

Act permanent and provide immunity to telecommunications firms that assisted our government and performed their patriotic duty after 9/11. The time for indecision and second-guessing is over. The time to get this important legislation passed into law is today.

House Democrats should pass the Senate bill and get it to the President, again, today.

THE NEED FOR A PERMANENT FISA BILL

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Mr. Speaker, al Qaeda and their terrorist allies are America's number one enemy. We all know that. They are constantly updating the way they communicate and dodge our intelligence networks. We should be doing nothing short of providing our intelligence officials with every tool necessary to always stay a step ahead of these radical extremists.

Admiral Mike McConnell, the Director of National Intelligence, when asked about the Protect America Act, said this, "We must be able to continue effectively obtaining the information gained through this law if we are to stay ahead of terrorists who are determined to attack the United States."

House Republicans have led the way in delivering 21st century intelligence collection to protect our citizens. The law now gives enforcement the tools and flexibility needed to quickly respond to terrorist threats because House Republicans acted to close a dangerous loophole in an outdated intelligence law. But the law is threatened today by the House Democrat majority who are more interested in getting it for partisan reasons than to provide this country and our allies abroad the protection necessary as we continue to fight terrorism.

A short-term extension is not enough. We need a permanent fix now.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN EN- ROLLED BILLS AND JOINT RESO- LUTIONS THROUGH FEBRUARY 25, 2008

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 14, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 25, 2008.

NANCY PELOSI,

Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 18 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1105

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 11 o'clock and 5 minutes a.m.

MOTION TO ADJOURN

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 2, nays 390, not voting 36, as follows:

[Roll No. 58]

YEAS—2

Barton (TX)

Johnson (IL)

NAYS—390

Abercrombie

Braley (IA)

Cubin

Aderholt

Broun (GA)

Cuellar

Akin

Brown (SC)

Culberson

Alexander

Brown-Waite,

Cummings

Allen

Ginny

Davis (AL)

Altire

Buchanan

Davis (CA)

Andrews

Burgess

Davis (KY)

Arcuri

Burton (IN)

Davis, David

Baca

Butterfield

Davis, Lincoln

Bachmann

Buyer

Davis, Tom

Bachus

Calvert

Deal (GA)

Baird

Camp (MI)

DeFazio

Baldwin

Campbell (CA)

DeGette

Barrett (SC)

Cannon

Delahunt

Barrow

Cantor

DeLauro

Bartlett (MD)

Capito

Dent

Bean

Capps

Diaz-Balart, L.

Becerra

Capuano

Diaz-Balart, M.

Berman

Carnahan

Dicks

Berry

Carney

Doggett

Biggert

Carter

Donnelly

Bilbray

Castle

Doolittle

Bilirakis

Castor

Drake

Bishop (GA)

Chabot

Dreier

Bishop (NY)

Chandler

Duncan

Bishop (UT)

Clarke

Edwards

Blackburn

Clay

Ehlers

Blumenauer

Cleaver

Ellison

Blunt

Clyburn

Ellsworth

Boehner

Coble

Emanuel

Bonner

Cohen

Emerson

Bono Mack

Cole (OK)

English (PA)

Boozman

Conaway

Eshoo

Boren

Conyers

Etheridge

Boswell

Cooper

Everett

Boucher

Costa

Fallin

Boustany

Costello

Farr

Boyd (FL)

Courtney

Fattah

Boyd (KS)

Cramer

Feeney

Brady (PA)

Crenshaw

Ferguson

Brady (TX)

Crowley

Filner

Flake
Forbes
Fortenberry
Fossella
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)

Lewis (KY)
Linder
Lipinski
LoBiondo
Loeb
Lofgren, Zoe
Lungren, Daniel
E.
Lynch
Mack
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Muschgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarella
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)

Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Sklauger
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberti
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weiler
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—36

Ackerman
Berkley
Brown, Corrine
Cardoza
Davis (IL)
Dingell

Doyle
Engel
Garrett (NJ)
Mahoney (FL)
Markey
Moore (KS)

Jones (OH)
Lowey
Lucas
Mahoney (FL)
Markey
Moore (KS)

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

□ 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