

Against Women Act, which had a very important component giving Tribes back some of the jurisdiction that they needed to regulate domestic abuse and sexual assault on their own territory.

□ 1445

My friends were overwhelmingly supportive and helpful in that measure. It would not have happened without them, so I know in many cases we do agree. But in this case, under this bill, Tribal governments will be able to be excluded from the requirements for employers under the NLRA, just like State and local governments.

This legislation will reverse the bureaucratic overreach of the NLRB and clarify the law once and for all. This bill is a commonsense solution that will clarify the original intent of Congress that the NLRA does not have jurisdiction over Tribal governments.

I applaud my colleagues on both sides of the aisle for this work. We will actually have a split decision over this. There will certainly be some Republicans supporting my friend's position, but by and large, I think this House will do what it did the last time it considered this legislation, and that is, on a bipartisan basis, pass the law.

This time, given the action of the Senate Indian Affairs Committee, we have every reason to believe the legislation will be picked up and sent to the President's desk, where I am confident it will be signed.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 681 OFFERED BY  
MR. POLIS

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3440) to authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3440.

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. COLE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. POLIS. 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.

#### PROVIDING FOR CONSIDERATION OF S. 139, RAPID DNA ACT OF 2017

Mr. COLLINS of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 682 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 682

*Resolved*, That upon adoption of this resolution it shall be in order to consider in the House the bill (S. 139) to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-53 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by the Member designated in the report, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to commit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. COLLINS of Georgia. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on House Resolution 682, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I am pleased to bring forward this rule on behalf of the Rules Committee. The rule provides for consideration of S. 139, the FISA Amendments Reauthorization Act.

The rule provides for 1 hour of debate, with 40 minutes equally divided and controlled by the chair and ranking member of the House Permanent Select Committee on Intelligence, and 20 minutes equally divided and controlled by the chairman and ranking member of the Judiciary Committee.

The rule also provides for a motion to recommit.

Additionally, the rule makes in order an amendment offered by Mr. AMASH, representing ideas from Members of both sides of the aisle.

Yesterday, the Rules Committee received testimony from numerous members, including Intelligence Committee Chairman NUNES and Ranking Member SCHIFF. We also heard from Judiciary Committee Ranking Member NADLER, Congressman FARENTHOLD, Congressman AMASH, Congresswoman LOFGREN, and also Congressman POE.

In addition to the vigorous debate on this legislation before the Rules Committee, both the Judiciary Committee and Intelligence Committee held mark-ups on legislation to reauthorize section 702 of the Foreign Intelligence Surveillance Act.

Today we have the opportunity to pass an important piece of legislation that will enhance our national security and strengthen protections of Americans' privacy.

Mr. Speaker, I publicly thank Chairman GOODLATTE and Chairman NUNES for their important work on this legislation. As a result of their efforts, the legislation we will consider today will protect the privacy rights of individual Americans without hindering the intelligence community's ability to gain valuable intelligence about the schemes and identities of our enemies.

Our government's most fundamental responsibilities are to defend the American people from harm and to protect their liberties. The value that we place on these duties is reflected by the fact that they are enshrined in the preamble to the Constitution.

To provide for our common defense, the dedicated men and women of the intelligence community work tirelessly to defeat the efforts of our foreign adversaries, whether they are terrorists, hostile foreign states, or nuclear proliferators.

Our Constitution tasks each branch of government—legislative, executive, and judicial—with constantly working to protect the liberty of every American.

With the bill provided for by this rule, the Chamber will be considering legislation that will help us better achieve both. The FISA Amendments

Reauthorization Act will extend the Foreign Intelligence Surveillance Act, or FISA, Title VII for 6 years while increasing oversight of its implementation at every level and providing more robust privacy protections for Americans.

Section 702 of FISA has proven to be an invaluable tool for collecting foreign intelligence and providing insight into the plans and intentions of our enemies. It is one of the National Security Administration's most important operational authorities.

It permits the government to conduct targeted surveillance of foreign persons located outside the United States, with the compelled assistance of electronic communication service providers, to acquire foreign intelligence information.

Mr. Speaker, this program's importance to national security cannot be overstated. While many of the examples of its successes are classified in nature, I can tell you here today that it has helped protect the homeland and the American people.

One declassified example that I can share with Members concerns the story of Hajji Iman, who rose through the ranks of ISIS, eventually becoming the terrorist organization's second in command.

For more than 2 years, the intelligence community searched for Iman. During that period, the NSA used their section 702 programs to target his communications and his close associates. Their resourcefulness, together with these 702 resources, eventually led them to him.

Mr. Speaker, the gentleman was a terrorist. He was a murderer. Mr. Speaker, Mr. Iman was killed by U.S. special forces on March 24, 2016, during an attempt to apprehend him.

We may not see every victory that the 702 program delivers on behalf of innocent Americans, but these initiatives help protect Americans every day.

Let us pause to note, however, that with the broad authority granted by a program like 702 to collect foreign intelligence information to fight our foreign enemies, it must come with expansive safeguards against abuse of that authority and expansive oversight of its use.

To ensure that the authorities under section 702 do not come into conflict with the liberty and privacy interests of the American people, the FISA Amendments Act expands substantially on the already extensive safeguard.

Mr. Speaker, as I have said, each branch of government is responsible for protecting the liberties of the American people. In the executive branch, there are extensive internal controls that require agency heads and the Attorney General to review and approve of actions under 702. Additionally, the inspector general for the intelligence community and the Department of Justice are tasked with comprehensive review of this program's implementation.

Mandatory internal procedures known as targeting and minimization procedures also govern the collection, use, and dissemination of information, and they are in place at each agency that uses FISA section 702.

The FISA Amendments Reauthorization Act expands upon the internal protections by requiring each agency to also adopt querying procedures to control how each agency searches its database for 702-acquired communications.

This brings me to the judicial branch. Under current law, the targeting and minimization procedures must be approved annually by the Foreign Intelligence Surveillance Court, of FISC, which is made up of a rotating group of Article III judges.

The FISC, with the aid of amicus curiae briefs and technical experts, engages in exhaustive review and consideration of section 702's implementation for compliance with the Constitution and the law.

This legislation will enhance the FISC's considerations of privacy issues by providing the FISC with the authority to compensate amicus briefs and technical experts.

Finally, there is Congress, where we come to. The Committee on the Judiciary and the Committee on Intelligence have conducted multiple oversight hearings and meetings in both classified and unclassified settings. Numerous insights came from those hearings, and the legislation that will be considered under today's rule reflects them well. The bill makes a number of improvements that will enhance the congressional oversight in coming years.

But, Mr. Speaker, it is time to remember one more group that remains critical to protecting Americans' liberties: American men and women themselves.

This legislation will improve transparency and public oversight of FISA section 702 by requiring the Director of National Intelligence and the Attorney General to conduct a declassification review and publicly release the FISA section 702 minimization procedures every year.

Mr. Speaker, the most important reform contained in this legislation constitutes the most substantial reform to the program since its inception.

Under this legislation, the FBI will be required, when conducting a criminal investigation of a U.S. person, to obtain a warrant from the FISC prior to accessing the content of the communications that were acquired using 702.

Section 702 information is collected for the purpose of foreign intelligence operations, and this critical new requirement forecloses the possibility that FBI agents investigating Americans for traditional crimes would be able to use 702 information in such domestic investigations.

In addition to the numerous safeguards currently in place and added by this legislation, Americans are guaranteed their right of privacy by the Fourth Amendment to the United States Constitution.

