The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

APPOINTMENT OF CONFEREES ON H.R. 5895, ENERGY AND WATER, LEGISLATIVE BRANCH, AND MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2019

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 5895:

Messrs. FRELINGHUYSEN, SIMPSON, CARTER of Texas, CALVERT, FORTENBERRY, FLEISCHMANN, Ms. HERRERA BEUTLER, Mr. TAYLOR, Mrs. LOWEY, Ms. KAPTUR, Messrs. VISCLOSKY, RYAN of Ohio, and Ms. WASSERMAN SCHULTZ.

There was no objection.

INSISTING DEPARTMENT OF JUSTICE COMPLY WITH REQUESTS AND SUBPOENAS

Mr. MEADOWS. Mr. Speaker, pursuant to House Resolution 971, I call up the resolution (H. Res. 970) insisting that the Department of Justice fully comply with the requests, including subpoenas, of the Permanent Select Committee on Intelligence and the subpoena issued by the Committee on the Judiciary relating to potential violations of the Foreign Intelligence Surveillance Act by personnel of the Department of Justice and related matters, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 971, the resolution is considered read.

The text of the resolution is as follows:

H. RES. 970

Whereas ''the power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes [and] comprehends probes into departments of the Federal Government to expose corruption, inefficiency or waste.'' (Watkins v. United States (354 U.S. 178, 187));

Whereas a necessary corollary of Congress's oversight and investigative authority is the power to issue and enforce subpoenas. The ''[I]ssuance of subpoenas . . . has long been held to be a legitimate use by Congress of its power to investigate.'' (Eastland v. U.S. Serviceman's Fund (421 U.S. 491, 504));

Whereas Chairman Devin Nunes of the Permanent Select Committee on Intelligence of the House of Representatives requested information on potential abuses of the Foreign Intelligence Surveillance Act in a March 8, 2017, letter to the Department of Justice;

Whereas the Committee reviewed responsive documents on March 17, 2017, but thereafter the Department of Justice refused to make the documents available;

Whereas Chairman Nunes issued a subpoena on August 24, 2017, to include the documents sought on March 8, 2017;

Whereas the Department of Justice came to substantially comply with the subpoena 10 months after the subpoena and more than one year from the original request;

Whereas Chairman Nunes sought documents related to 9 current or former Department of Justice personnel in a March 23, 2018, letter;

Whereas the Department of Justice complied with the request relating to one individual on May 8, 2018, but has yet to fully comply with the other requests;

Whereas Chairman Nunes sent a letter classified ''SECRET'' on April 24, 2018, followed by a subpoena on April 30, 2018, which demanded the production of all documents related to the issue identified in the earlier letter;

Whereas compliance with this letter and subpoena has to date been limited to briefings and access to supporting documents, which have not been provided to all of the Members and cleared staff of the Permanent Select Committee on Intelligence;

Whereas the exclusion of the Members and cleared staff from access to these briefings and supporting documents amounts to noncompliance with the April 30 subpoena;

Whereas, on October 24, 2017, the Committees on the Judiciary and Oversight and Government Reform opened a joint investigation into the decisions made by the Department of Justice in 2016 and 2017 related to its handling of the investigation of the emails of former Secretary of State Hillary Clinton;

Whereas, on November 3, 2017, Chairman Goodlatte, Chairman Gowdy, and four Members of Congress sent a letter to Attorney General Sessions and Deputy Attorney General Rosenstein requesting 5 specific categories of documents;

Whereas, on December 12, 2017, Chairman Goodlatte, Chairman Gowdy, and other Members sent a letter emphasizing the expectation that the Department of Justice provide all requested documents as well as a privilege log;

Whereas, on February 1, 2018, Chairman Goodlatte sent a letter requesting documents related to potential Foreign Intelligence Surveillance Act abuses;

Whereas the Department of Justice has missed document production deadlines, produced duplicative pages of information, and redacted pages to the point where they contain no probative information;

Whereas the Committee on the Judiciary issued a subpoena to Deputy Attorney General Rosenstein on March 22, 2018, which compelled him to produce, among other things—

(1) all documents and communications referring or relating to internal Department of Justice or Federal Bureau of Investigation management requests to review, scrub, report on, or analyze any reporting of Foreign Intelligence Surveillance Act collection involving, or coverage mentioning, the Trump campaign or the Trump administration;

(2) all documents and communications referring or relating to defensive briefings provided by the Department of Justice or the Federal Bureau of Investigation to the 2016 presidential campaigns of Hillary Clinton or President Trump; and

(3) all documents and communications referring or relating to proposed, recommended, or actual Foreign Intelligence Surveillance Act coverage on the Clinton Foundation or persons associated or in communication with the Clinton Foundation; and

Whereas the Department of Justice has failed to comply with the March 22 subpoena by failing to substantially comply with the demand for the production of all of these categories of documents: Now, therefore, be it

Resolved, That the House of Representatives insists that, by not later than July 6, 2018, the Department of Justice fully comply with the requests, including subpoenas, of the Permanent Select Committee on Intelligence and the subpoena issued by the Committee on the Judiciary relating to potential violations of the Foreign Intelligence Surveillance Act by personnel of the Department of Justice and related matters.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. MEADOWS) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. MEADOWS).

GENERAL LEAVE

Mr. MEADOWS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and add extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of a resolution that literally is about this institution. And when we look at this, it is about the Department of Justice and the FBI giving documents to this institution so that they can conduct proper oversight.

We have had months and months go by with multiple requests where those requests have been largely ignored by the Department of Justice.

It is time that the American people actually have the transparency that they deserve in being able to see these documents and let them judge for themselves what did or did not go on within the Department of Justice and FBI.

Mr. Speaker, Lady Justice should have a blindfold, and that means that justice should not be meted out to those that are well connected or well financed. It should be even in all regards.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN. Mr. Speaker, I thank the gentleman for yielding and, more importantly, for this resolution.

This is real simple. It is about our branch of government, the legislative branch, getting the information we are entitled to get as a separate and coequal branch of government to do our constitutional duty of oversight.

We have requested information from DOJ. They haven't given it to us. We have issued subpoenas. They haven't complied with subpoenas.

We have caught them hiding information. They redacted the fact, tried to hide the fact that Peter Strzok, a key player in both the Clinton investigation and Russian investigation, was friends with one of the FISA court judges. That was redacted for no other reason than it was embarrassing.

And, of course, we know that the deputy attorney general threatened staff members on the House Intelligence Committee.

So this is real simple. Enough is enough. Give us the documents we are entitled to have. Let's have the full weight of the House behind a resolution saying you have got 7 days to get your act together.

Let me just say one other thing. When have you ever seen an agency where the top people who ran the Clinton investigation and the Russian investigation have had this happen to them: James Comey has been fired; Deputy Director Andy McCabe fired, lied three times under oath, faces a criminal referral; Chief of Staff Jim Rybicki has resigned; General Counsel Jim Baker demoted, then left the FBI; Lisa Page, FBI counsel, demoted, then left the FBI; Peter Strzok, deputy head of counterintelligence, demoted, and was escorted out of the FBI just days ago.

When have you ever seen that happen? And they won't give us the information we are asking for.

Something is going on over there. This is a resolution that is needed, because it, again, will be the full House of Representatives saying enough is enough. Give us the information so we can do our job and get answers for the American people.

That is why I applaud the gentleman's efforts and support this resolution, and encourage every single Member of this body, as an institution, to vote for this resolution.

Mr. MEADOWS. Mr. Speaker, I thank the gentleman for his comments.

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

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

Mr. Speaker, this so-called resolution of insistence is being rushed to the floor as an emergency measure.

There are many emergencies facing the United States at this hour. The subject matter of this resolution is not among them.

This resolution is wrong on the facts, wrong on the law, wrong on the rules, and a dangerous precedent to set for the House of Representatives.

First, the resolution is riddled with inaccuracies. Taking this document at face value, you might think that the Department of Justice had not already sent us hundreds of thousands of documents, many of which the sponsors of this resolution delight in leaking to the public.

It also relies heavily on the March 22 subpoena issued by Chairman GOODLATTE, a subpoena that was not issued in compliance with House rules, and that, according to past House counselors with whom we have consulted, likely cannot be enforced.

□ 1030

Second, this resolution is premised on a demand for documents to which Congress is not entitled and which the Justice Department cannot give.

To be clear, I firmly believe that when the House Judiciary Committee asks the executive branch for information, our committee is entitled to that information in almost every case. But we are not entitled to information that goes to the core of an ongoing criminal investigation.

This prohibition is both a matter of constitutional law, as it falls to the executive branch to enforce the law, and a matter of basic fairness. It is wrong to inject politics into criminal proceedings.

I suspect that the sponsors of this resolution already know this. They are asking for documents that they know they will probably never receive, and they likely view this impossible request as a win-win proposition.

