

The idea was, well, we're going to be able to prosecute and go after nobles, certain people who are being able to get away with violations of the law. But the courts were made specifically to be secret courts where there were no witnesses, there was no indictment, and a person was forced to testify against themselves. So, obviously, it was abused. It was abused by the Kings of England, primarily Henry VIII, when he went after and fought his opponents by prosecuting them in those secret courts.

The United States doesn't have the Star Chamber, but we have the NSA—the National Spy Agency, as I call it—and the FISA courts, the 21st century descendants of the Star Chamber. The NSA and the Foreign Intelligence Surveillance Act allows those courts under FISA to authorize searches of anyone. Those searches are not based on probable cause, and those areas are not specifically described to be searched. It is a general warrant concept that they used in England to search people in England that were political opponents of the government and of the King.

The spy courts in the United States started under the theory that we need to be safe from terrorists. But the NSA and the spy courts violate the Constitution in the name of security. Warrants under FISA are general warrants where NSA can seize phone records, NSA can seize credit card bills and utility bills. And we are learning now that they seize not only phone data but that NSA seizes bank records.

Also, the judges are far from being independent. They meet in secret—just like the Star Chamber did. They can't even keep the records of the proceeding. Those are turned back over to the government. There are no witnesses present—just like in the Star Chamber. There's no lawyers present for anybody—just like in the Star Chamber.

These FISA courts should be protecting American citizens and should be following the Constitution. They are supposed to act as the independent power between government and the people. But they're not doing that.

I call them the "Spy, Search and Seizure Courts" because they are operating in the darkness of tyranny. We don't know what they're doing. They allow the NSA to seize and violate the privacy of Americans in violation of the Constitution by seizing people's records under general warrants.

A general warrant is the idea that government knows there's a bad guy in the area, so the government wants to search the whole area of town for the bad guy. You can't do that. I used to be a judge. Government has to have probable cause. It has to give the address of the house, the specific area, state the probable cause. The warrant has got to be sworn to and be specific about the location and what government wants to search and what government wants to seize or it's a violation of the Constitution.

The spy courts—the NSA courts and the Star Chamber courts—need to be revisited. It's time to shine sunshine on the FISA courts and the spying of the NSA. The NSA and the FISA courts—the Star Chamber courts—have shut down the Constitution. Now it's time to shut down the unlawful surveillance and intelligence gathering by these courts on American citizens.

And that's just the way it is.

#### GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, the government has now been shut down for 3 days, the people's government that is formed to serve it and promote the general welfare and the national defense. That government has been shut down. Entirely? No, not entirely. There are some sporadic incidents where, for the public safety, we have people working.

I read the papers every morning, clips, as so many Americans do, so many Members do. I start discussion of where we are today because surely the public must be confused.

The Republicans say that they don't want to shut down the government. They say that President Obama wants to shut down government and that we Democrats want to shut down government for political advantage.

Having said that, 99 percent of us are prepared to vote for a resolution at 12:01 this day to open the government, because that is the rational, common sense, and right thing to do. I tell Speaker BOEHNER, Mr. Speaker, that we're prepared to vote on that today, as soon as this House opens.

Now, the Governor of Virginia is a Republican. The Governor of Virginia wrote an article today that said:

Budgets are documents born of many compromises. A government shutdown represents the antithesis of that approach.

We agree.

He went on to say:

In a shutdown, planning and forethought go out the window. Instead of rational governing, we get speeches and inaction. That's not how government should work.

So we stand ready on this side of the aisle, I will say as one of the leaders of my party, to vote now to open government and, yes, to do what, in a democracy, we ought to do—sit down and discuss compromises.

Now, the American people, Mr. Speaker, need to know where we are and how we got here.

The process is that the House adopts a budget for the spending which keeps government open, and the Senate passes a budget that funds the government and keeps it open and serving the American people.

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Now, often there are differences between the House and the Senate, as there are now. And so what our process

is is to go to conference, as the Speaker has talked about so often, to sit down at a table and discuss, as reasonable people, as Governor McDonnell says government ought to work, resolving our differences.

