

strengths and weaknesses of our current approach, instead of using consistency arguments to eviscerate the FCC's rule.

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN), my colleague from the class of '94.

Ms. LOFGREN. Mr. Speaker, a "yes" vote exempts all broadband service providers from all rules on user privacy and all limitations on how they use your data. They are in a unique position to see every place you go, every website you visit, they can do deep packet inspection and see what is in your emails.

What protects your privacy?

This rule that is about to be repealed.

If you have problems with the privacy policies of your email provider or social network, you have got competition to go to. But most Americans have just one or, at most, just two choices for their broadband provider. And, interestingly enough, all of those providers are supporting the repeal of this privacy rule.

Why?

They are going to make money selling your information.

The idea that we could have an FTC solution is an interesting one, but there is no way to do it. In the Ninth Circuit's 2016 ruling of AT&T v. FTC, they ruled that the FTC is barred from imposing data breach rules. So vote "no" and protect your constituents' privacy.

Mr. FLORES. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, I ask my colleagues to vote against this horrible resolution, and I yield back the balance of my time.

Mr. FLORES. Mr. Speaker, I yield myself the balance of my time.

We have heard a lot of interesting claims today in the discussion about this fairly simple resolution to roll back overreaching regulation from the FCC that were passed late in the Obama administration's time.

I would remind everybody, Mr. Speaker, that this CRA has nothing to do with the President's tax return, it has nothing to do with Russian hacking, and there have been some gross mischaracterizations of what this resolution does.

Why do we need this resolution?

The three reasons are, as Chairwoman BLACKBURN opened up at the beginning:

First of all, the FCC swiped jurisdiction from the FTC.

Second, two cops on the beat create confusion among consumers and among the ISP providers.

Third, the FTC already has jurisdiction over this space.

Let me close with this: this resolution of disapproval only rescinds the FCC's rule, but it still provides the FCC the opportunity to provide more

oversight more in line with the Federal Trade Commission, which has successfully been regulating online privacy for nearly 2 decades.

This resolution does not lessen or impede the privacy and data security standards that we already have established. We are simply restoring a more stable regulatory playing field to ensure that consistent uniform privacy standards are maintained to protect consumers and future innovation.

Once Congress rejects these rules, the FCC can turn back to cooperating with the FTC to ensure both the consumer privacy across all aspects of the internet is protected through vigorous enforcement and that innovation is allowed to flourish.

I urge all of my colleagues to support this commonsense resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the joint resolution.

The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Ms. LOFGREN. Mr. Speaker, I rise to a question of the privileges of the House, and offer the resolution that was previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Expressing the sense of the House of Representatives that the President shall immediately disclose his tax return information to Congress and the American people.

Whereas, the Emoluments Clause was included in the U.S. Constitution for the express purpose of preventing federal officials from accepting any "present, Emolument, Office, or Title . . . from any King, Prince, or foreign State";

Whereas, in Federalist No. 22 (Alexander Hamilton) it is said, "One of the weak sides of republics, among their numerous advantages, is that they afford too easy an inlet to foreign corruption;" and;

Whereas, the delegates to the Constitutional Convention specifically designed the Emoluments Clause as an antidote to potentially corrupting foreign practices of a kind that the Framers had observed during the period of the Confederation; and;

Whereas, Article 1, section 9, clause 8 of the Constitution states: "no person holding

any office of profit or trust . . . shall, without the consent of the Congress, accept of any present, Emolument, Office, or Title of any kind whatever, from any King, Prince, or foreign State"; and;

Whereas, in 2009, the Office of Legal Counsel clarified that corporations owned or controlled by foreign governments presumptively qualify as foreign States under the foreign Emoluments Clause; and;

Whereas, the word "emoluments" means profit, salary, fees, or compensation which would include direct payment, as well as other benefits, including extension of credit, forgiveness of debt, or the granting of rights of pecuniary value; and;

Whereas, according to The New Yorker, in 2012, The Trump Organization entered into a deal with Ziya Mammadov to build the Trump Tower Baku in the notoriously corrupt country Azerbaijan in possible violation of the Foreign Corrupt Practices Act and, by profiting from business with the Mammadov family, due to their financial entanglements with the Iran Revolutionary Guard may have also violated the Emoluments Clause if income from this project continues to flow to The Trump Organization; and;