If they somehow bully the Department of Justice into turning over materials that go to the core of Special Counsel Mueller's investigation, that information could be and probably would be shared with the subject of the investigation, namely, President Trump. Indeed, Mayor Giuliani has hinted exactly that. Based on past precedent, that information would next be shared with anybody watching FOX News.

If they do not pry these documents from the Department, they will use that fact to further smear the special counsel, the Deputy Attorney General, and anyone else investigating the President. They have even suggested impeaching the Deputy Attorney General, a proposal that is both without historical precedent and patently ridiculous.

The real purpose of this resolution, and of this whole attempt, is to cast aspersions, is to defame the special prosecutor, the special counsel, and the people associated with him, the Deputy Attorney General.

Finally, voting on this resolution today sets a dangerous precedent. The majority will, in effect, have shown the American people that pure politics is more important than the facts and more important than the law. And for what?

You can force this fight with the leadership of the Department of Justice. You can demand documents that the Department cannot give us, and to which we are not entitled. You can attack the character of lifelong public servants like Deputy Attorney General Rosenstein and Special Counsel Mueller. You can burn bridges with your colleagues to speed this resolution to the floor. But you cannot stop the special counsel's investigation.

Before Members vote today, we must ask: When the special counsel's work is complete, when the enormity of what he has found has been laid bare, how will the American people judge the House's actions here today?

I urge my colleagues to oppose this reckless, dangerous measure, and I reserve the balance of my time.

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

I would make one comment. It is interesting, when the gentleman opposite, Mr. Speaker, is talking about motives and what is designed by this when we have not had a conversation about that.

It is also interesting, when we talk about those very motives about an ongoing investigation, part of this request is asking for 10,000 pages of documents on an investigation that is already complete. I would think we would have the ability to get those from the Department of Justice.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. BIGGS).

Mr. BIGGS. Mr. Speaker, I thank the gentleman from North Carolina for yielding time to me.

You know, an old Arizona farmer told me that when you put up a fence, the cow almost always goes over and leans on the fence to see how strong that fence is, because the cow wants to get to the other side. If the fence is strong, then it moves away, and you don't have that problem. But if your fence is a little bit loose in the wiring, it is going to go over, and that cow is going to get on out. And that is what has happened here.

What has happened here is we have had a loose fence. We have failed to demand the requirements be met as we have requested. It is not bullying. It is not bullying to request documents. It is not bullying to subpoena and use the right that we have to subpoena. That is not bullying anybody.

But I will tell you what the problem is—this resolution gets at the heart of it. It says that we are going to give you an extra 2 weeks. That is rebuilding the fence a little bit. That is rebuilding that fence a little bit and saying: We have oversight authority. You need to comply with that oversight authority.

So we are going to rebuild the fence. And I fully support this resolution, Mr. Speaker. But I will tell you what, I would enthusiastically support a resolution for contempt, because there has not been compliance, nor has there been adequate reason given for noncompliance.

So, I support this resolution 100 percent. I am going to be voting for it. I have cosponsored it. But I will tell you what, we need to be holding a resolution of contempt, because this body and its authority have been held in contempt.

Mr. MEADOWS. Mr. Speaker, I thank the gentleman for his leadership on this particular issue, and I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), the distinguished ranking member of the Crime, Terrorism, Homeland Security, and Investigations Subcommittee.

Ms. JACKSON LEE. Mr. Speaker, let me thank the gentleman for yielding, and certainly, let me thank my good friend from North Carolina.

I think the Nation should understand that we have these stark political differences. We have these stark legal differences. But there is nothing that can undermine the rule of law and the truth.

My good friend who just spoke earlier wants to go to the extreme of holding the Nation's professional law enforcement officers in contempt for doing their job. What I hold in my hand is from the Office of Inspector General, U.S. Department of Justice, issued in June 2018. Besides these pages, Mr. Speaker, there are eons and eons of documents.

Right now, in the Judiciary Committee, Deputy Attorney General Rosenstein is there voluntarily. We have Director Wray there. Even if there was a subpoena, they have come. Both of them indicated that they canceled important trips to be here before the United States Congress.

I asked in that hearing: What was the reason for the emergency hearing? What was the good cause? And I don't know if my colleagues heard it. I could not decipher any good cause of why we are now thrown into this hearing room.

The reason I say that, which speaks to this particular resolution, is the fact that we have had now, under the Presidency of Mr. Trump, almost 2 years, and the Judiciary Committee has not answered one single inquiry offered by the Democrats. We have not had one legitimate hearing on the Russian collusion to have violated and made vile the 2016 election.

I do not speak to the results. I speak to the impact on the integrity of the election by the American people. We have not had one hearing.

Now we are in a rush to continue to reinvestigate and reinvestigate the findings of the inspector general and the investigators who indicated that they investigated this and, in essence, found no criminal behavior; that this is Secretary Clinton's email.

I think it is public knowledge that the item that she was being looked at for was the misuse of classified data. Minimal, at best. We don't want that to happen. She did not want it to happen. But she was cleared of any criminal intent or criminal actions by people that we would normally trust.

I believe in oversight. I don't want scandals at the Department of Justice. I want the Civil Rights Division to work well. Maybe somebody should ask the question why the Civil Rights Division is understaffed and barely working. Maybe somebody should ask the question why the Trump administration switched from being supportive of anti-voter ID laws that were discriminatory but did not.

So this resolution is redundant. It goes in the face of those who are already performing.

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

Mr. NADLER. Mr. Speaker, I yield the gentlewoman from Texas an additional 30 seconds.

Ms. JACKSON LEE. Mr. Speaker, it goes in the face of those who are already performing.

Mr. Speaker, the Department of Justice has already produced about 850,000 documents at the request of this group of folk from Oversight and Judiciary. They are complying.

Why are we on the floor taking a hammer to a flea? That is unnecessary. Why are we not in the Judiciary Committee, probing the individuals who are now appearing?

I want the American people to understand this is a resolution that has nothing to do with the crux of protecting the November 18, 2018, elections, and it has nothing to do with reality. We have finished our work, and we need to go on to protecting the United States of America against bogus elections.

I feel like Yogi Berra—I have deja vu all over again.

In just the last week or so, we have had three hearings related to the actions of the Department of Justice and the FBI in the run-up to the 2016 election.

Over the course of that last week or so, the country has watched as thousands of children have been separated from their parents.

The Supreme Court has seen the resignation of the Court's swing vote.

On Tuesday, the Supreme Court thought it wise to uphold a travel ban on nationals from Muslim majority countries.

And yesterday, the Supreme court gutted the labor rights of public sector employees.

With all of these pressing issues for this august body to determine, what are we talking about?

We're talking about Hillary Clinton's Emails.

Why are we talking about Hillary Clinton's emails?

We're here because one week after the Intelligence community briefed then president-elect Trump, that the Russians had interfered with the election to hurt Hillary Clinton and help Donald Trump.

At best, the timing of the announcement was done to draw a false equivalence between the actions of career law enforcement in investigating the Clinton email server and what would later become the Special Counsel's investigation; at worst, it suggests using the levers of law enforcement for political ends.

We are here well after the fact that the Special Counsel investigating Russia's attempts to meddle in the 2016 election and the extent to which associates of the Trump Campaign were complicit in this endeavor. The Special Counsel has already secured 23 indictments against companies and individuals, some of whom are Americans.

This includes the President's campaign manager, who is currently sitting in jail awaiting charges in two judicial districts.

This is after the Special Counsel has secured guilty pleas, including from:

The President's National Security Advisor;

A lawyer with ties to the President's former campaign manager;

The President's former Foreign Policy Advisor; and

The President's former deputy campaign manager.

All the while, while the Special Counsel was doing this report, the House GOP was salivating for this report to be released.

And then the OIG promulgated the report.

And after the OIG promulgated that report, the House GOP was disappointed, because they did not like what the independent investigation found: that the decisions by the DOJ and the FBI in the days and preceding the 2016 were not tainted by political bias.

Because the OIG's report does not conform with the House's GOP narrative, the House GOP has to muddy the waters, even if that means interfering with an active counterintelligence investigation.

But, before this tea party resolution, let's just recall what has the House Freedom Caucus so upset.

And now, they want information that is at the heart of an active counterintelligence criminal investigation.

And in an effort to aid their allies in the White House, the House GOP has gone to extraordinary effort to alchemize its oversight responsibilities into a line of information to the White House.

While this has happened over the year, the OIG has been preparing its report—and it was released earlier this month.

The OIG Report concludes that while former Federal Bureau of Investigation (FBI) Director James Comey was insubordinate in the manner and content of his decision not to prosecute Hillary Clinton in her use of a private server, the decision was not done with political bias.

