vulcans*, and we have read over the last couple of decades of plans for shadow governments, shadow administrations. I do not recall reading in the Constitution of the United States that the executive branch is empowered to create a shadow government. I do not recall reading it. I do recall, correctly I believe, that the Congress is empowered to provide through statutory language mechanisms to replace the President and the Vice President should those two seats be vacant.

In the gentleman's estimation and thought, as he has spent a great deal of time, which does he think would have more legitimacy with the American public, a public process enshrined in statute, debated thoroughly by the House and Senate and passed into law that gives a clear cut, unambiguous line of succession for who will be President and Vice President or a shadow government created covertly and operating covertly to run the institutions of this country without a Congress to exercise oversight?

Mr. SHERMAN. Mr. Speaker, clearly, the gentleman from Washington will not be surprised if I say that a clear and transparent system for installing a successor President would be preferable.

There are some plans to deal with top-level civil servants in the bureaucracy and to see if this civil servant is unavailable, that civil servant would do his or her job. But all of this must take place under a legitimate President, and the fact that our present statute has all the problems I have outlined, from ambiguity to lack of continuity of policy, creates a circumstance where we could have a careful scenario as to which bureaucrats are running what and no scenario as to who is overseeing the whole group.

Mr. BAIRD. Mr. Speaker, I thank the gentleman very much for his remarks. Have there been hearings yet on the gentleman's legislation?

Mr. SHERMAN. No. As I said, I introduced it in February or May of 2001 in part because I was analyzing how our institutions could be improved in light of the difficulties of December, 2000, and I was not surprised that I was not able to get a hearing then. But in the months after September 11 when we

have been so concerned about what terrorists could do to our country, I am frankly flabbergasted that the House Committee on the Judiciary has not considered amending the 1947 Presidential Succession Act.

Mr. BAIRD. Mr. Speaker, let me make one other observation that I find admirable on the gentleman's part. He and I are from the minority party. We are both Democrats. Everyone knows the administration is from the Republican side of the aisle. The gentleman's resolution assures that the President would stay in the hands of the Republican Party if he were to perish, at least the presidency would. So the gentleman is actually stepping up to the plate and saying he is ensuring that the President's Party would stay in power if the resolution were to pass and that circumstances could not create a scenario whereby, through catastrophe or assassination, the power of the presidency could shift parties. Is that accurate?

Mr. SHERMAN. Mr. Speaker, that is not only accurate, but it was more accurate when I initially introduced the legislation. I introduced the legislation in early 2001. I expected the gentleman from Missouri (Mr. GEPHARDT) to become Speaker after the 2002 election; and I could just imagine how secure the undisclosed location where Vice President CHENEY resided would be if the person coming after him in the line of succession was the gentleman from Missouri (Mr. GEPHARDT), our good friend and colleague. So, yes, I introduced legislation which would have vested the presidency, had the catastrophe occurred, in a member of the party selected by the President of the United States, even if we Democrats had been in the majority in 2003 and 2004.

Mr. BAIRD. Mr. Speaker, I respect that, because one of my principles about this whole debate has been that it should not be a partisan issue. The continuity of our government is not a Republican issue. It is not a Democratic issue. It is an issue for all Americans; and, indeed, it impacts the entire world. It is admirable that the gentleman has created a mechanism in his proposal that is nonpartisan in the sense that it would allow whichever party has been elected to the presidency to maintain that role in the executive branch even under times of catastrophe, and I think that is admirable.

Is there anything else the gentleman would like to add before I move on to discuss congressional continuity?

Mr. SHERMAN. Mr. Speaker, I just want to commend the gentleman for his work on congressional continuity, and I know that the Committee on the Judiciary may focus on congressional continuity first. I hope they focus on both these issues as soon as possible.

Mr. BAIRD. Mr. Speaker, I thank the gentleman very much for his remarks.

I should emphasize that we are by no means the only people who are working

on this issue. Admirable and outstanding work, I think, was done by a working group within the Congress for a time period. That committee was chaired by the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. FROST), who I think did yeomen's work. In addition, a number of other people participated.