I took an oath to uphold and defend the Constitution, and the oath guides every action I take in this Chamber. The FISA Amendments Reauthorization Act ensures that the Fourth Amendment rights of Americans are upheld and includes additional safeguards on top of constitutionally guaranteed rights.

Mr. Speaker, we have reviewed the importance of the FISA Amendments Reauthorization Act in stopping terrorist attacks and protecting the American people, but this point bears repeating: this program allows the government to obtain the communication of foreigners outside the United States, including foreign terrorist threats, in support of the counterterrorism efforts worldwide. It has allowed us to respond to threats to our country.

Now let me tell you a little bit about what the 702 program is not. It is not a bulk collection of data. It cannot be used to target Americans and it cannot be used to target individuals located inside the United States.

Mr. Speaker, the FISA Amendments Reauthorization Act is an example of what Congress can accomplish when we work together to find solutions to our Nation's weightiest challenges.

Mr. Speaker, before I close my opening, I also will acknowledge that there is a lot of difference of opinion, as there should be, on this bill. But at the end of the day, progress has been made, protections have been implemented, and the security of our country must be taken into account. That is why this bill needs to pass and any amendments that were brought forward need to fail.

We need to push this forward and begin the process in continuing to protect our private citizens' personal responsibilities and liberties, but also, at the same time, making sure that our intelligence communities and those entrusted with the sacred duty of protecting this country have the tools they need to do that. Anything else would be less than what we should be here.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Georgia (Mr. COLLINS), my friend, for yielding me the customary 30 minutes for debate.

Mr. Speaker, I stand here today with the rest of my Democratic colleagues in utter amazement at the dizzying dysfunction exhibited by our friends across the aisle. For reasons beyond understanding, we have to vote on the reauthorization of section 702 of the Foreign Intelligence Surveillance Act because late last year the Republican leadership chose to prioritize massive tax cuts for their wealthy donors over the safety of American citizens.

□ 1500

Like so many other important issues, House Republicans decided to punt on the reauthorization of 702 by simply ex-

tending it to January 19 of this year, coincidentally, the same date the government will possibly shut down.

Mr. Speaker, as a former judge and the former vice chairman of the House Permanent Select Committee on Intelligence, I do occupy a unique vantage point in the ongoing debate between the need to steadfastly protect the Fourth Amendment of the Constitution while also ensuring that those in the intelligence community have the tools they need to keep our country safe from those who wish to do us grave harm.

Putting the finer points on this debate aside for a moment, I can tell you with complete certainty that such a debate deserves to be lengthy and thorough, neither of which have happened here.

I was concerned to learn, if not a bit dismayed, that the House Intelligence subcommittee which has oversight jurisdiction of the National Security Agency did not hold a single hearing on today's bill. In fact, the full committee did not even hold a single hearing on this important piece of legislation.

Think about that. As the Republicans approached the need to discuss the reauthorization of one of the more important tools to fight terrorism that, simultaneously, brings along legitimate and important Fourth Amendment concerns, the majority, in all their wisdom, thought it prudent to hold exactly zero hearings on such an important matter. That is a brazenly inept way to govern.

To add insult to injury, I am told that members of the committee were given about 36 hours to read the bill before having to vote it out of committee.

A side note here: the bill they were given 36 hours to review is not actually the bill we have before us today because the majority had to use a Rules Committee print to fix some of the most troublesome parts of the original bill in order to obtain my friend Ranking Member ADAM SCHIFF's support. Mr. Speaker, without a doubt, that support did not come easily, and important changes were made to the bill as it was presented to the committee in its original form.

For example, Mr. SCHIFF was able to ensure the Republicans' unmasking language was removed from today's bill. The removal of such language ensures that one of the Republicans' most heinous political stunts is not codified into law. This was and is a significant improvement.

Moreover, the Republicans removed the controversial expansion of the definition of "agent of foreign power," which concerned privacy and technology groups.

Today's bill also addresses what is known as "abouts" collection. This is the collection of communications that are not to or from a target but, rather, communications that merely reference the target. The NSA, itself, shut down this collection method earlier this year.

The legislation before us today will allow such collection to resume, but only if the NSA first devises a way of doing so that addresses privacy concerns, obtains permission from the Foreign Intelligence Surveillance Court, and Congress does not object after a 30-day review period.

Now, this may seem to be a better option than what I am sure many, if not most, Republicans wanted, which is the full-scale reimplementation of "abouts" collection, but considering how much difficulty the majority has in simply keeping the lights on around this place, I think it is fair to question their ability to provide meaningful oversight in just 30 days. Again, this is simply evidence for the need to return back to regular order under which bills are fully and fairly considered.

Regardless of where one comes down on this issue, I can assure you that there are Members on both sides of the aisle that are sick and tired of being shut out of important policy discussions concerning subjects like those before us today.

Mr. Speaker, I reserve the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a fellow member of the Judiciary Committee and former chair of that committee.

Mr. SENSENBRENNER. Mr. Speaker, I rise today in opposition to S. 139, which is the FISA Amendments Reauthorization Act.

I have stood on this floor debating the PATRIOT Act after 9/11. I fought for reforms in 2015 with the USA Freedom Act. And now here we are debating the latest need to balance privacy and security.

Since Congress last reauthorized section 702, we have learned a great deal about the operation of this program. These revelations have highlighted the risks that it poses to privacy and civil liberties. This program needs to be reformed, but, Mr. Speaker, this is not the bill to do it.

Rather than provide meaningful reforms, the FISA Amendments Reauthorization Act would reauthorize section 702. However, as we are all well aware, the program routinely sweeps up millions of innocent Americans' emails.

The warrant requirement in this bill applies to only fully predicated, official investigations and not to the hundreds of thousands of searches the FBI runs every day just to run down a lead or check out a tip. The loopholes are too great to ensure proper protections.

In this morning's Washington Post, on page A4, an article says, in part, FBI officials told aides of the gentleman from New York (Mr. NADLER), last week "that under the proposed bill, they anticipate rarely, if ever, needing permission from the Foreign Intelligence Surveillance Court to review query results, according to one of the aides." And this was not denied by

the ranking member of the Intelligence Committee, the gentleman from California (Mr. SCHIFF).

We are going to hear an awful lot about warrants on the floor and how this fixes the problem, but here the FBI has said in no uncertain terms to one of our congressional aides that they are never going to have to use this warrant requirement, which was drafted by the Justice Department that has opposed warrants all along. If ever we have seen the fox not only watching the henhouse but inside the henhouse, this is it. It isn't even a fig leaf being small or otherwise. It is simply a way to divert the attention of this Congress away from what is really going on.

Furthermore, the bill would provide a path for the NSA to restart the practice of "abouts" collection, which has been described by the ranking member. The proposal grants some committees 30 days to review any effort to turn "abouts" collection back on, giving Congress little or no say on this matter. We all know that we can't do anything in 30 days around here, and yet the bill restricts us from doing that.

Finding a bipartisan and balanced solution is very possible. I know because I have done it twice with the PATRIOT Act and the Freedom Act.

The SPEAKER pro tempore (Mr. ROGERS of Kentucky). The time of the gentleman has expired.

Mr. COLLINS of Georgia. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The House Judiciary Committee passed the USA Liberty Act with bipartisan votes. This bill fails to do these necessary reforms. The program should be reauthorized if done in the right way. This bill is the wrong way. It is time for Congress to put the F for "foreign" back into FISA. There is no F for "foreign" in this bill.

