

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1423

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Ms. JACKSON LEE of Texas. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I rise to give notice of my intent to raise a question of the privileges of the House.

The form of the resolution is as follows:

Whereas the chair of the Committee on Oversight and Government Reform has interfered with the work of an independent agency and pressured an administrative law judge of the National Labor Relations Board by compelling the production of documents related to an ongoing case, something independent experts said “could seriously undermine the authority of those charged with enforcing the nation’s labor laws” and which the House Ethics Manual discourages by noting that “Federal courts have nullified administrative decisions on grounds of due process and fairness towards all of the parties when congressional interference with ongoing administrative proceedings may have unduly influenced the outcome”;

Whereas the chair of the Committee on Oversight and Government Reform has politicized investigations by rolling back longstanding bipartisan precedents, including by authorizing subpoenas without the concurrence of the ranking member or a committee vote, by refusing to share documents and other information with the ranking member, and restricting the minority’s right to call witnesses at hearings;

Whereas the chair of the Committee on Oversight and Government Reform has jeopardized an ongoing criminal investigation by publicly releasing documents that his own staff has admitted were under court seal;

Whereas the chair of the Committee on Oversight and Government Reform has unilaterally subpoenaed a witness who was expected to testify at an upcoming Federal trial, despite longstanding precedent and objections from the Department of Justice that such a step could cause complications at a trial and potentially jeopardize a criminal conviction;

Whereas the chair of the Committee on Oversight and Government Reform has engaged in a witch hunt, through the use of repeated incorrect and uncorroborated statements in the committee’s “Fast and Furious” investigation; and

Whereas the chair of the Committee on Oversight and Government Reform has chosen to call the Attorney General of the United States a liar on national television without corroborating evidence and has exhibited unprofessional behavior which could result in jeopardizing an ongoing Committee investigation into Operation Fast and Furious: Now, therefore, be it

Resolved, That the House of Representatives disapproves of the behavior of the chair

for interfering with ongoing criminal investigations; insisting on a personal attack against the attorney general of the United States; and for calling the Attorney General of the United States a liar on national television without corroborating evidence thereby discredit to the integrity of the House.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Texas will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

□ 1430

RECOMMENDING THAT ATTORNEY GENERAL ERIC HOLDER BE FOUND IN CONTEMPT OF CONGRESS

Mr. ISSA. Mr. Speaker, by direction of the Committee on Oversight and Government Reform, I call up the report (H.Rept. 112-546) to accompany resolution recommending that the House of Representatives find Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, in contempt of Congress for refusal to comply with a subpoena duly issued by the Committee on Oversight and Government Reform.

The Clerk read the title of the report. The SPEAKER pro tempore. Pursuant to House Resolution 708, the report is considered read.

The text of the report is as follows:

The Committee on Oversight and Government Reform, having considered this Report, report favorably thereon and recommend that the Report be approved.

The form of the resolution that the Committee on Oversight and Government Reform would recommend to the House of Representatives for citing Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, for contempt of Congress pursuant to this report is as follows:

Resolved, That Eric H. Holder, Jr., Attorney General of the United States, shall be found to be in contempt of Congress for failure to comply with a congressional subpoena.

Resolved, That pursuant to 2 U.S.C. 192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on Oversight and Government Reform, detailing the refusal of Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, to produce documents to the Committee on Oversight and Government Reform as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Holder be proceeded against in the manner and form provided by law.

Resolved, That the Speaker of the House shall otherwise take all appropriate action to enforce the subpoena.

I. EXECUTIVE SUMMARY

The Department of Justice has refused to comply with congressional subpoenas related to Operation Fast and Furious, an Administration initiative that allowed around two thousand firearms to fall into the hands of drug cartels and may have led to the death of a U.S. Border Patrol Agent. The consequences of the lack of judgment that permitted such an operation to occur are tragic.

The Department’s refusal to work with Congress to ensure that it has fully complied with the Committee’s efforts to compel the production of documents and information related to this controversy is inexcusable and cannot stand. Those responsible for allowing Fast and Furious to proceed and those who are preventing the truth about the operation from coming out must be held accountable for their actions.

Having exhausted all available options in obtaining compliance, the Chairman of the Oversight and Government Reform Committee recommends that Congress find the Attorney General in contempt for his failure to comply with the subpoena issued to him.

II. AUTHORITY AND PURPOSE

An important corollary to the powers expressly granted to Congress by the Constitution is the implicit responsibility to perform rigorous oversight of the Executive Branch. The U.S. Supreme Court has recognized this Congressional power on numerous occasions. For example, in *McGrain v. Daugherty*, the Court held that “the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function. . . . A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change, and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it.”¹ Further, in *Watkins v. United States*, Chief Justice Warren wrote for the majority: “The power of Congress to conduct investigations is inherent in the legislative process. That power is broad.”²

Both the Legislative Reorganization Act of 1946 (P.L. 79-601), which directed House and Senate Committees to “exercise continuous watchfulness” over Executive Branch programs under their jurisdiction, and the Legislative Reorganization Act of 1970 (P.L. 91-510), which authorized committees to “review and study, on a continuing basis, the application, administration and execution” of laws, codify the oversight powers of Congress.

The Committee on Oversight and Government Reform is a standing committee of the House of Representatives, duly established pursuant to the Rules of the House of Representatives, which are adopted pursuant to the Rulemaking Clause of the Constitution.³ House rule X grants to the Committee broad oversight jurisdiction, including authority to “conduct investigations of any matter without regard to clause 1, 2, 3, or this clause [of House rule X] conferring jurisdiction over the matter to another standing committee.”⁴ The rules direct the Committee to make available “the findings and recommendations of the committee . . . to any other standing committee having jurisdiction over the matter involved.”⁵

House rule XI specifically authorizes the Committee to “require, by subpoena or otherwise, the attendance and testimony of such

¹ *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927).

² *Watkins v. United States*, 354 U.S. 178, 187 (1957).

³ U.S. CONST., art. I, 5, clause 2.

⁴ House rule X, clause (4)(c)(2).

⁵ *Id.*