This conclusion definitely reignited strong emotions, but a clear eye focused on all operative facts supports the inference that the actions taken by federal law enforcement, out of an abundance of caution, had the effect of conferring significant advantage on the Trump Campaign.

I am a strong supporter of law enforcement.

They do a tough job under difficult circumstances.

This was no less true in the weeks and months preceding the 2016 election.

The confluence of facts and the public statements of then-candidate Trump likely complicated law enforcement's difficult job.

''From the outset, nothing in this report calls into question or undermines the Special Counsel's investigation into Russian interference into the 2016 election and whether and to what extent this endeavor was aided by associates of the Trump Campaign.

Next, while the OIG report released today concludes that former FBI Director Comey was insubordinate in the breadth and depth of his July 2016 press conference declining prosecution of Secretary Clinton, the decision was not done for political purposes or colored with political bias.

''Third, any suggestion that the actions of law enforcement in the second half of 2016 were done to support the Hillary Clinton Campaign to the detriment of the Trump Campaign is belied by the fact that both the decision to editorialize the declination of prosecution in July 2016 and the decision to reopen the Clinton email investigation in October 2016, eleven days before the election, revealed a double standard favorable to Trump and prejudicial to Clinton.

This is because that while the country was debating Secretary Clinton's judgment in setting up a private server for her emails, associates of the Trump Campaign were engaging in questionable—and possibly criminal—behavior with agents of the Russian government.

This disjunction undoubtedly benefitted Trump, however unquantifiably.

''Fourth, while the president may tout this report as supportive of his decision to terminate Comey from his position as FBI Director,

nothing in this report changes two facts: first, after the FBI reopened the investigation into the Clinton email issue in the waning days of the 2016 campaign, then-candidate Trump applauded Comey's announcement.

Given his tact at the time, and his change of heart now and his reasons for doing so, only one conclusion is supportable: that Trump's concern after the election for Comey's decision is more disingenuous than not.

Moreover, to the extent that the president tries to claim that his reasons for firing Comey were consistent with the findings of the OIG report, the president revealed his true motives for firing Comey in an interview with Lester Holt: that it was done because of the Russia investigation.

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

The reality of this is the very document that the gentlewoman from Texas put up, that 500-page report, is actually investigative conclusions based on 1.2 million documents, of which this body—this body—has received less than 24,000 pages of the same documents that she mentions. So all we are asking for is for us, the legislative body, and the American people, to be able to get the very same documents the Department of Justice has.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Speaker, I join my colleagues today in insisting that the Department of Justice fully comply with Congress and provide the requested documents, including subpoenas related to the potential FISA abuse.

The Department of Justice has done nothing but divert and block Congress from documents that are well within our rights to receive. They have repeatedly insisted that they have complied with the document request when they clearly have not.

The Department of Justice Deputy Attorney General Rod Rosenstein has been the major player in stonewalling Congress. The longer they stall this process, the more the American people lose faith in our justice system. That is a threat to our country's future.

I stand here today calling for transparency, answers, and accountability so that we can get to the truth. The American people deserve the accountability. The time to act is now.

If the DOJ fails to comply, then we will be forced to take it to the next level, to hold Deputy Attorney General Rod Rosenstein in contempt, as my previous speaker has spoken, or even to impeach, which would be my preferred course of action right now.

It is very simple. Comply with the law, do your job, or get out.

I support this resolution.

Mr. MEADOWS. Mr. Speaker, I thank the gentleman for his leadership and tenacious spirit on this, and I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. NADLER. Mr. Speaker, before I yield further time, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. NADLER. Mr. Speaker, H. Res. 970, which is before us now, includes a reference to a document unilaterally issued by the House Judiciary Committee on March 22, 2018. It is my understanding that the issuance of this purported subpoena is defective because it did not comply with committee rules providing that:

At least two business days before issuing any subpoena, the Chair shall consult with the Ranking Member, and the Chair shall provide a full copy of the proposed subpoena.

While, in this instance, the chairman did provide me, as ranking member, with a copy of a proposed subpoena on March 19, the document the chairman issued on March 22 was substantively and materially different from the document that was shared on March 19, in abrogation of committee rules.

My parliamentary inquiry is whether these circumstances would have any bearing on consideration of this resolution, H. Res. 970, and, absent that, whether the defective nature would have any bearing on any future attempts by the House to enforce the supposed subpoena?

The SPEAKER pro tempore. The House is currently considering H. Res. 970. The Chair cannot separately comment on committee proceedings. That is a matter for debate on the resolution.

Mr. NADLER. Could the Chair repeat that last sentence? I couldn't hear.

The SPEAKER pro tempore. Certainly. The House is currently considering H. Res. 970. The Chair cannot separately comment on committee proceedings. That is a matter for debate on the resolution.

Mr. NADLER. Mr. Speaker, in that case I will include in the RECORD a copy of a letter that I sent to the chair dated June 21, 2018, detailing the facts and background concerning the defective nature of the subpoena purportedly issued on March 22.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 21, 2018.

Hon. BOB GOODLATTE,
Chairman, House Committee on the Judiciary, Washington, D.C.

DEAR CHAIRMAN GOODLATTE: I am writing to inform you that the subpoena you issued to the Department of Justice on March 22, 2018 does not comply with Committee rules and is therefore not a valid subpoena under the Rules of the House.

On March 22, 2018, you issued a subpoena to the Department of Justice ''seeking documents related to [the Majority's] ongoing investigation regarding charging decisions in the investigation surrounding former Secretary Clinton's private email server in 2016.'' House Republicans have repeatedly accused Department officials of failing to comply with this subpoena—and even threatened some of those officials with contempt of Congress and impeachment proceedings.

As you know, if you choose to issue a subpoena unilaterally—instead of putting the proposed subpoena to a vote of the Committee—our rules require you to ''consult'' with me in advance. Specifically:

At least two business days before issuing any subpoena pursuant to subsection (a), the Chair shall consult with the Ranking Member regarding the authorization and issuance of such subpoena, and the Chair shall provide a full copy of the proposed subpoena, including any proposed document schedule, at that time.

As we discussed on at least one other occasion, our ''consultation'' is not complete—and the subpoena may not issue—until you have transmitted a full copy of the subpoena to my office.

On March 19, 2018, we met to discuss a subpoena for documents related to the Department of Justice's handling of the Clinton investigation. At that time, you provided me with a document that describes 14 different categories of information sought from the Department and the FBI. I have enclosed a copy of this document for your convenience.

The subpoena you issued on March 22 is substantively and materially different from the document you shared with me on March 19. The subpoena requests nine categories of information, not 14. It is also significantly different in scope than the document you shared with me at our meeting. Our Committee rules prevent the Majority from making substantive changes to a proposed subpoena without appropriate notice to the Minority. Because you did not provide me with a copy of the subpoena that actually issued, the subpoena that you eventually issued would be unenforceable as a matter of law.

Although you certainly have the option to issue another unilateral subpoena to cure this defect, I would urge you to consider a more bipartisan response. As you know, we recently changed our rules to give the Chairman the option of issuing a subpoena without first putting the proposal to a vote of the Committee. We agreed to this change based largely on your guarantee that you would only use the unilateral subpoena power ''during periods of recess'' or in ''extraordinary circumstances.'' This Congress, you have proposed to issue a unilateral subpoena on three occasions. I have objected each time, on the grounds that the circumstances did not meet your own standard and that the full Committee should have an opportunity to debate the wisdom of using our time and resources in this manner. I am similarly concerned about your refusal to include Democrats in discussions of what documents the Committee should request and which individuals should be interviewed and when meeting with Department of Justice officials to negotiate how they will respond to Committee requests.

On a broader level, I hope that this defective subpoena will give the Majority an opportunity to reassess its priorities. I believe that other work should take precedence over this largely unproductive investigation. Foreign adversaries continue to threaten our elections, the President has created an immigration crisis at our borders, gun violence plagues our schools and our homes, and the Trump Administration continues to disregard even the most basic ethics rules. Surely any one of these topics, each one squarely within the Committee's jurisdiction, is more important than the unending hunt for Hillary Clinton's email.

Sincerely,

JERROLD NADLER.

Enclosures.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 22, 2018.

Hon. ROD J. ROSENSTEIN,
Deputy Attorney General,
U.S. Department of Justice, Washington, DC.

DEAR MR. ROSENSTEIN: Four months have passed since Chairman Gowdy and I, along

with Representatives Jordan, Meadows, Buck, and Ratcliffe, wrote you seeking documents related to our ongoing investigation regarding charging decisions in the investigation surrounding former Secretary Clinton's private email server in 2016. To date, the Department has only produced a fraction of the documents that have been requested. In addition, in early February, I wrote the Department and the Federal Bureau of Investigation seeking documents related to potential abuses of the Foreign Intelligence Surveillance Act. No documents have been provided to the Committee in response to this request.