Whereas, The Trump Organization has deals in Turkey, admitted by the President himself during a 2015 Brietbart interview, and when the President announced his travel ban, Turkey's President called for President Trump's name to be removed from Trump Towers Istanbul, according to The Wall Street Journal, and President Trump's company is currently involved in major licensing deals for that property which may implicate the Emoluments Clause; and;

Whereas, shortly after election, the President met with the former U.K. Independence Party leader, Nigel Farage, to get help to stop obstructions of the view from one of his golf resorts in Scotland, and according to The New York Times, both of the resorts he owns there are promoted by Scotland's official tourism agency, a benefit that may violate the Emoluments Clause; and;

Whereas, at Trump Tower in New York, the Industrial and Commercial Bank of China is a large tenant, according to Bloomberg; the United Arab Emirates leases space, according to the Abu Dhabi Tourism & Culture Authority; and the Saudi Mission to the U.N. makes annual payments, according to the New York Daily News, and money from these foreign countries goes to the President; and;

Whereas, according to NPR, in February China gave provisional approval for 38 new trademarks for The Trump Organization, which have been sought for a decade to no avail, until President Trump won the election. This is a benefit the Chinese Government gave to the President's businesses in possible violation of the Emoluments Clause; and;

Whereas, the President is part owner of a New York building carrying a \$950 million loan, partially held by the Bank of China, according to The New York Times, when owing the Government of China by the extension of loans and credits by a foreign State to an officer of the United States would violate the Emoluments Clause; and;

Whereas, NPR reported that the Embassy of Kuwait held its 600 guest National Day celebration at Trump Hotel in Washington, D.C., last month, proceeds to Trump; and;

Whereas, according to The Washington Post, the Trump International Hotel in Washington, D.C., has hired a "director of diplomatic sales" to generate high-priced business among foreign leaders and diplomatic delegations; and;

Whereas, according to his 2016 candidate filing with the Federal Election Commission, the President has 564 financial positions in

companies located in the United States and around the world, and;

Whereas, against the advice of ethics attorneys and the Office of Government Ethics, the President has refused to divest his ownership stake in his businesses, and;

Whereas, the Director of the nonpartisan Office of Government Ethics said that the President's plan to transfer his business holdings to a trust managed by family members is "meaningless" and "does not meet the standards that . . . every President in the past four decades has met", and;

Whereas, in the United States' system of checks and balances, Congress has a responsibility to hold the executive branch of government to the highest standard of transparency to ensure the public interest is placed first and the Constitution is adhered to, and;

Whereas, the House Judiciary Committee has the first responsibility among the committees of the House to see that elements of our Constitution are adhered to and, in furtherance of that responsibility, Judiciary Committee members have historically utilized fact-finding and research prior to formal hearings, and;

Whereas, tax returns provide an important baseline disclosure because they contain highly instructive information including whether the filer paid taxes, what they own, what they have borrowed and from whom, whether they have made any charitable donations, and whether they have taken advantage of tax loopholes and that such information would be material to members of the Judiciary Committee as research is undertaken on whether President Trump is in violation of the Emoluments Clause of the Constitution, and;

Whereas, disclosure of the President's tax returns would be an effective means for the President to provide evidence either refuting or confirming claims of violations of the Emoluments Clause, and;

Whereas, the President's tax returns are likely to be essential as members of the Judiciary Committee work to research potential violations of the Emoluments Clause, and;

Whereas, the chairmen of the Ways and Means Committee, Joint Committee on Taxation, and Senate Finance Committee have the authority to request the President's tax returns under section 6103 of the Tax Code, and this power is an essential tool in learning whether the President may be in violation of the Emoluments Clause, and;

Whereas, questions involving constitutional functions and the House's constitutionally granted powers have been recognized as valid questions of the privileges of the House.

Resolved, That the House of Representatives shall—

1. Immediately request the tax return information of Donald J. Trump for tax years 2000 through 2015 for review by Congress, as part of a determination as to whether the President is in violation of the Foreign Emoluments Clause of the U.S. Constitution.

□ 1715

The SPEAKER pro tempore. Does the gentlewoman from California wish to present argument on the parliamentary question of whether the resolution presents a question of the privileges of the House?

Ms. LOFGREN. I do, Mr. Speaker.

The SPEAKER pro tempore. The remarks of the gentlewoman must be confined to the question of whether the resolution presents a question of the privileges of the House.

The gentlewoman from California is recognized.

Ms. LOFGREN. Mr. Speaker, under clause 1 of rule IX, questions of the privileges of the House are: "those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings."