Mr. HASTINGS. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from California (Ms. LOFGREN), my friend from the Judiciary Subcommittee on Immigration and Border Security.

Ms. LOFGREN. Mr. Speaker, I agree with Mr. SENSENBRENNER for the reasons he has outlined that this bill should not become law. However, I am also speaking in favor of the Amash amendment that has been put in order that would fix the problems that he has so eloquently outlined.

Before 702 was enacted into law, the NSA and the FBI would need to get a probable cause warrant to collect this information. We made a major change that allows this information to be collected when a foreigner is communicating with an American, and when you go to the "abouts" collection, which the underlying bill would codify, even when that doesn't occur, when there is merely discussion of a foreigner. That is not what I think our Constitution requires. And we did not outsource to the judicial branch or the executive branch the decision on what the Constitution requires us to do.

Now, we have learned that there is a vast amount of information being collected—we can't go into the details of that in an open session, just that we have been told by Admiral Rogers the scope of this—and that the database that is so-called incidentally collected because of the architecture of the internet could be searched for Americans without a warrant is not consistent with the protections outlined in the Fourth Amendment to the Constitution.

The Amash amendment, which is basically the USA RIGHTS Act, ends these backdoor searches by requiring a warrant. It ends reverse targeting. It bans the "abouts" collection and prohibits the collection of domestic communications, prevents the misuse of information on Americans, and is something that we should support.

Now, in a letter to the Senate in October, a coalition of groups said this:

The USA RIGHTS Act, which is essentially the Amash amendment, is markedly superior to all current legislative proposals to reauthorize section 702.

Who said that?

The American Civil Liberties Union and FreedomWorks, the NAACP, but also the Project On Government Oversight, and Color of Change. This is a broad, left-right coalition that has come together, even though there are many things we disagree on, because we agree on one thing: When we took an oath to defend the Constitution on our first day of this session, we didn't take that oath to defend the Constitution when it is convenient or when we feel like it. No. We took that oath to defend the Constitution every day, in every way, and with every bill. And without the Amash amendment, this bill falls short.

Just a note on where we are in the timing. It is true that this has been delayed, I would say unconscionably delayed, for this proceeding. But we have more time than has been suggested.

Under the existing act, it provides that, if there is an existing order from the FISA court, that order remains in effect even if the underlying bill lapses. We have an order that extends into late April. So we have a deadline, but it is not this week and it is not next week. We owe it to our constituents and we owe it to our obligation to the Constitution to get this right.

When JIM SENSENBRENNER, who is someone whom nobody is going to question his conservative credentials, and when Judge POE, ZOE LOFGREN, and JERRY NADLER come to the same agreement on the Constitution, I would hope that our colleagues would listen. Vote for the Amash amendment, and, if it does not pass, vote against the bill.

□ 1515

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to my next speaker, there are a couple of things to clarify here.

This is an urgent matter. Although the gentlewoman spoke of this in the sense that the existing orders would stay in place, she fails to mention, and others have failed to talk about, that any new orders or even currently existing orders are being enforced by the intelligence community, which is set under that sort of pale of direction that they want.

So I guess if you are satisfied protecting the country with existing orders and existing threats that lasted yesterday, but I will guarantee you somebody else woke up this morning wanting to do us harm. I want the intelligence community to be able to address that in a way that is prudent and proper, which is what I feel like is happening here.

The other issue here is, and I want to make this very clear, there are strong opinions, and I respect the gentlewoman from California immensely, I have relayed and have had similar concerns that she has had over the process and I have voted with her several times to move forward, but we have moved forward, and there are, I believe, protections in this bill.

So when we also talk about, as we go forward, and there is going to be a lot of passionate rhetoric, who is looking out for whom and reminding us of our oaths, I took the oath here, just as the gentlewoman did, when we started this new session, but I also took another oath in the United States Air Force and also served in Iraq and also serve in that time since currently in the military, and we have that oath as well.

I will not take a backseat to anyone who can consciously disagree about where we are. This is a good bill. This is something that I would love to see in different ways changed, but this is the arc of where we are now in protecting our country.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Wyoming (Ms. CHENEY).

Ms. CHENEY. Mr. Speaker, I rise in support of reauthorizing FISA 702.

It is interesting, Mr. Speaker, to hear my colleagues on the other side of the aisle talk about unconscionable delaying tactics or talking about the need for regular order. I would point out, Mr. Speaker, that just today on this floor, we have watched, once again, our colleagues on the other side of the aisle playing games. We have had this particular debate now delayed by the games that their Members have been playing over the course of the last several hours with motion after motion to adjourn. That is, Mr. Speaker, what I believe is unconscionable.

This is a bill that is a bipartisan bill. The ranking member of the Intelligence Committee as well as the chairman of the Intelligence Committee worked very hard to come to agreement on this bill.

I would argue, if anything, Mr. Speaker, the bill goes too far in terms of beginning the process that we cannot begin of putting walls up.

All of us lived through 9/11, and we know, Mr. Speaker, that one of the things that we saw that day was what can happen when we make it much more difficult for our law enforcement and our intelligence agencies to connect the dots, much more difficult for them to stop terrorist attacks against this Nation.

Mr. Speaker, this is a bill that goes directly towards those issues. This is one of the most important pieces of policy and of authority that the National Security Agency has. I think it is very important for people who are listening to this debate to recognize that this authority is an authority that allows surveillance of foreign nationals on foreign territory, not in the United States.

I would urge my colleagues, particularly when we have got a bill that is a bipartisan product, that is a product that has been worked on and agreed to in a bipartisan manner, that it is unconscionable for them to delay, unconscionable for them to hold the Nation's security hostage.

We are seeing it, Mr. Speaker, not just with respect to this particular piece of legislation, but we are seeing it, Mr. Speaker, with respect to the entire negotiations underway today over the budget for the Nation.

We have seen a situation where, as they did today, they are trying to accuse us of holding DACA hostage, of holding DACA individuals hostage. That is not what is happening, Mr. Speaker.

The Democrats in this House, Mr. Speaker, are, in fact, holding our national security hostage, and they are doing it with respect to the funds that our military needs as well.

We are a nation today that is facing grave and growing threats. We are a nation that is putting tremendous demands on our intelligence service, on our intelligence professionals, and on our men and women in uniform. I think that every Member of this body who decides to play games, rather than do what is right and what is necessary and what our constitutional obligation and our oath requires, ought to think as they are doing that: What does it mean to the mothers and fathers across this Nation who have children who are deployed for the defense of the Nation, the mothers and fathers across this Nation who know that we are sending their children into harm's way?

The Democrats in this body, Mr. Speaker, consistently continue to hold up the funding that our military needs and, in this case in particular, to hold up the reauthorization of this crucial piece of policy.

So, Mr. Speaker, I rise in strong support of the reauthorization of this bill.

Mr. HASTINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am amused by my friend from the Rules Committee's assertion that today, because of protests with reference to DACA, members of my party were protesting that concern.

I am also amused that they are in the majority, and she accuses us of delaying, when, in fact, this measure was scheduled 2 or 3 months ago and could have been brought to the floor, but, no, they were busy about tax cuts, and so they didn't get around to allowing for this important matter to be brought to the floor.

Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. LOFGREN) to respond to the gentleman from Georgia.

Ms. LOFGREN. Mr. Speaker, I just wanted to respond.

The NSA will not go dark, and I think it is important that we understand that.

We are collecting the content of phone calls, emails, text messages, videos, pictures of Americans, putting it in a database and querying it, searching it without a probable cause warrant. That is the state today, and that will continue until reform is done. It will not go dark. I thought it was important to make that clear.