Given the Department's ongoing delays in producing these documents, I am left with no choice but to issue the enclosed subpoena to compel production of these documents.

Moreover, since our requests for documents related to the Clinton email server investigation were made, it has come to light that the FBI's Office of Professional Responsibility recommended the dismissal of former FBI Deputy Director Andrew McCabe. This recommendation appears to be based, at least in part, on events related to the investigation surrounding former Secretary Clinton's private email server. Accordingly, the subpoena additionally covers all documents and communications relied upon by FBI's Office of Professional Responsibility in reaching its decision to recommend the dismissal of former Deputy Director McCabe.

Thank you for your prompt attention to this important matter. If any part of the production has been designated as classified pursuant to Executive Order 13526, please contact Committee majority staff so that arrangements may be made to ensure that the documents are handled appropriately within the House.

Sincerely,

BOB GOODLATTE,
Chairman.

Enclosure.

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To The Honorable Rod J. Rosenstein, Deputy Attorney General

You are hereby commanded to be and appear before the

Committee on the Judiciary

of the House of Representatives of the United States at the place, date, and time specified below.

☑ **to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2138 Rayburn House Office Building

Date: April 5, 2018 Time: 12:00 noon

☐ **to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____ Time: _____

☐ **to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____ Time: _____

To Any authorized staff member

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 22 day of March, 2018.

Bob Goodlatte

Chairman or Authorized Member

Attest:

Karen L. Haas

Clerk

PROOF OF SERVICE

Subpoena for
The Honorable Rod J. Rosenstein, Deputy Attorney General

Address United States Department of Justice, 950 Pennsylvania Ave. NW, Washington, D.C. 20530

before the Committee on the Judiciary

U.S. House of Representatives
115th Congress

Served by (print name) Eric Bagwell

Title Senior Legislative Clerk

Manner of service Hand delivery

Date 03/22/2018

Signature of Server

Address 2138 Rayburn House Office Building, Washington, DC 20515

SCHEDULE

In accordance with the attached instructions for responding to Judiciary Committee document requests, you are required to produce the following documents in unredacted form:

1. All documents and communications provided to or obtained by the Department of Justice's Office of the Inspector General (OIG) regarding the FBI's decision-making with respect to the FBI's investigation of former Secretary Clinton's private email server;

2. Documents sufficient to show the names, titles, and business addresses of all personnel who participated in deliberations concerning the decision whether to charge Clinton. In lieu of documents, you may provide a list of the requested information;

3. The document referenced by James Rybicki during his January 18, 2018 interview with the Committee referring or relating to court cases or judicial decisions used in considering, justifying, or communicating possible charges against, or decisions not to charge, Clinton;

4. All documents and communications relied upon by FBI's Office of Professional Responsibility in reaching its decision to recommend the dismissal of former FBI Deputy Director Andrew McCabe;

5. All documents and communications with the Foreign Intelligence Surveillance Court (''FISC'') referring or relating to any Foreign Intelligence Surveillance Act (''FISA'') applications associated with Carter Page or individuals on President Trump's 2016 presidential campaign or part of the Trump administration;

6. All documents and communications referring or relating to FISC hearings and deliberations, including any court transcripts, related to any FISA applications associated with Carter Page or the Trump campaign or Trump administration;

7. All documents and communications referring or relating to internal Department of Justice or FBI management requests to review, scrub, report on, or analyze any reporting of FISA collection involving, or coverage mentioning, the Trump campaign or Trump administration;

8. All documents and communications referring or relating to defensive briefings provided by the Department of Justice or FBI to the 2016 presidential campaigns of Clinton or President Trump; and,

9. All documents and communications referring or relating to proposed, recommended, or actual FISA coverage on the Clinton Foundation or persons associated or in communication with the Clinton Foundation.

RESPONDING TO JUDICIARY COMMITTEE DOCUMENT REQUESTS

In responding to the document request, please apply the instructions and definitions set forth below:

INSTRUCTIONS

1. In complying with this request, you should produce all responsive documents in unredacted form that are in your possession, custody, or control or otherwise available to you, regardless of whether the documents are possessed directly by you.

2. Documents responsive to the request should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.

3. In the event that any entity, organization, or individual named in the request has been, or is currently, known by any other name, the request should be read also to include such other names under that alternative identification.

4. Each document should be produced in a form that may be copied by standard copying machines.

5. When you produce documents, you should identify the paragraph(s) and/or clause(s) in the Committee's request to which the document responds.

6. Documents produced pursuant to this request should be produced in the order in which they appear in your files and should not be rearranged. Any documents that are stapled, clipped, or otherwise fastened together should not be separated. Documents produced in response to this request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued. Indicate the office or division and person from whose files each document was produced.

7. Each folder and box should be numbered, and a description of the contents of each folder and box, including the paragraph(s) and/or clause(s) of the request to which the documents are responsive, should be provided in an accompanying index.

8. Responsive documents must be produced regardless of whether any other person or entity possesses non-identical or identical copies of the same document.

9. The Committee requests electronic documents in addition to paper productions. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, back up tape, or removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), you should immediately consult with Committee majority staff to determine the appropriate format in which to produce the information. Documents produced in electronic format should be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in (6) and (7) above.

10. If any document responsive to this request was, but no longer is, in your possession, custody, or control, or has been placed into the possession, custody, or control of any third party and cannot be provided in response to this request, you should identify the document (stating its date, author, subject, and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control, or was placed in the possession, custody, or control of a third party.

11. If any document responsive to this request was, but no longer is, in your possession, custody, or control, state:

a) how the document was disposed of;

b) the name, current address, and telephone number of the person who currently has possession, custody, or control over the document;

c) the date of disposition; and

d) the name, current address, and telephone number of each person who authorized said disposition or who had or has knowledge of said disposition.

12. If any document responsive to this request cannot be located, describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction, or unavailability.

13. If a date or other descriptive detail set forth in this request referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents that would be responsive as if the date or other descriptive detail were correct.

14. The request is continuing in nature and applies to any newly discovered document, regardless of the date of its creation. Any document not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.

15. All documents should be Bates-stamped sequentially and produced sequentially. In a cover letter to accompany your response, you should include a total page count for the entire production, including both hard copy and electronic documents.

16. Two sets of the documents should be delivered to the Committee, one set to the majority staff in Room 2138 of the Rayburn House Office Building and one set to the minority staff in Room 2142 of the Rayburn House Office Building. You should consult with Committee majority staff regarding the method of delivery prior to sending any materials.

17. In the event that a responsive document is withheld on any basis, including a claim of privilege, you should provide a log containing the following information concerning every such document: (a) the reason the document is not being produced; (b) the type of document; (c) the general subject matter; (d) the date, author, and addressee; (e) the relationship of the author and addressee to each other; and (f) any other description necessary to identify the document and to explain the basis for not producing the document. If a claimed privilege applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced. As used herein, ''claim of privilege'' includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.

(a) Any objections or claims of privilege are waived if you fail to provide an explanation of why full compliance is not possible and a log identifying with specificity the ground(s) for withholding each withheld document prior to the request compliance date.

(b) In complying with the request, be apprised that (unless otherwise determined by the Committee) the Committee does not recognize: any purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative-process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.

(c) Any assertion by a request recipient of any such non-constitutional legal bases for withholding documents or other materials shall be of no legal force and effect and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Committee (or the chair of the Committee, if authorized) has consented to recognize the assertion as valid.

18. If the request cannot be complied with in full, it should be complied with to the extent possible, which should include an explanation of why full compliance is not possible.

19. Upon completion of the document production, you must submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; (2) documents responsive to the request have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee since the date of receiving the Committee's request or in anticipation of receiving the Committee's request, and (3) all documents identified during the search that are responsive have been produced to the Committee, identified in a log provided to the Committee, as described in (17) above, or identified as provided in (10), (11), or (12) above.

20. When representing a witness or entity before the Committee in response to a document request or request for transcribed

interview, counsel for the witness or entity must promptly submit to the Committee a notice of appearance specifying the following: (a) counsel's name, firm or organization, and contact information; and (b) each client represented by the counsel in connection with the proceeding. Submission of a notice of appearance constitutes acknowledgement that counsel is authorized to accept service of process by the Committee on behalf of such client(s) and that counsel is bound by and agrees to comply with all applicable House and Committee rules and regulations.

DEFINITIONS

1. The term ''document'' means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (''e-mail''), instant messages, text messages, calendars, contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, power point presentations, spreadsheets, and work sheets. The term ''document'' includes all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to the foregoing, as well as any attachments or appendices thereto.

2. The term ''documents in your possession, custody or control'' means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

3. The term ''communication'' means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

4. The terms ''and'' and ''or'' should be construed broadly and either conjunctively or disjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

5. The terms ''person'' or ''persons'' mean natural persons, firms, partnerships, associations, limited liability corporations and companies, limited liability partnerships, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, other legal, business or government entities, or any other organization or group of persons, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.