The dignity and integrity of the House's proceedings have been violated, and continue to be violated, because Congress has not had the constitutionally afforded opportunity to consent to emoluments being received by the President or to enforce, if consent is not given.

I would note that Congress has the authority to request the President's taxes under section 6103 of the Internal Revenue Code, and use of this authority would not be unprecedented, as it was used in 1974 to request President Nixon's tax returns that revealed that he owed nearly half a million dollars in back taxes.

I would note that issues of the Constitution and the House's prerogatives under the Constitution have a precedent in using rule IX as a privileged resolution.

For example, if a revenue measure is initiated in the Senate instead of in the House as required by the Constitution, that is a matter of a privilege of the House. I would argue that the Emoluments Clause is at least as important, possibly more important, than the origination of a revenue measure in either the House or Senate.

I have been a member of the Judiciary Committee for 22 years. I am well aware of how the Judiciary Committee operates and the need for individual Members to do research before any official action is taken in that committee. And since it is the Judiciary Committee, it has the first responsibility for adhering to the Constitution among the committees of the House. I think it is absolutely essential for the President's tax returns to be released so that the members of the Judiciary Committee can do their job to research whether the Emoluments Clause has been violated and whether permission should be given to the President to receive payments from foreign states.

I would note that there is no question that the Emoluments Clause of the Constitution was placed there to prevent corruption in the system. It was based on a sad experience during the Articles of Confederation. It is necessary to make sure that the President and all other officers of the United States have loyalty to only one thing, and that is to the United States of America, not to any foreign power.

In order to do that, we need to review the data. As I say, the dignity and integrity of the House requires that the Constitution be upheld, and in order to uphold the Constitution, we must have this information.

For these reasons, the resolution raises a question of the privileges of the House and should be permitted, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from California seeks to offer a resolution as a question of the privileges of the House under rule IX.

In evaluating the resolution under rule IX, the Chair must determine whether the resolution affects "the rights of the House collectively, its safety, dignity, and the integrity of its proceedings."

The resolution offered by the gentlewoman from California directs the House to request the President's tax return information as part of a determination as to whether the President is in violation of the Foreign Emoluments Clause of the Constitution.

Section 702 of the House Rules and Manual states that "rule IX is concerned not with the privileges of the Congress, as a legislative branch, but only with the privileges of the House, as a House." As such, reviews of extramural activities, even with regard to constitutional prerogatives, have not met the standards of rule IX.

The Chair would also cite the proceedings of May 21, 2009. On that date, a resolution proposing a review of the accuracy of certain public statements made by the Speaker regarding communications to Congress from the executive branch was held not to qualify as a question of privilege, because it necessarily would have required a review not only of the Speaker's statements but also of actions by extramural actors in the executive branch.

The resolution offered by the gentlewoman from California does not invoke a unique prerogative of the House, as a House. Instead, it seeks documents from the President, an actor entirely extramural to the House. Accordingly, the resolution does not qualify as a question of the privileges of the House.

Ms. LOFGREN. Mr. Speaker, I appeal that ruling.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. FLORES. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Flores moves to lay the appeal on the table.

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

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

Ms. LOFGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on passage of S.J. Res. 34.

The vote was taken by electronic device, and there were—yeas 228, nays 190, answered "present" 2, not voting 9, as follows:

[Roll No. 201]