Mr. Speaker, I thank the gentleman. I know he wanted to yield to my colleague from the Judiciary Committee, to have the chance to clarify that.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentlewoman from California attempting to clarify.

Again, I stand by my statement. The simple fact is, it is the statement it will not go dark, but the issue is we go further here in the collection happening, but how we use that and how we deal with that in a national security context, there is an interesting issue here, and there is an issue that could keep us from doing what we need to do.

Again, this is the debate that we can have, this is the debate that we need to have on this floor, but there is a difference of opinion here. In this instance, I think with the pervasive efforts put in place, I believe that this program is one worth keeping.

Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK), a former FBI special agent.

Mr. FITZPATRICK. Mr. Speaker, I rise today in strong support of reauthorizing section 702 of the Foreign Intelligence Surveillance Act, which is due to expire.

As a 14-year FBI special agent, including significant time as a counterterrorism agent, I am an eyewitness to the importance of this program and the deliberate and lawful manner in which it is used.

The fact is, section 702 is a critical tool that the intelligence community uses properly to target non-U.S. persons located outside of the United States to acquire information that is vital to our Nation's security.

Equally as important, this crucial program has operated under strict rules and has been carefully overseen

by all three branches of our government to protect the privacy and civil liberties of all Americans.

As we have seen, both in our country and abroad, proper surveillance and law enforcement is vital to protect us against terror attacks, especially lone attacker scenarios. As terror groups like ISIS continue to lose territory in Iraq and Syria, our intelligence community has warned that we will see more of these one-off attacks as opposed to more traditional conspiracies.

At a hearing of the Homeland Security Committee, I asked FBI Director Chris Wray about this program as part of our national security posture. He said, despite the high volume of threats, there are few dots that can actually be connected in regard to these "more loosely organized situations." Information already lawfully obtained by the FBI is crucial in, as he said, understanding "which threats are real and which ones are more aspirational."

Section 702 allows the national security professionals to query information to determine whether a tip from State or local law enforcement or others is credible, and it begins the process of marshalling resources to head off potential threats.

Allowing section 702 to expire would leave America vulnerable at a time when we need this protection the most. As Director Wray clearly stated: "If 702 is walked back, we will be . . . starting to rebuild the wall that existed before 9/11."

Mr. Speaker, with today's terror landscape, we cannot go backwards when proven, legal means exist to keep Americans safe.

I urge my colleagues, Democrat and Republican alike, to support this vital national security measure. The safety and security of the families we represent depend on the passage of this measure. Let us get this done for them.

Mr. HASTINGS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), the ranking member of the Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations and a good friend of mine.

Ms. JACKSON LEE. Mr. Speaker, let me thank the gentleman from Florida for his astute assessment and analysis in his earlier remarks today, particularly sharing with us his experience on the Intelligence Committee, and I thank him for mentioning the fact that I serve as the ranking member on the Crime, Terrorism, Homeland Security, and Investigations Subcommittee.

In that capacity, that committee certainly encounters not only our Nation's law enforcement but many of the issues dealing with terrorism, including the work on homeland security.

With that in mind, I want to simply say to my colleagues and, certainly, to my good friend, who served and dedicated his life to the FBI for 14 years, none of us over the past couple of

months will take a backseat to championing the FBI, thanking the FBI, recognizing the FBI for the very valiant work that it does.

Being on the Judiciary Committee for the number of years that I have served, I have worked with almost every FBI Director, and agents, particularly the SACs in my particular jurisdiction, and have been engaged in discussions on the resources and needs of that organization. Mr. Speaker, again, we thank them for their service.

I would offer to say that the position I take today is to protect the FBI and to protect the American people.

Mr. Speaker, I include in the RECORD, interestingly enough, an article written by SHEILA JACKSON LEE, "Protecting America, protecting Americans," dated October 16, 2007.

[From the POLITICO, Oct. 16, 2007]

PROTECTING AMERICA, PROTECTING AMERICANS

(By Rep. Sheila Jackson Lee)

Nearly two centuries ago, Alexis de Tocqueville observed that the reason democracies invariably prevail in any martial conflict is because democracy is the governmental form that best rewards and encourages those traits that are indispensable to martial success: initiative, innovation, resourcefulness and courage.

The United States would do well to heed de Tocqueville and recognize that the best way to win the war on terror is to remain true to our democratic traditions. If it retains its democratic character, no nation and no loose confederation of international villains will defeat the United States in the pursuit of its vital interests.

A major challenge facing the Congress today is to ensure that in waging its war on terror, the administration does not succeed in winning passage of legislation that will weaken the nation's commitment to its democratic traditions.

This is why the upcoming debate over congressional approval authorizing the administration to conduct terrorist surveillance on U.S. soil is a matter of utmost importance. I offer some thoughts on the principles that should inform that debate.

In the waning hours before the August recess, the House acceded to the Bush administration's request and approved the woefully misnamed "Protect America Act," which gives the federal government enlarged powers to conduct electronic surveillance of American citizens under the guise of conducting surveillance of foreign terrorists.

Fortunately, the authority conferred by the PAA expires next February.

It is therefore incumbent on the Congress to act expeditiously to amend the PAA so that it achieves the only legitimate goals of a terrorist surveillance program, which is to ensure that Americans are secure in their persons, papers and effects, but terrorists throughout the world are made insecure.

The best way to achieve these twin goals is to follow the rule of law. And the exclusive law to follow with respect to authorizing foreign surveillance gathering on U.S. soil is the Foreign Intelligence Surveillance Act.

Enacted by Congress in 1978, the exclusivity of FISA was undisputed. Any legislation authorizing terrorist surveillance programs which the administration seeks to conduct must explicitly affirm that FISA is the sole basis of lawful authority for conducting foreign surveillance gathering on U.S. soil.

That FISA remains the exclusive source of authority does not mean that the law cannot

be adapted to modern circumstances or revised to accommodate new technologies. One widely acknowledged reform is to amend FISA to make clear that foreign-to-foreign communications are not subject to FISA, even though modern technology enables that communication to be routed through the United States.

Additionally, the Foreign Intelligence Surveillance Court is indispensable and must play a meaningful role in ensuring compliance with the law.

Legislation must ensure that the FISC is empowered to act as an Article III court should act, which means the court should operate neither as a rubber stamp nor a bottleneck. The function of the court is to validate the lawful exercise of executive power on the one hand, and to act as the guardian of individual rights and liberties on the other.

Congress should reject any proposal that grants amnesty to any telecommunications company or other entity or individual that helps federal intelligence agencies spy illegally on innocent Americans.

Amnesty will have the unintended consequence of encouraging telecommunications companies to comply with, rather than contest, illegal requests to spy on Americans.

The only permissible path to legalization of conduct in this area is full compliance with the requirements of the Foreign Intelligence Surveillance Act.

Finally, authorization to conduct foreign surveillance gathering on U.S. soil must never be made permanent. The threats to America's security and the liberties of its people will change over time and require constant vigilance by the people's representatives in Congress.

In short, it makes much more sense to enact legislation that protects Americans, rather than one that protects America, as the administration's proposal claims to do. At bottom, America is its people connected to each other, and to past and future generations, as in Abraham Lincoln's unforgettable phrase, by "the mystic chords of memory stretching from every heart and hearthstone."

America, in other words, is Americans coming together in a community of shared values, ideals and principles. It is those shared values that hold us together. It is our commitment to those values that the terrorists wish to break because that is the only way they can win.