6. The terms ''referring'' or ''relating,'' with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

7. The terms ''you'' or ''your'' means and refers to you as a natural person and the United States and any of its agencies, offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, contractors, or any other persons acting on your behalf or under your control or direction; and includes any other person(s) defined in the document request letter.

8. The term ''administration'' means and refers to any department, agency, division, office, subdivision, entity, official, administrator, employee, attorney, agent, advisor, consultant, staff, or any other person acting on behalf or under the control or direction of the Executive Branch.

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To The Honorable Rod J. Rosenstein, Deputy Attorney General

You are hereby commanded to be and appear before the

Committee on the Judiciary

of the House of Representatives of the United States at the place, date, and time specified below.

☑ **to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2138 Rayburn House Office Building

Date: April 4, 2018 Time: 12:00 noon

☐ **to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____ Time: _____

☐ **to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____ Time: _____

To Any authorized staff member

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this _____ day of March, 2018.

_____
Chairman or Authorized Member

Attest:

_____
Clerk

PROOF OF SERVICE

Subpoena for
The Honorable Rod J. Rosenstein, Deputy Attorney General

Address United States Department of Justice, 950 Pennsylvania Ave. NW, Washington, D.C. 20530

before the Committee on the Judiciary

U.S. House of Representatives
115th Congress

Served by (print name) _____

Title _____

Manner of service _____

Date _____

Signature of Server _____

Address _____

SCHEDULE

In accordance with the attached instructions for responding to Judiciary Committee document requests, you are required to produce the following documents in unredacted form:

1. All documents and communications referring or relating to the investigation into former Secretary Clinton to or from the FBI's Office of the Director and the FBI's Office of the Deputy Director between January 1, 2016, and November 8, 2016;

2. All documents and communications referring or relating to the decision or recommendation not to charge former Secretary Clinton dated, created, or modified between January 1, 2016, and November 8, 2016, including copies of the documents posted or referenced on the FBI's Electronic FOIA Library on October 16, 2017, titled Drafts of Director Comey's July 5, 2016 Statement Regarding Email Server Investigation;

3. All documents and communications referring or relating to former Director Comey's decision to appropriate, from the Department of Justice, the decision whether to charge former Secretary Clinton;

4. All documents and communications referring or relating to former Director Comey's decision to make a public statement on July 5, 2016;

5. All documents and communications referring or relating to former Director Comey's decision to inform Congress regarding the status of the Clinton entail server investigation on October 28, 2016, and November 6, 2016;

6. A list of all personnel who participated in deliberations concerning the decision whether to charge former Secretary Clinton;

7. All documents and communications the Department of Justice has provided to its Office of the Inspector General for the Inspector General's investigation into the FBI's decision-making in the FBI's investigation of former Secretary Clinton's private email server;

8. The document of court cases used in considering various possible charges against former Secretary Clinton referenced by James Rybicki during his January 18, 2018 interview with the Committee;

9. All documents and communications relied upon by FBI's Office of Professional Responsibility in reaching its decision to recommend the dismissal of former FBI Deputy Director Andrew McCabe:

10. All FBI and Department of Justice documents and communications with the Foreign Intelligence Surveillance Court (''FISC'') related to any Foreign Intelligence Surveillance Act (''FISA'') applications associated with individuals on President Trump's 2016 presidential campaign or part of the Trump administration;

11. All documents of FISC hearings and deliberations, including any court transcripts, related to any FISA applications associated with the Trump campaign or Trump administration;

12. All documents and communications relating to internal Department of Justice or FBI management requests to review, scrub, report on, or analyze any reporting of FISA collection against, or coverage mentioning, the Trump campaign or Trump administration;

13. All documents and communications concerning defensive briefing provided by the Department of Justice or FBI to the 2016 presidential campaigns of former Secretary Clinton or President Trump; and,

14. All documents and communications concerning proposed, recommended, or actual FISA coverage on former Secretary Clinton, her associates, or associated organizations.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Tennessee (Mr. COHEN), the ranking member of the Constitution and Civil Justice Subcommittee.

Mr. COHEN. Mr. Speaker, I thank the ranking member for the time.

What we are experiencing here in this moment in this Chamber is the greatest tribute to Federico Fellini that could ever be produced in this House. It is a theater of the absurd. It is a ruse on the American people and an attempt to defeat justice that will go back and expose activities involving Russia and participants in the 2016 election that resulted in the election of Donald Trump.

□ 1045

The fact is there is a special counsel investigating that, one of the most distinguished Americans ever, a Purple Heart recipient who went in the Marines because one of his friends was killed; and he volunteered to go to Vietnam, received a Purple Heart and other commendations, and then came back here and didn't practice law and make money and get greedy on 5th Avenue, but he pursued justice, and he put Gotti away, and he put Noriega away.

He has dealt with some of the worst people in this world, and it is a perfect calling for him to stand for the Constitution and for our country and for the rule of law and investigate possible collusion with Russia in our 2016 election and other activities.

The campaign manager for President Trump is in jail right now because, while out on bond, he did acts that the judge couldn't countenance and couldn't count on him not to engage in again, so she had to put him in jail.

There have been indictments. There have been guilty pleas by people close to the President.

The President is feeling the heat, and his acolytes here in the House of Representatives, rather than operating as a check and balance on the administration and protecting the flag, the Constitution, and doing their duty and their oath of office, are producing this ruse to make the American public think there is something wrong with our Justice Department, our FBI, and our special counsel, going after Mr. Mueller, a registered Republican; Mr. Rosenstein, a Republican appointed by Mr. Trump; and Mr. Wray at the FBI, a Republican appointed by Trump.

As we are here on this floor, the Judiciary Committee is having a sham hearing with Rosenstein and Wray, Republicans fighting Republicans to get information. But it is not Republicans fighting Republicans. It is Republicans fighting for Trump, who has taken over this party, a party that once proudly stood for people like Ronald Reagan and Dwight Eisenhower and George Bush and George H.W. Bush and even Abraham Lincoln, who most people know was a Republican.

What we are seeing is the takeover of our democracy, and this is the theater of the absurd. These documents should not be turned over, and the Justice Department doesn't turn them over because it would reveal sources and it would imperil an investigation.

God bless the United States, and may we protect Robert Mueller. I reiterate my oath to defend the Constitution.

Mr. MEADOWS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT), my good friend.

Mr. GOHMERT. Mr. Speaker, I thank my friend for yielding me the time.

Mr. Speaker, the very things that my colleagues across the aisle are arguing could have been argued back in Watergate days and they would have kept Richard Nixon in office.

Some of us on this side of the aisle don't care about party as much as we do about justice and the truth. And what we have found is that leading intelligence people and Justice people were lying.

Clapper has been found to have been a liar, perjured himself; so has Brennan.

And then we get more information that has been objected to, redacted, and we find out, whoa. These guys said this was for national security, and it turns out, when we get the information, actually, it was because it was embarrassing to the people objecting.

Oversight is absolutely critical, and the last administration didn't have enough oversight, and, in fact, they obstructed. They were able to drag things out, so we never got to the bottom of things like Fast and Furious, when one of our own precious American agents was killed. There were no answers, and they are trying it again.

But now we have this obligation to make sure that these documents that have been hidden are brought forward.

And, yes, we have Mr. Rosenstein, who actually was involved in an investigation of Russia trying to get, illegally, U.S. uranium, and he worked with a guy named Mueller, who hired a guy named Weissmann to help in that investigation. And they have hidden what went on there and even forced a witness to sign a nondisclosure agreement—unheard of in that situation.

It is imperative that we bring these things out. We have too many people in the Justice Department—I watched one of them named Strzok yesterday, and I can't go into what he said, but I was going: Wow. We know that is a lie, what he just said. He is so good.

And then I realized he must have said, straight-faced, to his wife 100 times about: Oh, no, there is nothing going on with me and Ms. Page.

There are too many people in the Justice Department who have gotten too good at lying. We need these documents to see what is the truth.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. JOHNSON), the ranking Democrat on the Subcommittee on Courts, Intellectual Property, and the Internet.

Mr. JOHNSON of Georgia. Mr. Speaker, today, I rise in opposition to this

resolution, which is a Republican attempt to delay and derail the Mueller investigation.

Mr. Speaker, what we have today is a Republican President who is under criminal investigation. We have a Republican-led House of Representatives that is doing its best as a cult following for the President to help him thwart the investigation, help him stop the investigation.

So what this is all about today is to pass a resolution that would result in the Justice Department, which is conducting the investigation of the President, to turn over documents that go to the heart of the investigation.

