

Committee on House Administration
Subcommittee on Modernization Hearing
“Continuity of Congress: Preparing for the Future by Learning from the Past”
September 18, 2024, at 12:00 pm
Ranking Member Derek Kilmer (WA-06)
Opening Statement as Prepared

Thank you, Madame Chair, for hosting this hearing with me, and to our colleagues, from and beyond the Modernization Subcommittee for your interest and participation in this hearing.

I also want to extend my sincere appreciation to all of our witnesses for taking the time to prepare for and to join us here today.

In this role, I often ask my constituents, “What’s keeping you up at night?” One issue that keeps me up at night is Congress' vulnerability to and lack of preparation for a mass casualty event.

We explored this issue before when I chaired the Select Committee on the Modernization of Congress—but we did not finish the job.

I want you to imagine another Congressional Baseball Game shooting, a bomb at the State of the Union or a party retreat, or even if a plane goes down carrying a full state’s Congressional delegation.

Trust me, I know this is not a fun topic.

I also know that it is increasingly a necessary one.

Just this past weekend, we experienced yet another credible attempt on former President Trump’s life, following the assassination attempt targeting him just mere months ago.

Last year we learned that the U.S. Capitol Police tracked a 300% increase in threats against Members of Congress over the past seven years.

The White House and the Senate have continuity plans. They are prepared because the Constitution was twice amended, to ensure governing can continue, if the President or Senators are killed or otherwise die while in office, as much as we pray that doesn’t happen.

The U.S. House of Representatives, however, is not prepared.

Today we will learn more about how the House would function, if a tragic event of this kind were to happen.

I am grateful to my colleague and friend, Congressman Brad Wenstrup for serving on our first panel today. He has unfortunately had to think about this issue more than most.

As many of you know Brad was at the 2017 Congressional baseball game practice, where a politically motivated gunman shot four people, including our colleague Majority Leader Steve Scalise. A trained doctor, Brad rendered heroic medical assistance. Thank you for your leadership that day and for being here to share a Member's perspective on this important topic.

Our next witness is former House Parliamentarian Tom Wickham. Tom was here during 9/11, where Flight 93 was headed for the United States Capitol, thwarted by the heroic actions of those aboard. This was the last time the House adopted continuity measures, which included a quorum change and a requirement that states hold expeditious special elections within 49 days following a mass casualty event.

Many elections officials have indicated they will struggle to meet the 49-day requirement, a sentiment we heard echoed again last week at the elections hearing held by our full committee.

Ms. Rebecca Gambler with the GAO has been leading a related report, as a result of a bipartisan request letter from our committee and can speak to this aspect in greater detail.

There are both constitutional and operational insufficiencies with the status quo.

The status quo also creates a perverse incentive for political violence—through targeted killings designed to switch the majority party in the House.

This vulnerability is especially acute in the narrow majority margins we have seen in recent years.

8 years ago, there were 24 Members of Congress at the baseball practice. That is more than double the number needed to change the current majority composition of the U.S. House of Representatives.

The Select Committee previously made an open recommendation to establish a joint committee to review House and Senate rules and other matters assuring continuing representation and congressional operations for the American people.

Additionally, as most of you know, I have been working on a bipartisan Constitutional amendment to ensure the continuity of Congress. The amendment would require House Members to submit a list of 5 potential replacements when they are sworn in, one of whom would be appointed by the state governor's if a sitting Member dies or is killed during their term, to then serve temporarily, just until a special election is held.

I thank Brad, my former co-chair of the Select Committee, current co-chair of the Fix Congress Caucus, William Timmons who is joining us today, and Select Committee alumni Emmanuel Cleaver for their partnership on this effort.

Our amendment addresses two critical concerns.

One, it ensures the continuity of the legislative branch during times of unprecedented crisis.

Two, it reduces the incentive for political violence, as temporary replacements would likely come from the same party as the original representative.

If Congress fails to enact a sufficient continuity plan, the American people will be left wondering why – in the world’s leading democracy – there was no plan to protect our most sacred democratic institutions.

Now, just a few days after the 23rd anniversary of September 11th, and now, in the face of increasing threats on Members ourselves, I am glad we are holding this hearing together and look forward to a productive discussion.

My hope is through our work here today, we can better protect the U.S. House of Representatives against unspeakable threats, and ensure the continuity of this great American experiment.

Thank you, and I yield back.

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