Moran (VA)
Pence
Peterson (PA)
Rangel
Renzi
Rohrabacher
Ruppersberger
Ryan (OH)
Sestak
Shays
Shimkus
Simpson
Solis
Tierney
Towns
Watson
Wilson (NM)
Wittman (VA)
Wynn

□ 1157

Messrs. RAHALL, MILLER of Florida, OBERSTAR, and FRANK of Massachusetts changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SESTAK. Madam Speaker, on rollcall No. 58, I was with my six-year-old daughter, Alex, at the hospital. Had I been present, I would have voted "nay."

Ms. SOLIS. Madam Speaker, during rollcall vote No. 58 on the motion to adjourn, I was unavoidably detained. Had I been present, I would have voted "nay."

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5270. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The message also announced that pursuant to section 5 of title I of division H of Public Law 110–161, the Chair, on behalf of the Vice President, appoints the following Senator as Chairman of the U.S.-Japan Interparliamentary Group conference for the One Hundred Tenth Congress:

The Senator from Alaska (Mr. STEVENS).

PROVIDING FOR ADOPTION OF H. RES. 979, RECOMMENDING THAT HARRIET MIERS AND JOSHUA BOLTEN BE FOUND IN CONTEMPT OF CONGRESS, AND ADOPTION OF H. RES. 980, AUTHORIZING COMMITTEE ON THE JUDICIARY TO INITIATE OR INTERVENE IN JUDICIAL PROCEEDINGS TO ENFORCE CERTAIN SUBPOENAS

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 982 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That House Resolution 979 and House Resolution 980 are hereby adopted.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 982 provides that upon its adoption, House Resolution 979 and House Resolution 980 are hereby adopted.

House Resolution 979 recommends that the House of Representatives find Harriet Miers and Joshua Bolten, the White House Chief of Staff, in contempt of Congress for refusal to comply with subpoenas duly issued by the Judiciary Committee.

□ 1200

House Resolution 980 authorizes the Judiciary Committee to initiate or to intervene in any judicial proceedings to enforce certain subpoenas.

Madam Speaker, I've had so many requests for time that I will cut my own time short. I simply want to give some reasons why it's important that we're here today.

In my 21 years in the House, I have known that there were Members who came to Congress simply hoping that throughout their career they will always land on the safe square; not wanting to take a vote that might challenge them in any way, not wanting to take a vote that might require explanation. Fortunately, this is the safe square today.

What we are doing here today is protecting the Constitution of the United States of America, which all of us are pleased, when we come here, to raise our hand and swear so to do. It is critically important that we protect the powers of the Congress of the United States for future generations. It would be dreadful if a future President, having looked back over the recent events, used it as a precedent.

We have a strong case on the merits, is the first point I want to make. The administration's assertions of executive privilege are weak, excessively broad, and unprecedented. We win the executive privilege argument both on legal grounds and our compelling need for requested information.

Aside from prevailing on the merits of the executive privilege dispute, enforcing our subpoenas is part and parcel of our current ability to perform effective oversight. If we accept the White House stonewalling in this instance, the House, in the future, will not be able to conduct its oversight. And every future President can view Congress, not as a coequal branch of this government, but as subordinate to the executive.

The enforcement of the subpoenas in this investigation seeks to strengthen, rather than weaken, the House's prerogatives by demonstrating that we are serious about citizens resisting the issuance of validly authorized congressional subpoenas. If we countenance a process where subpoenas can be readily ignored, where a witness, under a duly authorized subpoena, doesn't even bother to appear, where privilege can be asserted on the thinnest of reeds and the broadest possible manner, then we have already lost, and we may be in much more danger than even we believe.

There's ample precedent supporting the House's prerogative to initiate a civil action. If we pursue this course of action and it proves to be legally incorrect, then we here in Congress, where the laws are passed, can take necessary steps to correct that procedure. If we do not pursue this course of action at all, we, again, have already lost.

There are some who believe that the court will say that indeed we have no rights here. If that is the case, if that even should be a possibility, then I think we have to say that if the Justice Department has become that politicized and that weak, then we are in worse shape in this democracy than we know.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank the gentlelady from New York (Ms. SLAUGHTER) for the time, and I yield myself such time as I may consume.

Madam Speaker, I was in the funeral of our distinguished friend and colleague, Congressman Lantos, someone whom I admired very, very much and who was a personal friend. I was standing by the ranking member of the Rules Committee.

At the time during the funeral, the House was in recess subject to the call of the Chair under the understanding that we would not come back into session until after the funeral. And I was most disturbed and hurt and pained when, even though the funeral was still proceeding and distinguished guests were speaking, the bells rang that the House was going back into session and I had to leave.

Because of my obligation today, I have the assignment, as a member of the Rules Committee, to be here during this rule. I had to leave the funeral to be here today. It's most unfortunate, and I'm very, very sorry that the day has begun in that ultimately unfortunate fashion.

Madam Speaker, today the majority proposes that the House consider a rule that, according to the Parliamentarian, is unprecedented in the history of this institution. It will prevent any and all debate on two contempt motions against former White House Counsel Harriet Miers and White House Chief of Staff Josh Bolten.

A contempt resolution is a privileged matter because it directly concerns the constitutional rights and privileges of