But for 6 months my Republican colleagues, Mr. Speaker, as you know, have refused to go to conference and sit down at the table. They have refused to try to bridge the gap. They have refused to do what Governor McDonnell says is necessary to do, compromise. And we are far apart.

Now, interestingly enough, we have only passed three appropriations bills out of the 12. All three of the appropriations bills that we passed through this House are at the Senate number—not the House-adopted number—at the Senate number. And so they have to slash the other nine bills very deeply. As a result, they have not brought them to the floor.

I have no power. I used to be the majority leader. I could bring a bill to the floor, as my colleagues know. I can't bring a bill to the floor now. One of those bills was brought to the floor and it was defeated. Actually, it was pulled from the floor because they couldn't pass it. So we are at a place where we are now, have shut down government.

The reasonable, rational, responsible thing to do is simply say we have enough votes to open government at the number that the Republican Party sent to the Senate. Not a compromise. We are telling them we will take your number. I don't like their number. But I like even less having government shut down, because it costs the economy money, it puts at risk our national security, and it undermines the confidence of the American people, not to mention the international community.

But we will take your number, I say to the Republicans, Mr. Speaker. We will take your number. The Senate has said we will take your number. But unfortunately, they haven't yet taken "yes" for an answer.

Now, earlier this week—and I don't know him—but Representative MARLIN STUTZMAN, who is a Republican from Indiana, said this: "We're not going to be disrespected." Now, by that I presume he means that the President and the Democratic Senate is not going to agree to undermining or repealing the Affordable Care Act that millions of Americans already are trying to access to get coverage and get health security in their families. He says, "We're not going to be disrespected." Then he goes on to say this, ladies and gentlemen of the House and Mr. Speaker: "We have to get something out of this. And I don't know what that even is."

Let me repeat that. He says, We have got to get something out of this, but I just don't know what it is. How are you going to negotiate in that context? I see Mr. McDERMOTT here chuckling. I'm chuckling. We need to get something out of this, but I just don't know what it is.

Now, after being asked about the GOP leadership putting a clean government funding bill on the floor for a vote, Representative TOM COLE, one of the leaders, close to Speaker BOEHNER, former chairman of their campaign committee, said this. When asked about putting a clean government funding bill on the floor for a vote, he said this: "Why in the world would we do that?" Now, they've said they don't want to shut down government—that's why they'd do it. Why does he ask such a question, "Why would we do that?" To open government so it can serve the people. That's why you would do it. How confusing can that be?

He went on to say this, however. "You know, that doesn't encourage anything. That's basically at this point a surrender to the Democratic position." Now, remember, ladies and gentlemen, I just told you that we took their number, their number that they passed through here. I don't like that number.

HAL ROGERS, the Republican chairman of the Appropriations Committee, doesn't like that number. The subcommittee chairmen don't like that number. But we're saying, okay, yes, we'll take your number, let's keep government working for our people.

Now, the House majority leader, I used to be majority leader, or as I refer to it, the good old days, he said this: "We're trying to get the government open as quickly as possible." That's 12:05 p.m. today, ladies and gentlemen of this House.

Mr. Speaker, it's 12:05 p.m., 5 minutes after noontime, right now, you can get it open as quickly as possible. If that's what the majority leader wants to do, Mr. CANTOR, bring that bill to the floor and our side will overwhelmingly help you pass it and get government open for the people.

Now, the chairman of the Republican Policy Committee said this. He echoed CANTOR in an interview with the National Journal Daily, and he said this: "I don't think anyone wants to stretch this out for 2 weeks." But what we'll see today is little tiny slices of bills. It will take weeks and perhaps months to open at the rate they're going. "I don't think anyone," LANKFORD says, "wants to stretch this out for 2 weeks." Now, this is the chairman of the Republican Policy Committee. Here's what he said: "I'd like to resolve this this afternoon." We're ready. The American people are ready. It's the responsible thing to do. Get the government working for its people.

If Mr. LANKFORD and Mr. CANTOR want to get this done as soon as possible, I tell them as a leader on my side of the aisle, I will help get them the votes to pass it this afternoon, early this afternoon, by 1 o'clock this afternoon. Let's get this government open.