Now, why do they want the Department of Justice to turn that documentation over to them? Well, so that it can be leaked, leaked to FOX News, get back to the President, and then the President will be in a much better position to do what he does when it comes to being investigated criminally. And what it all adds up to, ladies and gentlemen, is politics trumping justice.

You never investigate an investigation that is ongoing. You wait until that investigation is over, then you judge the investigation as to whether or not it was fair.

So everything that the Republicans are doing here today is against justice; it is against the rule of law; it is against the Constitution; and it is against the America that we all hold dear.

This is a stretching, a warping of the power of the legislative branch. They are seeking to use their power to put their heavy thumb and hand on the scale of justice.

I heard one of my colleagues say that justice should be blind, and, yes, Lady Justice does have a blindfold on so that she cannot see. What these Republicans are trying to do today, ladies and gentlemen, is to remove the blindfold on Lady Justice to let Lady Justice reveal an injustice, to let this President use Lady Justice, as he has used women in the past, to take away the sanctity of this Nation.

Mr. Speaker, this is hurtful to our Nation. I would ask my colleagues on the other side to please think about what they are doing.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. MEADOWS. Mr. Speaker, I might remind the Speaker and all those who are in this Chamber today that this is about this very fundamental principle of this institution being able to do oversight.

Since when is it not a good idea to have the documents from all agencies brought forth to this body so that the American people can judge for themselves?

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GARRETT).

Mr. GARRETT. Mr. Speaker, it is one of my great pleasures to educate young people about the United States Constitution.

I find myself in an interesting position today because the people that I am educating aren't that young. One of my colleagues said that we are requesting documents to which we are not entitled. Checks and balances, anyone? We are entitled to whatever we ask for from agencies we established and fund and oversee.

Someone also said we are showing that politics is bigger than the law. Mr. Speaker, the Constitution of the United States is the law. This should have never come to this point that we should need a resolution of the House of Representatives to indicate that an executive branch entity that is funded by, established by, and overseen by this very House of Representatives should be compelled to give to us that to which we are entitled.

The next vote is a symptom of a much greater disease. We have a petulant Department of Justice defended by a petulant minority party.

Article I, section 8, Necessary and Proper Clause: It is the power of the legislature to establish comprehensive entities, to oversee such executive entities, and to fund such executive entities.

Mr. Speaker, we just witnessed a vote where 224 people, along party lines, voted to compel an executive branch entity established and funded by this body to do its job; and 182, along party lines, voted against having them be responsive to the checks and balances established in the Constitution of the United States.

There shouldn't even need to be a vote. Have the ''nays'' not read the Constitution? or do they just not care?

We established the DOJ. They refuse the oversight like a petulant child by withholding documents. Perhaps the time has come to look at our third responsibility, and that is the money.

If President Trump won't compel disclosure, if DOJ won't comply with the instruction of the body that established them and funds them, perhaps it is time to dock this petulant child's allowance. The power of the purse is ours.

In a perfect world, DOJ would never face such sanctions. But as the vote that we just witnessed has indicated, we don't live in a perfect world.

So as I see it, there are two options: DOJ can do their job and turn over the documents, or I and others of like mind can demand that we began to stop funding this petulant child who flaunts its ridiculous unissued power in the face of those who understand the Constitution and the citizens of the United States.

It is unconstitutional; it is arrogant and insubordinate; and it should stop; and any ruse of legality that is delightfully tap danced on by those who conveniently use the Constitution when it suits and then pervert it when it does not is not the direction this country needs to go if our tomorrows shall be as prosperous as our yesterdays.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. RASKIN), the vice ranking member of the Judiciary Committee.

Mr. RASKIN. Mr. Speaker, as a member of the Judiciary Committee and a professor of constitutional law, I rise against this uncommonly silly and unprecedented so-called resolution of insistence.

We have already received hundreds of thousands of documents from the Department of Justice, and yet now they want to subpoena information relating directly to an ongoing criminal and counterintelligence investigation which the majority knows full well the Department of Justice cannot and will not release to us.

And why are they doing it? Well, presumably it is all to manufacture a constitutional crisis so somebody can get fired over there, so they can impeach Rosenstein, as they are talking in the Judiciary Committee, so they can sack the Attorney General, so they can get rid of Mueller, or whatever.

Do your jobs. Look what is going on in America. We have got more than 2,000 kids who are separated from their families by the policy of this administration. Their parents don't know where they are. Let's do our job. Let's reunify those kids with their parents.

We saw the Parkland massacre. We saw the Las Vegas massacre. We saw the massacre in San Bernardino County. We have not had one hearing on a universal criminal and mental background check that is desired by 97 percent of the American people—not one hearing. Instead, we are caught up in this nonsense because they can't get over Hillary Clinton's emails.

Enough. Get over it. Do your jobs.

Mr. Speaker, the gentleman from Arizona says there is a loose fence in America. There is a loose fence. Fifteen U.S. intelligence agencies told us in January of 2017 that Russian agents had engaged in active-measure campaigns to undermine the American election. They had a propaganda campaign to put poison on the internet through Facebook and through other social media. They directly conducted a campaign of cyber espionage and sabotage against the Democratic National Committee, and they tried to break in to our election systems in more than 20 States. And what have they done with the loose fence? Nothing. They have helped to open the gates.

That is what we should be talking about today, not this ludicrous, absurd resolution.

□ 1100

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

Mr. Speaker, I ask the Speaker if he would remind others that are in this well, that if they are really concerned about family reunification, I have a bill—and the gentleman opposite is certainly welcome to come in and cosponsor that bill—to reunify those.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GRIFFITH), my good friend.

Mr. GRIFFITH. Mr. Speaker, I thank the gentleman and appreciate the time.

I would say that that is a good bill, and I am glad to have been an original cosponsor with the gentleman from North Carolina on the bill related to making sure that families are not separated.

Now, the previous gentleman also said for us to do our jobs. It is curious, because, as I understand it, part of our job is to make sure that we are overseeing the Federal Government. Our Founding Fathers created something that had never been created before, a checks-and-balance system.

There was supposed to be a natural tension between the various branches, and Congress is supposed to be an equal branch with the power of oversight over the administrative branch to make sure that they are following the laws and to make sure that they are meting out justice evenhandedly. That is what this resolution is about.

But Congress too often sits back and does not do anything. It just says: Oh, well, we can't get that information. We are so sorry. This resolution points out that we have been patiently waiting for some of these documents for years, for months, for weeks, for the administrative branch of government to respond to its coequal branch, the United States Congress, and they have refused to do so.

I would submit that this is a very measured resolution; that it does not immediately call for holding somebody in contempt, or holding somebody to find that somebody should be impeached. It says, instead: Here is the deadline. What we are trying to seek here are the facts. If you are afraid of the facts, then, yes, you stand up on the floor and you rail about all other kinds of issues. But the facts, the truth, needs to come out for the American people.

So I would submit that this resolution is very reasonable and ought to be passed. Because if there is not a response, it is our duty to hold those who do not respond properly in contempt.

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

Mr. MEADOWS. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Virginia.

Mr. GRIFFITH. Mr. Speaker, it is our duty, as this Congress, to find and to hold in contempt those people who do not respond, and then to take their persons into possession and have them explain to a judge how it is that they plan to purge themselves of that contempt.

It is reasonable that we give them notice before such action is taken.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. SCHIFF), the distinguished ranking member of the Permanent Select Committee on Intelligence.

Mr. SCHIFF. Mr. Speaker, I rise in opposition to this resolution. If this was oversight, I would be in strong support of any effort to seek production, but it is not.

This is not oversight. It is collaboration with the Executive masquerading as oversight. Or if this is oversight, it is oversight of the most obsequious kind.

It is oversight in the nature of: How may we serve you, dear President? It is oversight that asks: What is your will, dear President? It is oversight that says: We are not worthy, dear President.

It is oversight that says: We shall seek, but you shall find, Mr. President, because what we obtained we shall provide to your legal defense team, or we shall selectively leak or misrepresent in your service.

It is oversight in the nature of not desiring an outcome, not desiring the production of documents, but, rather, the production of a fight, the production of a pretext to give the dear President a pretext to fire Rod Rosenstein or Bob Mueller.

I have served on the Permanent Select Committee on Intelligence now for almost a decade, and while I cannot disclose the number of FISA applications during the course of those 10 years, I can tell you the number of times that my Republican colleagues have sought the underlying investigatory materials behind a specific FISA application, and that number is one. That case is this case, and that case just happens to implicate our dear President.

It is not that there are no areas that call out for oversight right now. There are too many to count. Why is it that after sanctioning ZTE for violating Iran sanctions and violating North Korea sanctions, the President abruptly changed course out of an ostensible concern for Chinese jobs? Is it because the Chinese invested $500 million in a Trump-branded property? That is worthy of oversight.