Other resolutions providing for continuity of the Congress, who are for a remote Congress should unique circumstances arise, have also been introduced. The gentleman from Connecticut (Mr. LARSON) has a proposal for an amendment to the Constitution to provide for continuity. The gentleman from California (Ms. LOFGREN) does as well; and the gentleman from Rhode Island (Mr. LANGEVIN), a former Secretary of State from Rhode Island, has proposed a way we could have a remote Congress in extraordinary circumstances such as a threat or an outbreak of infection. All of those folks have done an outstanding job of presenting options, and we ought to be able to discuss them.

I would also commend to my colleagues I think an outstanding service to our country. The Brookings Institution and the American Enterprise Institution formed a bipartisan group of distinguished scholars headed by Lloyd Cutler and Alan Simpson, two statesmen if ever there were people to whom that title would fit, and filled in by scholars and former Members of the Congress, legal scholars, constitutional experts. I would commend my colleagues to their work. It is available at Continuityofgovernment.Org, and I would encourage my colleagues to study this work. It reviews the history of continuity issues. It reviews how special elections can be held. It outlines in careful detail the problems that would arise were an attack to occur, and I think it is, again, a service to our country.

□ 1915

One of the things that emerges from this document is that after close to a year of deliberation, that distinguished committee reached one conclusion, and the conclusion was something they resisted. The conclusion was that we cannot solve adequately the question of continuity of the House of Representatives without a constitutional amendment.

I would underscore this fact. Not one member who served on that commission, and, again, it was a bipartisan commission, not one member began their service thinking that they wanted to amend the Constitution even to address something of this magnitude. But they all agreed after studying the matter that, regrettably, in order to provide real continuity, we must amend that magnificent document. No one races into that, no one sets out to amend the Constitution lightly, but we must have continuity of this government.

Let me walk through, if I may, a few of the issues that could arise that have

not yet been addressed. I talked a little bit about what constitutes a quorum. Remember that our government is bicameral, our legislative branch. We have a House and a Senate. The framers wanted the various regions of our States to have their own representatives. And it is absolutely true that no one in this body has ever served who was not elected. We hold that very dear to our hearts. Some have said under no circumstances should we deviate from that.

But here is the problem. The Constitution says that if vacancies occur in the House of Representatives, executives of the States shall issue writs of election. Under normal circumstances, where you have lost one or two Members and have 430 or 434 to continue the people's business, it is not a problem. But when you have two surviving Members, or no surviving Members, you are left without a House of Representatives until you can have an election.

How long does it take to have an election? We have spent a great deal of study and time on this. If you talk to various people who are experts in this field, different numbers emerge. But the critical point is this: even the fastest number you can come up with, until that time can be completed, you are without a House of Representatives.

Frankly, most people with whom I have spoken who are experts and scholars in this field have suggested that a minimal probable length of time would be about 3 months. From the time of catastrophe in order to have real and meaningful elections, would be about 3 months. Anything less than that poses extraordinary logistical challenges and poses some real constitutional challenges potentially.

Some have proposed, and I disagree with this proposal, but some have proposed that we mandate elections within 45 days of a catastrophic loss of Members.

Let me be clear about something: everyone agrees who studied this issue that we want to maintain the tradition of special elections for permanent replacement of Members. But this Continuity of Government Commission and myself and many other scholars have said we are gravely concerned about a 45-day period with no House of Representatives, because how do the article I of the Constitution functions get carried out without a House of Representatives? Who carries those out? Who assumes those?

Yes, it is true that no one has ever served in the House of Representatives that was not elected. But it is also true our country has never functioned without a House of Representatives. It has never functioned under an executive branch alone.

Some have said if there were a catastrophe, the survivors would do the right thing. There is an assumption of survivors, first of all, which there may well not be. But, beyond that, the reason the framers created checks and balances is they were gravely concerned

about vesting too much power in the hands of an individual without checks and balances. They rebelled against such a system. The revolution was all about overthrowing an unelected monarchy who functioned without effective checks and balances.