Thus, the way forward to victory in the war on terror is for this country to redouble its commitment to the values that every American will risk his or her life to defend. It is only by preserving our attachment to these cherished values that America will remain forever the home of the free, the land of the brave and the country we love.

Ms. JACKSON LEE. Mr. Speaker, that article suggests that we have the responsibility to protect America and Americans. I would make the point to my good friend, who mentioned that men and women or families sending their young people over to battlegrounds, they are absolutely right, and those young people who are going over to battlegrounds are going over on the basis of freedom. Their parents sacrificed, these loved ones sacrificed their young people because they believe so much in the freedom of this Nation.

Well, I will tell you that section 702 and the underlying bill, there is no freedom in this particular bill, and that is why we need to address the question in a thoughtful manner. I

don't mind if we extend this to have a longer debate so that we can work through some of our concerns.

Let me be clear that S. 139 fails to address the core concern of Members of Congress and the American public. The government's use of section 702 information against United States citizens in investigations that have nothing to do with national security, that is the crux of our advocacy for both the Amash amendment, joined by myself and ZOE LOFGREN and TED POE and many others—it is not to undermine the security of this Nation. It is to give substance to those families who sacrifice and send their young men and women to faraway places.

The warrant requirement contained in the bill is riddled with loopholes and applies only to fully predicated official FBI investigations, not to the hundreds of thousands of searches that the FBI runs every day to run down a lead or check out a tip.

S. 139 exacerbates existing problems with section 702 by codifying the so-called bulk collection, a type of surveillance that was shut down after it twice failed to meet the Fourth Amendment scrutiny.

S. 139 is universally opposed by technology companies, privacy and civil liberties groups across the political spectrum.

Let me read briefly what the Amash amendment really says. It is not something that would stop security, surveillance, and work in its tracks. What it does is, "Except as provided in subparagraph C or D, no officer, agent, or employee of the United States may conduct a query of information acquired under subsection A in an effort to find communications of or about a particular person if there is reason to believe such person is a United States person," protecting the First Amendment freedom of speech and all of that, but matched with the important amendment of the Fourth Amendment, which, of course, is unreasonable search and seizures.

□ 1530

An application by the Attorney General to a judge of the Foreign Intelligence Surveillance Court that describes the determination of the Attorney General is probable cause to believe that such communications provide evidence of a crime, such person is a foreign power or an agent of a foreign power. This is a minimal standard.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Texas.

Ms. JACKSON LEE. Mr. Speaker, this is a minimal standard of which every American should expect and is owed. It is a minimal standard upon which we stand the Constitution.

We are missing what our role is here. It is not to rush through a FISA bill that has been delayed by my Republican friends. More importantly, it is to



do right by the American people. We are not doing right by the American people.

I remember fighting against reverse targeting, a major issue in our work on the Freedom Act and the PATRIOT Act. Now, today—in 2017, going into 2018—in 2018, it is important to remember that 9/11 was to not turn terror on Americans; it was to protect us from terrorism and to withstand that with the upholding of the Constitution.

Mr. Speaker, I ask my colleagues to oppose the underlying bill.

Mr. Speaker, as a senior member of the Judiciary Committee, I rise in opposition to the rule for S. 139, the “FISA Amendments Reauthorization Act of 2017,” and the underlying bill.

S. 139 reauthorizes Section 702 of the Foreign Intelligence Surveillance Act, which is scheduled to expire on January 19, 2018.

Although Section 702 is a critical national security tool set to expire on January 19, 2018, events of the recent past strongly suggest that Section 702 should not be reauthorized without necessary and significant reforms that are not included in the legislation before us.

So as the Ranking Member of the Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, I oppose the rule and underlying bill for several compelling reasons:

1. S. 139 fails to address the core concern of Members of Congress and the American public—the government’s use of Section 702 information against United States citizens in investigations that have nothing to do with national security.

2. The warrant “requirement” contained in the bill is riddled with loopholes and applies only to fully predicated, official FBI investigations, not to the hundreds of thousands searches the FBI runs every day to run down a lead or check out a tip.

3. S. 139 exacerbates existing problems with Section 702 by codifying so-called “about collection,” a type of surveillance that was shut down after it twice failed to meet Fourth Amendment scrutiny.

4. S. 139 is universally opposed by technology companies, privacy, and civil liberties groups across the political spectrum, from the ACLU to FreedomWorks.

Mr. Speaker, the bill before us comes from the Intelligence Committee, where it was passed on a strict party-line vote.

This stands in stark contrast to H.R. 3989, the USA Liberty Act, I the bipartisan bill reported by the Judiciary Committee after multiple hearings, an open markup process, and a bipartisan vote of approval.

The USA Liberty Act enjoys much broader support, contains meaningful reforms to the Foreign Intelligence Surveillance Act, and is far superior to the bill before us.

FISA was enacted in 1978 to provide the Executive Branch with a statutory framework for gathering “foreign intelligence information” from U.S. persons.

FISA authorizes special court orders for four purposes:

1. electronic surveillance;
2. physical searches;
3. the installation and use of pen registers and trap and trace devices; and
4. demands for the production of physical items.

Although FISA is designed for intelligence gathering, and not for the collection of criminal evidence, the law applies to activities to which a Fourth Amendment warrant requirement would apply if they were conducted as part of a criminal investigation.

Most commonly, authorization for a wiretap or physical search under FISA is obtained by application to the Foreign Intelligence Surveillance Court (“FISC” or the “FISA court”).

Section 702 is part of the FISA Amendments Act (FAA), a successor to the Bush Administration’s unlawful warrantless wiretapping program that ended in January 2007.

The FAA adds a new Title VII to FISA that grants the government the authority to monitor electronic communications of non-U.S. persons abroad.

Section 702 authorizes the Attorney General and the Director of National Intelligence “to acquire foreign intelligence information” from “persons reasonably believed to be located outside the United States.”

Although the FAA prohibits the intentional targeting of persons in the United States, the FAA had been in place for only a few months when the New York Times reported that the NSA had “overcollected” domestic communications, a practice described as significant and systematic, even if unintentional.

Subsequently, the Director of the Office of National Intelligence stated that “it is not reasonably possible to identify the number of people located in the United States whose communications may have been reviewed under the authority of the FAA.”

Section 702 provides that the government “may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States.”

Mr. Speaker, Section 702 of the Foreign Intelligence Surveillance Act was enacted to protect the liberty and security of Americans, not to diminish their constitutional rights.

That is why Section 702 should not be reauthorized with reforms to prevent the government from using information against its political opponents or members of religious, ethnic, or other groups.

One way to do that is without interfering with the national security objectives of 702 surveillance is simply to require the FBI to obtain a warrant before reading communications by Americans, when it finds those communications by targeting that American and searching its 702 databases.

Enforcing the warrant requirement would prevent the misuse of Section 702 to conduct “backdoor searches” where government agencies, including individual FBI agents, may search the communications collected under section 702 for communications by an individual American, read those communications and disseminate them within the government, all without any external oversight, much less a judicial warrant, simply by claiming a “foreign intelligence” purpose.

Mr. Speaker, all Americans want to find a common-ground where common-sense rules and regulations relating to fighting terrorism at home and abroad can exist while still protecting the cherished privacy and civil liberties which Americans hold close to our collective hearts.

Mr. Speaker, I noted in an op-ed published way back in October 2007, that as Alexis

DeTocqueville, the most astute student of American democracy, observed nearly two centuries ago, the reason democracies invariably prevail in any military conflict is because democracy is the governmental form that best rewards and encourages those traits that are indispensable to success: initiative, innovation, courage, and a love of justice.