Is the First Family seeking to do business with Gulf or other allies while making U.S. policy? Is U.S. policy for sale? That is worthy of oversight.

Is the President seeking to raise postal rates on Amazon to punish The Washington Post and suppress the freedom of press? That is worthy of oversight.

But none of this is oversight. Speaker Boehner recently said that the Republican Party was off taking a nap somewhere. If that is so, then despite the best efforts of our capable ranking member, ELIJAH CUMMINGS, the Oversight and Government Reform Committee that should be doing this oversight is in the midst of the deepest slumber.

Wake up, my colleagues, and do your jobs. Wake up and end this duplicitous attack on the Department of Justice and the FBI and our special counsel because this is surely not oversight. It is not what oversight looks like. But it is what an attack on the rule of law looks like. It is what happens when we whittle away our democracy one piece by terrible piece.

When this chapter of our history is written, it will condemn the actions of a President who little understands or respects the institutions of our democracy. But it will reserve some of the harshest criticism for this Congress that enabled him, this Congress that knew its responsibility but failed to live up to it.

Wake up, Republican Party. Wake up, my colleagues. The country needs you.

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

Mr. NADLER. Mr. Speaker, I yield an additional 1 minute to the gentleman from California.

Mr. SCHIFF. Wake up, my colleagues. True oversight, when the President occupies the same party as the majority in Congress, requires that majority to put country over party. It is incompatible with the corrupting principle of party over everything else.

Wake up, my colleagues, and do your jobs.

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

Mr. Speaker, that is exactly what we are trying to do. We are trying to do our job, and the gentleman opposite makes an eloquent speech about doing our job of proper oversight.

I can tell you, I have served on the Oversight and Government Reform Committee for 6 years. And in that 6 years, not only have we been tenacious in getting documents, but we have also had a responsive dialogue back and forth with many in the executive branch.

At what point do you do oversight if you can't get the very documents that we request? My friends on the other side of the aisle many times will talk about getting documents when it serves a particular political purpose that they want to espouse. And, yet, when we are talking about the fundamentals of this country, Lady Justice, and meting out justice without any favoritism, indeed, that is why we need the documents. That is why we are trying to do our job, and that is why this resolution is so critical.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. JODY B. HICE), my good friend.

Mr. JODY B. HICE of Georgia. Mr. Speaker, I deeply appreciate my good friend from North Carolina for affording me the opportunity to speak.

Mr. Speaker, I find it interesting that when those from the other side have an empty argument, their answer is to yell loud and to rail on issues that are unrelated to that which we are currently discussing.

Mr. Speaker, our Founders made it very clear when they drafted the Constitution that we have a system of government that keeps each branch accountable to the Constitution and the rule of law. For nearly 18 months now, the Department of Justice has attempted to shield itself from the legislative branch's duty to conduct oversight. That is, and ought to be, both alarming and absolutely unacceptable.

Mr. Speaker, we know clearly from the IG report here recently, text after text, email after email, that there were a number of FBI agents who were extremely biased against the Trump administration, the Trump candidacy, and in favor of Hillary Clinton. We know that bias existed.

We also know that many of them were willing to use their position, their status, to try to influence the election. These are things that we know. And we, as a legislative body, have not only the responsibility to do oversight, but we have got to have the information in order to do that oversight.

That is what this resolution is all about. I think it is important for all of us to come back to the understanding, the realization, that oversight is necessary to prevent corruption. That is what this is all about.

The American people, not just Members of Congress, have the right to get answers to the questions that are before us. This is all for the purpose of preventing corruption that may exist and to prevent it from going further.

This resolution is a clear message to the Department of Justice that the U.S. House of Representatives is determined to get the documents that have been requested. Even a single page from these missing documents could be critical to the overall congressional investigation that is underway. It is all necessary.

There are irrefutable facts, Mr. Speaker. The Department of Justice is accountable to Congress. Another fact: They are hiding documents. They are refusing to cooperate. We have, even beyond that now, the chilling reports that the Deputy Attorney General personally threatened staff members on the Permanent Select Committee on Intelligence. This is unacceptable.

So under this resolution, the full force of the House is being brought to light, Mr. Speaker. We have got to get to the bottom of this.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader of the House.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and I thank him for his extraordinary leadership in articulating what is right, what honors our oath of office to protect and defend the Constitution of the United States, the separation of power contained therein, and the integrity of our judicial system.

I also thank our distinguished ranking member of the Permanent Select Committee on Intelligence, Mr. SCHIFF, for his leadership, his courage, and his beautiful and inspirational statement this morning, full of facts, but also full of values.

Mr. Speaker, I rise today not only as leader, but also as one who has served on the Permanent Select Committee on Intelligence as a member, as a ranking member, and as an ex officio since the early 1990s. And I can say, while I have seen a lot in that time, I have never seen anything that has stooped so low on the part of the Republicans as what they are doing today.

It is just as if they have said, you take an oath of office to the Constitution. We took an oath of office to Donald Trump. It is shocking. And many of these are lawyers. I don't know how they justify or reconcile that.

And so it is with great dismay that I see them doing violence to this body, to this Constitution, to this judiciary system, and to this country.

They are so curious about prying into a legal case, but they don't have the faintest interest in looking into what the Russians did to disrupt our elections. Not one hearing, nothing. No oversight, nothing.

□ 1115

Why is that? Why is that?

Now they are saying they must, they have a right to know this, that, and the other thing. They have no right to do that. So I am not going to take up any more time. I said my piece on this.

But I do want to acknowledge that Mr. SCHUMER and I, as well as Mr. SCHIFF and Senator WARNER, the ranking member on the Senate side, sent a letter to the Honorable Rosenstein, the Deputy Attorney General, and to Christopher Wray, the Director of the FBI, saying to them: Please, please, do not yield on any of this. Your role in preserving the integrity and, most importantly, our justice system has become ever more vital.

First of all, I urge a ''no'' vote, and I hope that some Republicans will do what is right and urge a ''no'' vote on this. This is taking us into very dangerous territory. If the Democrats wanted power, I would say the same thing. We wouldn't want to have this access. You shouldn't have this access. This is wrong.

Again, if you are honoring your salute and your oath of office to Donald Trump, then vote ''yes.'' If you are honoring your oath of office to the Constitution of the United States, then vote ''no.''

CONGRESS OF THE UNITED STATES,
Washington, DC, June 27, 2018.

[Unclassified]

Hon. ROD J. ROSENSTEIN,
Deputy Attorney General of the United States, United States Department of Justice, Washington, DC.

Hon. CHRISTOPHER WRAY,
Director, Federal Bureau of Investigation, Washington, DC.

DEAR DEPUTY ATTORNEY GENERAL ROSENSTEIN AND DIRECTOR WRAY: Earlier this month, you provided important verbal assurances in response to our June 5, 2018 letter to you. In that letter, we expressed deep and ongoing concern about President Donald Trump and his legal team's persistent efforts to interfere with the Special Counsel's ongoing investigation and undermine your agencies' lawful and appropriate activities. In particular, we underscored that, if fulfilled, demands by the President's personal attorney, Rudy Giuliani, that the White House and the President's lawyers be given access to classified information and investigatory material of the utmost sensitivity—including information related to the Special Counsel's ongoing investigation that implicates the President's own campaign and his associates—would grossly violate our system of checks and balances, long-standing, well-founded, and established procedure, and fundamental norms.

You confirmed that the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) will not provide the White House or any of the President's attorneys with access to such sensitive information. You also assured that briefings and materials related to this matter would not be shared with others in Congress beyond the ''Gang of 8.''

Unfortunately, it appears that part of this assurance has already been breached. As of June 20, 2018, the Department has made available to a wider group of Members and staff materials directly related, and similar in kind, to the information that was supposed to be restricted to the ''Gang of 8.'' This followed recent pressure from House and Senate Republicans on DOJ and FBI not to adhere to ''Gang of 8'' restrictions on access to and dissemination of information that can implicate sources and methods and/or ongoing investigations.

The Department and Bureau's departure in this matter from longstanding policy and precedent governing your agencies' relationship with Congress risks a repeat of similar mistakes that the DOJ Office of the Inspector General recently identified in his review of the Clinton ''Midyear'' investigation.

In 2016, DOJ broke with past practice by making investigative files in the Clinton investigation available to Congress, while the Bureau, in the name of ''maximal transparency,'' publicly disclosed information related to the investigation at key junctures. In his June 2018 report, the DOJ Inspector General correctly criticized this sharp deviation from DOJ and FBI guidelines:

''The Department and the FBI do not practice ''maximal transparency'' in criminal investigations. It is not a value reflected in the regulations, policies, or customs guiding FBI actions in pending criminal investigations. To the contrary, the guidance to agents and prosecutors is precisely the opposite—no transparency except in rare and exceptional circumstances due to the potential harm to both the investigation and to the reputation of anyone under investigation.''