To assume that a survivor who assumes the executive branch would do the right thing and that we do not need a Congress for up to 45 days strikes me as a direct insult to the fundamental insights of the people who wrote our Constitution, even if you could have a 45-day election. But how would we get to 45 days under the proposals that have been offered?

Well, the Congress, which has constitutional authority to do so, would tell the States you cannot have a primary election because there is not time. Instead, the major political parties will select the candidates, thereby disenfranchising all the voters from choosing the candidates in the primary and thereby prohibiting most people who could run for office from standing for candidacy.

What is more, in an expedited election of this sort, Americans living overseas, including very likely the very young men and women who would be dispatched to try to defend our country, could well be disenfranchised because there was not the time to get them the votes and get them ballots.

So the proposals that we could have a mandated 45-day election leave our country with no functioning Congress for 45 days, and I should say as long as 75 days if it is proximal to a pending regular election; no House of Representatives, no article I functions; further, they mandate that the States allow the parties to select the candidates, when our dear Constitution has never once mentioned the word "party" in its entire history. They disenfranchise independents from standing for office, they disenfranchise overseas voters.

And there are still more problems. Under this 45-day mandate, what happens if one State manages to conduct its election in 30 days, and if newly elected Members arrive at Congress and they are the first ones here and say there is nobody else here, we declare ourselves a functioning House of Representatives, and elected one of our Members Speaker of the House, who, by the way, under some circumstances could thereby become the President?

Two days later yet another State, somewhat larger this time, gets its elections completed, and they arrive at the House of Representatives, and their Members are sworn in. They say we have more Members now. Someone from our State will be the Speaker of the House of Representatives. And so it goes, until at last everyone is here. Is that what we need at a time of the greatest crisis in our Nation's entire history, that sort of ambiguity? I submit that it is not.

There is a further problem. If we pass a law that says all States must con-

duct elections in 45 days, what happens if this institution is struck by a nuclear weapon and some State capitals are taken out simultaneously? Al Qaeda targeted four different sites on September 11.

If they target Washington, D.C., New York City, and Sacramento, California, do the people of New York, do we really expect them to conduct a special election within 45 days after New York City has been hit by a nuclear weapon? Do we expect California to do so after its capital has been destroyed? Or do we just pretend that could not happen and hope for the best? I think we have learned in the last few weeks that hoping for the best does not work, that we have to prepare.

There is an alternative, and it is an alternative I reached with great contemplation and with great study by some of the most distinguished scholars I could speak with, and here it is:

It is that we must find a way to temporarily, and I emphasize temporarily, reinstate this House of Representatives as quickly as possible in order that the people's business can be conducted, that we have checks and balances, that we have proportionate representation, that it is not just an executive or, even worse, a shadow government running our country.

To do that will, regrettably, require a constitutional amendment, but it is not something that will sound extraordinary when I explain it. It is this: the people have elected us as their representatives to make decisions as profound as taking our Nation into war, as taxation and a host of other issues described in article I of the Constitution.

If upon our election, we generate a list of potential successors who could only assume our position if we are killed or incapacitated, and only if that death or incapacitation happens in the course of a catastrophic event, and only for the circumstance that it is temporary until a special election can be held, we would be able, within a week of a catastrophic event, to reinstate the entire House of Representatives and restore our functioning constitutional government.

Let me give you my own State as an example. In Washington State, if we were to create a list of potential successors who would take our place only in catastrophic circumstances, not in the normal course of events, that list could include former Speaker of the House of Representatives Tom Foley. It could include, on the Republican side, Slade Gorton, a man for whom I have the utmost respect. It could include, on the Democratic side, people such as Don Bonker, Al Swift, our Governor, Gary Locke. It could include on the Republican side former Governor and former U.S. Senator Dan Evans, Sid Morrison, former U.S. Representative and former Secretary of Transportation. These are distinguished individuals.

And here is the choice, my friends. If that horrific day happens and if that

announcement comes on television, we must have the media know what to tell the American people, and they can either say for the next 45 days a shadow government will run this country with no checks and balances and no representation from you, the people; or they can say your representatives in their best judgment have created a list of statesmen and stateswomen who will temporarily fill their seats until you can have real special elections.