YEAS—228

Abraham Gohmert Noem
Aderholt Goodlatte Nunes
Allen Gosar Olson
Amash Gowdy Palazzo
Amodei Granger Palmer
Arrington Graves (GA) Paulsen
Babin Graves (LA) Pearce
Bacon Graves (MO) Perry
Banks (IN) Griffith Poe (TX)
Barletta Grothman Poliquin
Barr Guthrie Ratcliffe
Barton Harper Reed
Bergman Harris Reichert
Biggs Hartzler Renacci
Bilirakis Hensarling Rice (SC)
Bishop (MI) Herrera Beutler Roby
Bishop (UT) Hice, Jody B. Roe (TN)
Black Higgins (LA) Rogers (AL)
Blackburn Hill Rogers (KY)
Blum Holding Rohrabacher
Bost Hollingsworth Rokita
Brady (TX) Hudson Rooney, Francis
Brat Huizenga Rooney, Thomas
Bridenstine Hultgren J.
Brooks (AL) Hunter Roskam
Brooks (IN) Hurd Ross
Buchanan Issa Rothfus
Buck Jenkins (KS) Rouzer
Bucshon Jenkins (WV) Royce (CA)
Budd Johnson (LA) Russell
Burgess Johnson (OH) Rutherford
Byrne Johnson, Sam Scalise
Calvert Jordan Schweikert
Carter (GA) Joyce (OH) Scott, Austin
Carter (TX) Katko Sensenbrenner
Chabot Kelly (MS) Sessions
Chaffetz Kelly (PA) Shimkus
Cheney King (IA) Shuster
Coffman King (NY) Smith (MO)
Cole Kinzinger Smith (NE)
Collins (GA) Knight Smith (NJ)
Collins (NY) Kustoff (TN) Smith (TX)
Comer Labrador Smucker
Comstock LaHood Stefanik
Conaway LaMalfa Stewart
Cook Lamborn Stivers
Costello (PA) Lance Taylor
Cramer Latta Tenney
Crawford Lewis (MN) Thompson (PA)
Culberson LoBiondo Thornberry
Curbelo (FL) Long Tiberi
Davidson Loudermilk Tipton
Davis, Rodney Love Trott
Denham Lucas Turner
Dent Luetkemeyer Upton
DeSantis MacArthur Valadao
DesJarlais Marchant Wagner
Diaz-Balart Marshall Walberg
Donovan Massie Walden
Duncan (SC) Mast Walker
Duncan (TN) McCarthy Walorski
Dunn McCaul Walters, Mimi
Emmer McClintock Weber (TX)
Farenthold McHenry Webster (FL)
Faso McKinley Wenstrup
Ferguson McMorris Westerman
Fitzpatrick Rodgers Williams
Fleischmann McSally Wilson (SC)
Flores Meadows Wittman
Fortenberry Meehan Womack
Foxy Messer Woodall
Franks (AZ) Mitchell Yoder
Frelinghuysen Moolenaar Yoho
Gaetz Mooney (WV) Young (AK)
Gallagher Mullin Young (IA)
Garrett Murphy (PA) Zeldin
Gibbs Newhouse

NAYS—190

Adams Butterfield Conyers
Aguilar Capuano Cooper
Barragan Carbajal Correa
Bass Cardenas Costa
Beatty Carson (IN) Courtney
Bera Cartwright Crist
Beyer Castor (FL) Crowley
Bishop (GA) Castro (TX) Cuellar
Blumenauer Chu, Judy Cummings
Blunt Rochester Cicilline Davis (CA)
Bonamici Clark (MA) Davis, Danny
Boyle, Brendan Clarke (NY) DeGette
F. Delaney
Brady (PA) Cleaver DeLauro
Brown (MD) Clyburn DeBene
Brownley (CA) Cohen Demings
Bustos Connolly DeSaulnier

Deutch Larsen (WA) Quigley
Dingell Larson (CT) Raskin
Doggett Lawrence Rice (NY)
Doyle, Michael Lawson (FL) Richmond
F. Lee Rosen
Ellison Levin Roybal-Allard
Engel Lewis (GA) Ruiz
Eshoo Lieu, Ted Ruppertsberger
Espallat Lipinski Ryan (OH)
Esty Loeb sack Sanchez
Evans Lofgren Sarbanes
Foster Lowenthal Schakowsky
Frankel (FL) Lowey Schiff
Fudge Lujan Grisham, Schneider
Gabbard M. Schrader
Gallego Lujan, Ben Ray Scott (VA)
Garamendi Lynch Scott, David
Gonzalez (TX) Maloney, Serrano
Gottheimer Carolyn B. Sewell (AL)
Green, Al Green, Gene Matsui Shea-Porter
Grijalva McCollum Sherman
Gutiérrez McEachin Sinema
Hanabusa McGovern Sires
Hastings McNerney Smith (WA)
Heck Meeks Soto
Higgins (NY) Meng Suozzi
Himes Moore Swalwell (CA)
Hoyer Moulton Takano
Huffman Murphy (FL) Thompson (CA)
Jackson Lee Nadler Thompson (MS)
Jayapal Napolitano Titus
Jeffries Neal Tonko
Johnson (GA) Norcross Torres
Johnson, E. B. O'Halleran Tsongas
Jones O'Rourke Vargas
Pallone Veasey
Kaptur Keating Panetta Vela
Kelly (IL) Pascrell Velázquez
Kennedy Payne Visclosky
Khanna Pelosi Walz
Kihuen Perlmutter Wasserman
Kildee Peters Schultz
Kilmer Peterson Waters, Maxine
Kind Pingree Watson Coleman
Krishnamoorthi Pocan Welch
Kuster (NH) Polis Wilson (FL)
Langevin Price (NC) Yarmuth