The best way to keep America safe and strong is to remain true to the valued embedded in the Constitution and the Bill of Rights.

The bill before us does not strike the proper balance between our cherished liberties and smart security.

We can do better; we should reject this rule and the underlying bill and bring to the floor for debate and vote H.R. 3989, the USA Liberty Act.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Just real briefly, I think one of the issues here is this discussion of riddled with loopholes and riddled with anybody. It is just a reminder that agencies not already defined in this cannot just do random searches of this database. This is something that we have just—again, let’s just push back on the facts of the case.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Washington (Mr. HECK).

Mr. HECK. Mr. Speaker, I rise today to ask my colleagues to say “pause,” take a step back, reject the rule, and give ourselves a chance to, frankly, do it better.

FISA reauthorization is inarguably one of the most consequential votes we will take in this Congress because the constitutional stakes are so high. Civil liberties are the core of our Bill of Rights, and we are asked to take action that affects them in the name of keeping us safe. I get that.

But it is critical that we get it right. I think we can do better. To make decisions of this magnitude, we should have the most robust process possible, full and open debate, and input from the stakeholders, thoughtful deliberations by the Members. The process for this bill thus far has decidedly not been that, has not been great. It was written and rewritten in secret and with minimal debate or stakeholders’ input.

But—this is a big but—I am actually optimistic because I have seen a change in the last few days and I think we have an opportunity here. The administration is suddenly engaged, and we are seeing vibrant debate from stakeholders in the technology sector, civil liberties advocates. Members have had very serious discussions, including here on the floor today, but in the Halls, offering amendments to rules, unfortunately, which are not being allowed—save one.

We are being asked to shut all that down, that opportunity, and push through an extension that will run for 6 years. Frankly, stop and think: 6 years in the world of technology is an eternity.

So, for all these reasons, I ask my fellow Members to join me in opposing this rule and, instead, allow the House an opportunity to work its will, to take a little more time, and to do it better because we really do need to wrestle with privacy, with what privacy means in a world where our entire personal lives are stored somewhere online as ones and zeros. Frankly, that is happening at an even faster pace than it is now.

We need to debate how the Fourth Amendment protects us against search and seizures applying to our digital records. We are all being rendered into nothing but a massive storehouse of ones and zeros.

The tensions or balance between civil liberties and national security is a debate as old as this country, but they are not mutually exclusive. They are hard—they are darn hard—but they are not mutually exclusive and they are not impossible.

I know well how many threats we face around the world and I don't take them lightly. The fact that we have not faced another major terrorist attack since 9/11 is a testament to the skill and the hard work of the intelligence community, and I tip my hat to them. I am absolutely committed to giving them the tools they need to keep us safe, consistent with our constitutional rights.

But we live in an era of the most powerful spying tools the world has ever known. Twenty-five years ago conversations were ephemeral. They were conducted in person or over the phone. But now they occur over email or chat and they are archived forever. Our medical, financial, and legal records are all online; so are our photos. Our cell phones track us everywhere we go.

The data available on us is unprecedented, and the fundamental principle of the Bill of Rights is that we have the right to keep our data private. We need new safeguards to ensure that.

So, by rejecting this rule, we have a chance to do it better. In so doing, both keep us safe and protect our constitutional rights.

For these reasons, Mr. Speaker, I urge my colleagues to reject the rule.

Mr. COLLINS of Georgia. Mr. Speaker, I would like to ask how much time is remaining on both sides, and then also inquire of my good friend from Florida if he has any more speakers.

The SPEAKER pro tempore. The gentleman from Georgia has 9 minutes remaining. The gentleman from Florida has 9½ minutes remaining.

Mr. COLLINS of Georgia. Does the gentleman from Florida have any more speakers?

Mr. HASTINGS. Mr. Speaker, I would advise that I have no further speakers and I am prepared to close.

Mr. COLLINS of Georgia. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the United States House of Representatives is known as

the people's House, yet the people's representatives continuously are shut out of policy discussion after discussion. They are shut out of writing bill after bill, and they are shut out of offering any meaningful amendments.

Quite simply, Mr. Speaker, if the people's representatives are shut out, then the people are shut out. If you look around at how the majority is running this place, through a historically closed process, the result is not at all pretty.

I have some advice for my Republican friends. If, like this side of the aisle, you spent more time working on policies that help the American people instead of the wealthy and rich corporations who are, I might add, doing just fine, you would likely not only see more legislative successes, but you would be able to spend more time on important issues like this critically important issue, the extension of section 702.

Mr. Speaker, as is clearly evident, Democrats remain ready to work in a bipartisan manner to accomplish all that remains left to do for the American people. We are ready to fund the government and provide for smart investments for the future of our country.

We are ready to pull the hundreds of thousands of DREAMers out of unnecessary limbo and provide them with the status they deserve. We are ready to go forward with comprehensive immigration. We are ready to provide the funding and authorization needed to give millions of low-income children the health insurance they need. We are ready to fix our roads and our bridges and our railways and air trafficking. We are here and waiting, but time is running out.

Mr. Speaker, I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate my friend from Florida, my cohort on the Rules Committee, but I will just also say I appreciate his advice. But also, as a reminder back to my friend from Florida, we have spent time talking about things that matter and things that were messed up.

In fact, we spent a lot of time in this House and passed a healthcare bill because people in my district called me regularly over the holiday, as the new year approached, saying: We can't get insurance, or the insurance that I am provided, no doctor will accept.

We have spent time on that. I believe that is real.

We spent time in this body over the past few years working on a bill called Dodd-Frank that, in my district, decimated community banks and made lending harder and made businesses have more trouble trying to hire people to put them to meaningful work. Yes, we are spending time on things that were not well thought out.

Tax reform was well thought out and is helping Americans in all districts, including my friend's, and I believe we will continue to hear more about that as the day progresses.

But today, again, as many times, we are focused on a bill that has serious debate. It has the reality of some that can take and look at one thing and see a difference, and I agree with my friends on that. But that is why we are having this debate. That is why there will be an amendment on this bill that I oppose and that others will. Some will support it.

But I tell you one that does not support it: the current administration does not support the amendment. The current administration supports the bill, and the relevant committees that have worked on this bill support the underlying bill.

Number two, one of the issues that we have talked about today and one of the things we have to be very careful of is going back to something that was supported by both parties, and that is the recommendations of the 9/11 Commission report that said that we have to take seriously the foreign—I respect greatly my friend, former speaker on our side, who disagrees with this bill, but this is about foreign surveillance. This is the foreign part of this, and we have got to make sure that we have that capability.

Really, this bill—if you continue, and especially looking at the amendment and where others want to go—would build walls that led to the very problems that we expressed before 9/11.

Then there is this last case that continually comes up, and it was about the "about collection," which is no longer being done and practiced. It has been said: Well, we are just codifying it, and they can bring it back willy-nilly.

Let's remind ourselves of what actually has to happen. They have to actually decide that, one, they can, and they have to bring it to the FISC, the court. Oh, wait. Hold on here a second. Let's think about what just happened here. They have to bring it back to the very court that said: Oh, we have got a concern about this and why they have suspended it.

But, Mr. Speaker, let's also talk about why this even occurred, to start with, with the court. It was because the agencies, the intelligence communities, self-reported an issue that they needed to look at. It was not hidden. It was self-reported to the court. This is the protections built into this legislation.

Now, we can debate whether they go far enough or they are not enough or they are properly billed. This is sort of like a debate that needs to happen.