Then, instead of confusion and chaos and hasty disenfranchising elections, we would have a functioning Congress made up of distinguished statesmen and stateswomen who would take care of this country, who would do the right thing. And I would warrant that many of those people would not even stand for reelection or for new election. They would instead serve until the election could be held, and hand the country back to the newly elected people.

What I most ask is that we have an opportunity to debate this. It is 2½ years now since September 11. I began to work on this the night of September 11. I began to talk to the leadership of this body within a week of that time. And I have asked, pleaded, negotiated and discussed; and we still have not had serious consideration by this body.

On September 10, 2001 thousands of our fellow citizens had no idea that the next day when they kissed their families and went off to work, when they fixed their breakfast cereal, when they rode the elevators to their office or walked from the parking lot of the Pentagon in, they had no idea that they would be dead at the end of that day.

We do not know in this body if on any given day it is the morning of September 11, or if it is September 10 and the next day we will all perish. We do not know that. But we have to assume that there are people in the world who would dearly like to bring that about.

We do know that the weapons of mass destruction are out there. We know that a nuclear scientist from Pakistan essentially had an Amway-like system to help develop nuclear weapons internationally. We know the fissionable material is available in abundance, and we also know that if someone uses it, we are ill-prepared to address the outcome.

I have offered a rule for debate. The rule seeks to achieve fairness. What it does is it invites not only my proposal, but proposals by other Members of this Congress to resolve this issue, to be brought up before the entire body for discussion.

It says essentially, if you have a better way to do it, we are all ears. Let us hear it. Bring it up for debate. We will debate a series of potential solutions. Whichever one gets the most votes will become the new base bill. We will then take several days for contemplation, much the way the framers themselves would bring an issue up for discussion and then either recess for several days for contemplation or invite a subcommittee to review it further.

We would take several days for contemplation, because this is a matter of the utmost seriousness. Then we would bring that base bill which had received the most votes back with an opportunity for amendment, and then we would proceed to a final vote.

I would hope we could get the necessary two-thirds on that process, and I would hope it for this reason: that if we do not find some solution, be it mine or someone wiser than me, we leave this country subject to chaos and constitutional ambiguity and unelected shadow governments, which I think would mortify the people who wrote that magnificent document, and I think would mortify most Americans, should that event occur.

□ 1930

So I will ask my colleagues to consider the resolution that I have put forward. It is H.J. Res. 83. I think it is rather simple, as most constitutional amendments should be. I think it is reasonable. It should be a bipartisan effort.

If one is not compelled by H.J. Res. 83 and one thinks there are better ways, I welcome the discussion. Look, please, then at House Resolution 572. House Resolution 572 says we will have a debate and the rules for debate will be open. There will not be a committee chairman saying, only my amendment or my proposal is allowed. It will be the House of Representatives reviewing several alternatives, having the discussion, and trying to resolve this most grave of problems.

The entire Constitution was written in one hot summer in Philadelphia, several months. We have been 2½ years since September 11 and we have been unwilling, not unable, but unwilling to address this change.

There are people of good intention who I respect profoundly on the other side, but what I do not respect is the refusal to let other people of good intention engage in this debate. I find it profoundly ironic and troubling that those who assert that they oppose these amendments that I have offered and that others have offered is because they respect the sanctity of the vote, which I respect as well. Again, no one is proposing a substitute for direct election, for permanent replacement of Members. We are talking about temporary replacement. But they have said it is so sacrosanct, this principle of direct election, that we cannot even consider any alternative. And ironically, in defending the principle that one must be elected in order to serve in this body, they have at the same time said the people who have been elected to serve in this body are not entitled to debate this most serious of issues.

So we have been sent here by our constituents. They have entrusted us with the most profound of responsibilities; and yet some individuals in this body have said they will not entrust us with the responsibility to ensure the continuity of this very institution and

to ensure that constitutional measures will exist in a time of catastrophe.