ANSWERED "PRESENT"—2

DeFazio Sanford

NOT VOTING—9

Duffy Pittenger Rush
Marino Posey Simpson
Nolan Ros-Lehtinen Slaughter

□ 1748

Mr. O'HALLERAN changed his vote from "yea" to "nay."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (S.J. Res. 34) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Communications Commission relating to "Protecting the Privacy of Customers of Broadband and Other Telecommunications Services", on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 205, not voting 9, as follows:

[Roll No. 202]

YEAS—215

Abraham Gosar Olson
Aderholt Gowdy Palazzo
Allen Granger Palmer
Amodei Graves (GA) Paulsen
Arrington Graves (MO) Pearce
Babin Griffith Perry
Bacon Grothman Poliquin
Banks (IN) Guthrie Poe (TX)
Barletta Harper Posey
Barr Harris Ratcliffe
Barton Hartzler Reed
Bergman Hensarling Renacci
Biggs Hice, Jody B. Rice (SC)
Bilirakis Higgins (LA) Roby
Bishop (MI) Holding Roe (TN)
Bishop (UT) Hollingsworth Rogers (AL)
Black Hudson Rogers (KY)
Blackburn Huizenga Rohrabacher
Blum Hultgren Rokita
Bost Hunter Rooney, Francis
Brady (TX) Hurd Rooney, Thomas
Brat Issa J.
Bridenstine Jenkins (KS) Roskam
Brooks (IN) Jenkins (WV) Ross
Buchanan Johnson (LA) Johnson (LA)
Buck Johnson (OH) Johnson (OH)
Bucshon Johnson, Sam Royce (CA)
Budd Joyce (OH) Russell
Burgess Katko Rutherford
Byrne Kelly (MS) Scalise
Calvert Carter (GA) Kelly (PA) Schweikert
Carter (TX) King (IA) Scott, Austin
Chabot King (NY) Sensenbrenner
Chaffetz Kinzinger Sessions
Cheney Knight Shimkus
Coffman Kustoff (TN) Shuster
Cole Labrador Smith (MO)
Collins (GA) LaHood Smith (NE)
Collins (NY) LaMalfa Smith (NJ)
Comer Lamborn Smith (TX)
Comstock Lamborn Smucker
Conaway Lance Stivers
Cook Latta Stewart
Costello (PA) Lewis (MN) Stivers
Cramer LoBiondo Taylor
Crawford Long Tenney
Culberson Loudermilk Thompson (PA)
Curbelo (FL) Love Thornberry
Davidson Love Tiberi
Davis, Rodney Lucas Tipton
Denham Luetkemeyer Trott
Dent MacArthur Turner
DeSantis Marshall Upton
DesJarlais Diaz-Balart Valadao
Donovan Mast Wagner
Duncan (SC) McCarthy Walberg
Duncan (TN) McCaul Walden
Dunn Emmer Walker
Emmer McClintock Walorski
Farenthold McHenry Walters, Mimi
Faso McKinley Weber (TX)
Ferguson McMorris Webster (FL)
Fitzpatrick Rodgers Williams
Fleischmann McSally Wilson (SC)
Flores Meadows Wittman
Fortenberry Meehan Womack
Foxy Messer Woodall
Franks (AZ) Mitchell Yoder
Frelinghuysen Moolenaar Yoho
Gaetz Mooney (WV) Young (AK)
Gallagher Mullin Young (IA)
Garrett Murphy (PA) Zeldin
Gibbs Newhouse

NAYS—205

Adams Brownley (CA) Coffman
Aguilar Bustos Cohen
Amash Butterfield Connolly
Barragan Capuano Conyers
Bass Carbajal Cooper
Beatty Cardenas Correa
Bera Carson (IN) Costa
Beyer Cartwright Courtney
Bishop (GA) Castor (FL) Crist
Blumenauer Castro (TX) Crowley
Blunt Rochester Chu, Judy Cuellar
Bonamici Cicilline Cummings
Boyle, Brendan Clark (MA) Davidson
F. Clarke (NY) Davis (CA)
Brady (PA) Cleaver Davis, Danny
Brooks (AL) Clyburn DeFazio
Brown (MD) Cleaver DeGette