But be careful where we go here, to let the American people be led to believe that things that are happening are not really happening. Do not let it be led to believe that there are not things in place set up by even friends who have spoken today, maybe even against this, that were put in place to



protect the personal rights of our citizens.

Let's never forget that the end result of this is keeping our Nation safe while balancing the privacy concerns of our own citizens, which is never outside of my thoughts and discussions.

For years, the five years that I have been in this body and worked on the Judiciary Committee, we have pushed this envelope, pushing it for protection while, at the same time, balancing our national security needs. I will never say, for the most part, that there is a perfect bill ever to hit this floor. I would think that my friend would probably agree with me on that.

So you have to find the balance and ask: What is the aim of the bill? What is it doing? And how did it go about.

I believe this strikes that balance.

You can have disagreement, but at the end of the day, my question to you is: Is your push to make something better willing to turn out the lights or go dark on watching those who wish to do us harm?

Don't bank on the fact that the intelligence community will just continue on under what has been happening and not look at what could happen, even as we are in this Chamber debating this bill. I want them to be able to see clearly the threats to this country. I want them to use the processes in place to protect American citizens in this process, which they are doing, which, by the way, was highlighted by the fact of the self-report that led to the unbalanced collection being stopped.

□ 1545

But I never would want to put the security of this country in doubt when they cannot look or they are on shaky legal ground of what they can and cannot do to protect us. This goes back to a time in our country's history where we have technology—it was just said recently—that is changing. I want them to have the ability to continue this process under the supervision of a plan that is put in place. Where those need to be adjusted, they can be adjusted.

Are there other needs that need to be addressed? Yes, there are. The Intelligence Committee chairman and I have spoken on those already. The Judiciary Committee, also, is looking into these. But at this point in time, this bill is one that I believe strikes the balance that is critical for our intelligence and law enforcement communities to have the tools they need to do their jobs, for our civil liberties and right to privacy, fundamental to our identity as Americans. I believe the underlying bill strikes that proper balance.

As we go forward, these are the debates, Mr. Speaker, we need to have in this Chamber. At the end of the day, it is about getting the bill and the process right so that we can achieve the aims that need to be achieved.

As we move forward, I would say this is what happened, this is how we work,

and, for now, I believe this is the proper way to go about it. I look forward to supporting this rule and the underlying bill to protect our Nation, the American people, and also to preserve our civil liberties.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. HASTINGS. 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 adoption of House Resolution 682 will be followed by 5-minute votes on:

Ordering the previous question on House Resolution 681; and

Adoption of House Resolution 681, if ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 181, not voting 17, as follows:

[Roll No. 8]

YEAS—233

Abraham	Diaz-Balart	Kelly (MS)
Aderholt	Donovan	Kelly (PA)
Allen	Duffy	King (IA)
Amash	Duncan (SC)	King (NY)
Amodei	Duncan (TN)	Kinzinger
Arrington	Dunn	Knight
Babin	Emmer	Kustoff (TN)
Bacon	Estes (KS)	Labrador
Banks (IN)	Farenthold	LaHood
Barletta	Faso	LaMalfa
Barr	Ferguson	Lamborn
Barton	Fitzpatrick	Lance
Bergman	Fleischmann	Latta
Biggs	Flores	Lewis (MN)
Billrakis	Fortenberry	LoBiondo
Bishop (MI)	Foxo	Long
Bishop (UT)	Frelinghuysen	Loudermilk
Black	Gaetz	Love
Blackburn	Gallagher	Lucas
Blum	Garrett	Luetkemeyer
Bost	Gianforte	MacArthur
Brady (TX)	Gibbs	Marchant
Brat	Gohmert	Marino
Bridenstine	Goodlatte	Marshall
Brooks (AL)	Gosar	Mast
Brooks (IN)	Gowdy	McCarthy
Buchanan	Granger	McCaul
Buck	Graves (GA)	McClintock
Bucshon	Graves (LA)	McKinley
Budd	Graves (MO)	McMorris
Burgess	Griffith	Rodgers
Byrne	Grothman	McSally
Calvert	Guthrie	Meadows
Carter (GA)	Handel	Meehan
Carter (TX)	Harper	Messer
Chabot	Harris	Mitchell
Cheney	Hartzler	Moolenaar
Coffman	Hensarling	Mooney (WV)
Cole	Herrera Beutler	Mullin
Collins (GA)	Hice, Jody B.	Murphy (FL)
Collins (NY)	Higgins (LA)	Newhouse
Comer	Hill	Noem
Comstock	Holding	Norman
Conaway	Hollingsworth	Nunes
Cook	Hudson	Olson
Costello (PA)	Huizenga	Palazzo
Cramer	Hultgren	Palmer
Crawford	Hunter	Paulsen
Culberson	Hurd	Pearce
Curbelo (FL)	Issa	Perry
Curtis	Jenkins (KS)	Pittenger
Davidson	Johnson (LA)	Poliquin
Davis, Rodney	Johnson (OH)	Posey
Denham	Johnson, Sam	Ratcliffe
Dent	Jordan	Reed
DeSantis	Joyce (OH)	Reichert
DesJarlais	Katko	Renacci

Rice (SC)	Sensenbrenner	Wagner
Roby	Sessions	Walberg
Roe (TN)	Shimkus	Walden
Rogers (AL)	Shuster	Walker
Rogers (KY)	Simpson	Walorski
Rohrabacher	Smith (MO)	Walters, Mimi
Rokita	Smith (NE)	Weber (TX)
Rooney, Francis	Smith (NJ)	Webster (FL)
Rooney, Thomas J.	Smith (TX)	Wenstrup
Ros-Lehtinen	Smucker	Westerman
Roskam	Stefanik	Williams
Ross	Stewart	Wilson (SC)
Rothfus	Stivers	Wittman
Rouzer	Taylor	Womack
Royce (CA)	Tenney	Woodall
Russell	Thompson (PA)	Yoder
Rutherford	Thornberry	Yoho
Sanford	Tiberi	Young (AK)
Schneider	Tipton	Young (IA)
Schweikert	Trott	Zeldin
Scott, Austin	Upton	
	Valadao	

NAYS—181

Aguilar	Gomez	O'Halleran
Barragán	Gonzalez (TX)	O'Rourke
Bass	Gottheimer	Pallone
Beatty	Green, Al	Panetta
Bera	Green, Gene	Pascrell
Beyer	Grijalva	Payne
Bishop (GA)	Gutiérrez	Pelosi
Blumenauer	Hastings	Perlmutter
Blunt Rochester	Heck	Peters
Bonamici	Higgins (NY)	Peterson
Boyle, Brendan F.	Himes	Pingree
Brady (PA)	Hoyer	Pocan
Brown (MD)	Huffman	Polis
Brownley (CA)	Jackson Lee	Price (NC)
Bustos	Jayapal	Quigley
Butterfield	Jeffries	Raskin
Capuano	Johnson (GA)	Rice (NY)
Cárdenas	Johnson, E. B.	Richmond
Carson (IN)	Jones	Rosen
Cartwright	Kaptur	Roybal-Allard
Castor (FL)	Kelly (IL)	Ruiz
Castro (TX)	Kennedy	Ruppersberger
Chu, Judy	Khanna	Rush
Clark (MA)	Kihuen	Ryan (OH)
Clarke (NY)	Kildee	Sánchez
	Kilmer	Sarbanes
	Krishnamoorthi	Schakowsky
	Kuster (NH)	Schiff
	Langevin	Schrader
	Larsen (WA)	Scott (VA)
	Larson (CT)	Scott, David
	Lawrence	Serrano
	Lawson (FL)	Sewell (AL)
	Lee	Shea-Porter
	Levin	Sherman
	Lewis (GA)	Sinema
	Lieu, Ted	Sires
	Lipinski	Slaughter
	Loebach	Smith (WA)
	Lofgren	Soto
	Lowenthal	Speier
	Lowe	Suozi
	Lujan Grisham,	Swalwell (CA)
	M.	Takano
	Luján, Ben Ray	Thompson (CA)
	Lynch	Thompson (MS)
	Maloney,	Titus
	Carolyn B.	Tonko
	Maloney, Sean	Torres
	Massie	Tsongas
	Matsui	Vargas
	McCollum	Veasey
	McEachin	Vela
	McGovern	Velázquez
	Meeks	Velosky
	Meng	Walz
	Moore	Wasserman
	Moulton	Schultz
	Nadler	Waters, Maxine
	Napolitano	Watson Coleman
	Neal	Welch
	Norcross	Yarmuth