Please, I say to my colleagues, I beseech my colleagues, bring this issue up for a vote and for true debate. Let us not play partisan politics; let us not assume that one committee chair or 2 committee chairs have greater wisdom than this body. That assumption flies in the face of the principles of Madison and the rest of the Framers. Let us assume that the collective good intentions and intellect and scholarship of this body can craft a solution that will ensure the continuity of this institution that we all so cherish and will ensure that if that horrific day ever happens and we perish, we will perish knowing that our Nation will be left in good hands, rather than in confusion.

U.S. ENERGY POLICY MEANS LOWER PRICES AND MORE JOBS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. BEAUPREZ) is recognized for 60 minutes as the designee of the majority leader.

Mr. BEAUPREZ. Mr. Speaker, I would like to spend a portion of my time talking about the situation that has been rapidly developing of late, a situation that sometimes is called outsourcing or offshoring, whatever one's term might happen to be. The definition seems to be very much the same, though: sending American jobs to foreign countries.

Now, some of our friends on the other side of the aisle seem particularly eager to make this subject a central one for the next, oh, about 7 months. I relish that opportunity. I relish the opportunity to also have that debate. To quote their presumptive Presidential nominee, I would say, "bring it on."

Our friends on the other side of the aisle are unwittingly the biggest proponents of this very problem that they highlight: outsourcing, offshoring. What I mean by that, Mr. Speaker, is that by their opposition to a comprehensive national energy policy, they create and nurture an environment that is, in fact, hostile to job creation. The very thing that they say they are critical of, they are fostering a hostile environment toward job creation. Corporate greed is not responsible for outsourcing; anti-energy, anti-job policies are responsible.

Since 2001, Mr. Speaker, this House, this body has passed comprehensive energy legislation three times, led by Republicans. The other body has repeatedly failed to follow suit and, as a result, our Nation has no energy policy today. The ramifications of this lack of national energy policy are absolutely staggering.

Mr. Speaker, let me itemize. Gasoline prices have increased 30 percent. U.S. imports of oil have increased 10 percent. The price of crude oil has increased 65 percent. The cost of natural gas has increased 92 percent. And ac-

ording to the United States Department of Commerce, America loses 12,389 jobs for every \$1 billion spent on imported oil.

Let me repeat. These are not my numbers; this is from the United States Department of Commerce. America loses 12,389 jobs for every \$1 billion spent on imported oil. That means, based on today's current prices, that we are offshoring, outsourcing 1.7 million jobs every year.

Mr. Speaker, the House passed an energy bill in this 108th Congress. It is estimated that that energy bill would produce 838,500 new good-paying American jobs. It has a great deal of incentives for cleaner fuels, renewable energy, and tough environmental standards. That bill would lessen our dependence on foreign sources of energy and strengthen our economic and national security and independence. The U.S. has always been a leader when it comes to the steady increase of better-paying jobs and improved standards of living. That is why we consume, yes, we consume 25 percent of the world's energy; but we create 33 percent of the world's economic output.

Mr. Speaker, it is developing countries around the entire planet that covet our economic system and our economic output, our ability to produce not only goods and services, but the jobs that produce the goods and services. That is why people look to the United States of America as that shining city on a hill, that vision of something better. And in order to achieve that, developing nations worldwide struggle to develop an energy system that is the very foundation of these United States of America, the jobs we create, and the economic output that we enjoy.

Mr. Speaker, one-third of the total economic output of the world is produced by the United States of America, but we are at risk today. We are at risk because of not a faulty, not a weak, but a nonexistent national energy policy. What America needs right now is an affordable, reliable, and safe supply of energy to strengthen our economic and national security and to help create good-paying jobs. Mr. Speaker, it is time for the entire Congress to do their job and get a national energy bill passed.

Mr. Speaker, I am joined tonight by one of my colleagues, a classmate of mine, the distinguished gentleman from the State of New Mexico (Mr. PEARCE). The gentleman from New Mexico has spent most of his life before he came to Congress very, very close to this issue of energy. Coming from New Mexico and the West, he is intimately familiar with the issues of energy resources, energy production, energy utilization. It is my pleasure to yield to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I thank the gentleman, and I appreciate him bringing this very critical issue to the American public tonight.