Mr. LANKFORD goes on to say, "I don't believe there's any argument for stretching this out for 2 weeks." This is their policy committee chair. "I don't believe there's any argument for

stretching it out." Why are we stretching it out if there's no argument to do so?

I close with this, Mr. Speaker. I also read the American people are angry. Let me tell the American people, Mr. Speaker, I share their anger. I am angry too. As Governor McDonnell said, this makes no sense, this is no way to run a government. We've taken the Republican number. Mr. CANTOR says he wants to act quickly. Mr. LANKFORD says he wants to act quickly. We will support acting quickly. Let's do it. Let's just do it.

Open the people's government today, not slice by slice by slice by slice over the coming weeks and months, but today for the people, of the people, by the people. Open the government today.

#### FIND A BIPARTISAN AGREEMENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Chairman, our House Republicans remain committed to a bipartisan solution to reopen the Federal Government for the American people. And we continue to act in good faith to find an agreement with Senate Democrats to do just that. But to build a bipartisan compromise, the Senate needs to come to the table so we can work through our policy differences.

My colleague from Maryland gave a quote from one of our colleagues. But he neglected to mention that Senator HARRY REID said, "Why would we pass bills to keep the NIH operating and help children with cancer?" We've offered such a bill. And guess what? One hundred seventy-one Democrats voted against pediatric cancer research. One hundred seventy-two Democrats voted against funding the national parks. One hundred sixty-four Democrats voted against funding veterans benefits.

Mr. Speaker, that doesn't sound like people who want to get the government back open. HARRY REID said, "Why would we want to do a piecemeal approach?" Well, we all know, and the American people know, that the way we pass appropriations bills here, and the way we have the government running, is by passing individual bills. We have 12 different bills that we normally pass. The House has passed five and sent them to the Senate, and the Senate has acted on none of them. So now we are doing it the way it's supposed to be done, under regular order. We are bringing the bills to the floor and passing them. And yet the Senate will not act on them.

What about the barriers at the memorials, Mr. Chairman? Isn't it a shame that barriers have been put up at our outdoor memorials that have never had barriers put up before? They are always open 24-7, 365 days a year. Why deny World War II veterans the opportunity to get into their own me-

morial? How petty is that, Mr. Chairman?

Make no mistake, House Republicans want to reopen government and stop shutdown policies before they cause any more pain. But if the Senate will not meet with us to build a bipartisan solution to end the government shutdown, we'll continue to take the lead to fix problems for the American people.

We want a fair government. And on those two things, an open government and a fair government, Democrats and Republicans should agree. But there are a few hang-ups. Shouldn't principles of fairness apply to ObamaCare? My colleagues in the House and I say yes. Big Business and other well-connected groups are getting a 1-year delay from ObamaCare, courtesy of the President, to prepare for its drastic changes, brace for its higher costs, and study up on its mountains of regulation.

American families and small businesses who apparently don't have the same pull with the White House aren't going to get the same treatment. And further, many are losing the health care they like and would prefer to keep, or are having to find insurance through ObamaCare exchanges without any help from their employers. That isn't right. At the very minimum, these Americans deserve to have the same delay big businesses have to prepare for ObamaCare's drastic changes, brace for its higher costs, and study up on its mountain of regulations.

Mr. Chairman, we remain committed to a bipartisan solution to reopen the Federal Government. And that's where we need to go. But rather than building off of common ground and fixing those problems for the American people, the President and the Senate are reflexively saying no. Preserving problems as leverage is wrong.

Help us do the right thing for the American people. Help us end the shutdown and ensure fairness under ObamaCare. It's time for the Senate to join us at the negotiating table and achieve fairness for all.

#### GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LOWENTHAL) for 5 minutes.

Mr. LOWENTHAL. Mr. Speaker, I am greatly saddened by what has taken place the past few days with the closure of the government. We are participating in a downward spiral that has no end in sight. And we've lost the ability to relate to ordinary Americans. It's important to talk about how our actions, our inactions here in Washington affect the very people that we represent.

I want to talk to you today about two people who have been impacted tremendously by the actions of this House to close down government. Let me begin with one of my constituents,