NOT VOTING—17

Adams	Hanabusa	Nolan
Carbajal	Jenkins (WV)	Poe (TX)
Cicilline	Keating	Scalise
Cummings	Kind	Turner
DeSaulnier	McHenry	Wilson (FL)
Gabbard	McNerney	

□ 1613

Ms. SPEIER and Mr. GOTTHEIMER changed their vote from “yea” to “nay.”

Mrs. McMORRIS RODGERS, Mr. SCHNEIDER, Mrs. MURPHY of Florida, and Mr. BILIRAKIS changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. KEATING. Mr. Speaker, on rollcall No. 8 on H. Res. 682, the rule providing for consideration of S. 139, the FISA Amendments Reauthorization Act of 2017, I am not recorded due to my attendance at a briefing on airport security. Had I been present, I would have voted “no.”

□ 1615

#### HONORING DON YOUNG AS DEAN OF THE HOUSE OF REPRESENTATIVES

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today for a very happy purpose, and it is to recognize the Honorable DON YOUNG of Alaska as the new dean of the House of Representatives.

The tradition of having a dean dates back centuries to the House of Commons. It is an honor that goes to our longest continuously serving Member.

DON YOUNG is one of only 28 Americans in the history of this Nation to serve more than 40 years in this House. As you can see, he has a very bright future ahead of him.

DON, I want to be clear at the outset that there are limits to the dean's duties. For instance, you cannot hang a bearskin in the House Chamber. You still cannot reserve seats.

The dean has the responsibility of swearing in the Speaker. Remember, that is swearing in the Speaker, not swearing at the Speaker.

This milestone is not just a matter of longevity, but the word that comes to mind when you think of DON YOUNG is “loyalty.” This man is fiercely loyal. DON YOUNG is fiercely loyal to Alaska.

He fights hard for what he believes is right. Just look at ANWR. I know it is controversial. We have been talking about doing tax reform for 30-plus years here. DON YOUNG has been working on ANWR for 45 years. When we passed H.R. 1 in the House, that was the 13th time he passed an ANWR bill, and it finally made it into law.

Achievements like this just don't happen overnight. They require leaders willing to carry the torch, come what may. As we all know, DON YOUNG is not the kind of guy that is going to let anything—or anyone—get in his way.

He is loyal to his family and his friends, which includes many, many Members of this body. He can be direct, but you always know where he stands,

or, more importantly, you always know where you stand with him.

But most of all, as our dean, DON YOUNG is loyal to this institution. That, we all know. Decades on, DON YOUNG believes as much as anyone in the value of the work that we do here. As DON, himself, so characteristically put it: “those who think . . . I might retire, you can forget it. I like what I do.”

DON YOUNG is a man of this institution. He believes in this institution. He believes in the work that we do.

So, on this, his 16,374th day in the House, we extend our congratulations to DON, to Anne, and to their entire family.

I thank DON YOUNG for his service to Alaska and to this country.

#### HONORING CONGRESSMAN DON YOUNG

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I rise to join our distinguished Speaker in honoring Congressman DON YOUNG, who ascends to the position of dean of the U.S. House of Representatives following nearly 45 years of proud service on behalf of the people of Alaska. Congressman YOUNG also holds the distinction of serving as the first dean of the House from the Republican Party in 80 years.

Congratulations.

On behalf of the Democratic Caucus, I extend my congratulations to DON; his wife, Anne; and his entire family.

Despite our differences, it is clear that DON cares deeply about our Nation. DON serves because, in his words, he is “enthusiastic about meeting people and trying to solve their problems.”

As a former teacher, he is an advocate for quality education for all. As a former U.S. Army tank operator, he believes in ensuring that servicemembers, families, and veterans have the care they have earned. In honor of his late, beloved wife, Lu Young, he has been a champion for the Native children of Alaska.

The motto of the State of Alaska is “North to the future.” In his commitment to progress and better futures for the people of Alaska, DON honors those words.

The dean of the House has the honor of administering to the Speaker, as the Speaker indicated, the oath of office, which begins: “I will support and defend the Constitution of the United States against all enemies, foreign and domestic.” As dean, Congressman YOUNG will now have the special responsibility not only of defending the Constitution, but of defending the integrity and dignity of this institution, which he has done all along.

Following in the footsteps of great leaders before him—Sam Rayburn, John Quincy Adams, Carl Vinson—it is now DON's solemn duty to help foster a

climate of civility in the Congress and to hold our colleagues accountable for behavior beneath the standards of this body.

I told DON I would tell you this story when I just congratulated him. He has been very helpful to us in making the Presidio go from an Army post to a special kind of national park. I hope he considers establishing the Presidio in San Francisco part of his legacy. We would love to welcome him and honor him in San Francisco anytime he is ready for that.

But in the course of our conversations over those times, I noticed one day that DON had on this beautiful tie. It had a bald eagle and a baby seal on it. It had these beautiful animals on it. I said: DON, what a lovely, beautiful environmental tie you have on.

He said: I call it lunch.

Again, we know that DON YOUNG will always honor the important obligations, as he always has, and now his new obligation as dean of the House of Representatives. That is historic.

I congratulate him and thank him for his service.

#### SERVING THE PEOPLE OF ALASKA

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Alaska. Mr. Speaker, first, let me thank the Speaker and the minority leader for their introductions.

I have been in the House for 45 years, with nine Speakers and nine Presidents. I have been in this House with 2,000 Members who have left. I love this body.

I can suggest one thing: My greatest honor has been being able to achieve results for my State. I am the only Congressman from the whole State of Alaska, and I love it. It is my responsibility to represent the State and this House as the single person to do the job that I have been asked to do.

One of the things that I have enjoyed is the friendships. I don't think there is an enemy in the House. I worked across the aisle. Jimmy Oberstar and I never had an adversarial vote at any one time on the Transportation and Infrastructure Committee. Now, when George Miller was the minority member, we had a lot of arguments and a lot of disagreements, but we hunted together and we ate together.

I believe in bipartisanship. I believe in this body to lead this Nation. Nine Presidents, the House has its job to do regardless of who the President is.

I thank my wife, who is in the audience up there in the gallery. A man gets lucky usually once in his life. I got lucky twice. My past wife was with me for 46½ years. My new wife has been with me about 8 years now. I want the State to pay her because she keeps me alive. And she likes what I do.

I want to thank my colleagues. Being the dean will not change me. I will still holler, “Vote.” I will sometimes get out of line. But in doing so, remember,