This harmful cycle is now repeating itself with respect to the criminal and counterintelligence investigation into Russia's 2016 election interference and any links and/or coordination between the Russian government and individuals associated with the campaign of President Trump. The President's congressional allies are applying growing pressure on your agencies, in line with the President's improper demand for ''total transparency,'' to disclose sensitive information and material that is not usually shared with Congress and that relate directly to the ongoing investigation into President Trump, his own campaign, and his associates.

Unfortunately, DOJ and FBI are increasingly bowing to this pressure, despite the corrosive implications. Unlike the Clinton investigation, your agencies are disclosing sensitive material to Congress even though the Russia investigation is ongoing under the leadership of the Special Counsel and your oversight. And given the pending nature of the Special Counsel's investigation, these persistent and unrelenting document requests are not for legitimate oversight purposes. Rather, time and again, sensitive information shared with Congress has been selectively and misleadingly seeded into the public domain to advance the President and his legal team's strategy of undermining

public trust in DOJ and the FBI and attacking the legitimacy of the Special Counsel and his ongoing investigation. Every such disclosure to Congress, moreover, has and will continue to result in demands for more information about the ongoing investigation, which the Department and the Bureau will be unable to satisfy without further contravening its own policies and norms.

With every disclosure, DOJ and FBI are reinforcing a precedent it will have to uphold, whether the Congress is in Republican or Democratic hands, of providing materials in pending or closed cases to the legislative branch upon request.

As the attacks on the Special Counsel intensify, it is imperative that you withstand pressure on DOJ and FBI to violate established procedures and norms. Your role in preserving the integrity of the Special Counsel's investigation and, most importantly, our justice system has become even more vital.

We would appreciate your written reply and your confirmation of this understanding.

Sincerely,

NANCY PELOSI,
Democratic Leader, House of Representatives.
ADAM B. SCHIFF,
Ranking Member, House of Representatives, Permanent Select Committee on Intelligence.
CHARLES E. SCHUMER,
Democratic Leader, U.S. Senate.
MARK R. WARNER,
Vice Chairman, U.S. Senate, Select Committee on Intelligence.

Mr. MEADOWS. Mr. Speaker, obviously, the gentlewoman from California lays out an unbelievable claim that this is the lowest of low that has ever been seen in this body. I find that just remarkable that that statement could even be made.

The other issue is we are not asking for any special counsel documents. We are not asking for sources and methods. We are asking for the documents that we have a right, as this body, to see.

Transparency is a good thing, Mr. Speaker. Transparency is what the American people deserve. When we are talking about what it will do and what it will not do, yes, when we get these documents, we believe that it will do away with this whole fiasco of what they call the Russian-Trump collusion, because there wasn't any.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. DAVIDSON).

Mr. DAVIDSON. Mr. Speaker, I will applaud former Speaker PELOSI for her consistency. She seems to have uniformly supported the executive branch ignoring subpoenas and perhaps destroying evidence in failing to comply with the rule of the House, with a subpoena being issued by the House, with the important precedent of the Constitution.

So this really isn't about the Russia investigation or about the specifics of this case. So, frankly, I find it appalling that Attorney General Sessions would ignore these activities in the Department of Justice. The reality is this is a question of, Shall the executive branch comply with a subpoena from the legislative branch?

We don't know what the contents are because they are redacted and they are being withheld. This has gone on for a long time. And if we are to keep our Republic, the principle has to be resolved to where the legislative branch, being coequal, very much shall have access to this information—and not just a privileged few, not just a few who keep it withheld from the rest of the body, but the whole body.

Since last year, the Permanent Select Committee on Intelligence has investigated potential abuses of the Foreign Intelligence Surveillance Act by the Department of Justice and our intelligence community. Previously, our colleague, Mr. SCHIFF, was a strong supporter for FISA reform and proposed numerous bills. So that is where our colleagues on the other side of the aisle are not consistent.

FISA has been abused. We have seen one of the most blatant examples of that with the activities and things that have already been made public, which has led to this line of inquiry. Americans should be concerned that the Federal Government may abuse its capacity to gather foreign intelligence by spying on our fellow Americans. Without serious reforms to FISA, the Fourth Amendment will exist as nothing more than a distant memory or a notation with an asterisk ''except in these cases.''

This resolution insists that the Department of Justice fully comply with requests, including subpoenas, of the House Permanent Select Committee on Intelligence and Judiciary Committees relating to potential violations of the Foreign Intelligence Surveillance Act.

Unless we support and defend our Constitution, we will not keep our Republic, we will further embolden and empower the executive branch, and we will weaken our country. This bill will help reform FISA and help defend our Constitution.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume to close. I am not going to repeat what I said before. I will summarize.

The request being made here is for information that the Department of Justice cannot provide because it relates to an ongoing criminal investigation and because some of it would identify informants. The motive is probably simply to politically embarrass the Department and provide a means of embarrassing and defaming the special prosecutor and the people associated with him in the Department.

I will read from a letter that the Deputy Attorney General sent to Senator GRASSLEY and the Speaker of the House yesterday.

He quotes the following: ''Throughout American history, wise legislators have worked with Department officials to limit oversight requests in order to respect the Department's duty to protect national security, preserve personal privacy, and insulate investigations from the appearance of interference. For instance, the Department sent a letter to a House committee chair in 2000 describing the Department's policies on responding to congressional oversight requests. The letter explains:''—I am now quoting from the 2000 letter—''Such inquiries inescapably create the risk that the public and the courts will perceive political and congressional influence over law enforcement and litigation decisions. Such inquiries also often seek records and other information that our responsibilities for these matters preclude us from disclosing.''

That is the end of the quote from the 2000 letter.

''The letter quotes President Ronald Reagan, who wrote that a 'tradition of accommodation should continue as the primary means of resolving conflicts between the branches.' Regardless of whether an interbranch information request is made by letter or subpoena, the relationship between the branches gives rise to 'an implicit constitutional mandate,' to 'reach an accommodation short of full-scale confrontation.'''—quote from President Reagan.

''It must not be the case that the Department is required to risk damage to reputations, put cases and lives at risk, and invite political interference by opening sensitive files to congressional staff without restriction.''—from the letter from Deputy Attorney General Rosenstein.

That is exactly what these requests would do. They would risk damage to reputations, put cases and lives at risk—already two people, two informants, have had their identities outed—and invite political interference by opening sensitive files to congressional staff without restriction.

We ought to let the special counsel complete his work without hindrance. We ought to see whatever the special counsel finds, react to it as appropriate, and perhaps hold hearings into the findings when we see them. All we know about the special counsel so far—unlike all the allegations against him and his investigation, it is a witch hunt, it is this, and it is that. All we really know is that there are 20 indictments, five guilty pleas, and we know what he has pleaded in court.

There have been leaks, so you can't really say anything about the investigation other than, in this time period, they have already gotten 20 indictments, five guilty pleas, including from some of the closest people to the President in his administration and in his campaign. We will see where it goes from there.

These requests are an attempt to sabotage the investigation, and we should not go along with it.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, DC, June 27, 2018.

Hon. CHARLES GRASSLEY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: Thank you for your letter of May 17, 2018, and for meeting with me last Thursday, along with Ranking Member Feinstein. I appreciate your commitment to allow the Special Counsel investigation ''to follow the facts wherever they lead without any improper outside interference.''

I know that you and Ranking Member Feinstein share my commitment to protecting the integrity of federal investigations. Agents and prosecutors must base each decision on neutral standards and credible evidence. As we seek to do in all cases, the Department of Justice will complete the Special Counsel investigation as promptly as is feasible. When the investigation is finished, I anticipate that any objective and nonpartisan review will conclude that the Department consistently sought to make reasonable decisions and to comply with applicable laws, regulations, policies, and practices.

Legal, ethical, and policy obligations often prevent prosecutors from responding to criticism. As Attorney General Robert Jackson observed in 1940, prosecutors have a duty ''to face any temporary criticism'' and ''maintain a dispassionate, disinterested, and impartial enforcement of the law.'' The Inspector General's report addresses the consequences of trying to preempt criticism by disregarding principles that prohibit public statements, leaks to the media, and improper disclosures to the Congress about criminal investigations. Department officials must defend those principles in order to ensure that all investigations remain independent of partisan politics. We do not compete to win the hourly news cycle.

SPECIAL COUNSEL APPOINTMENT AND AUTHORITY

Your May 17 letter asks a series of questions concerning the scope of the Special Counsel's authority. The current Special Counsel differs from an ''independent counsel'' and some previous ''special counsels,'' because Special Counsel Mueller was appointed by the Department of Justice and remains subject to ongoing supervision.

The Attorney General retains the general authority to designate or name individuals as ''special counsels'' to conduct investigations or prosecutions of particular matters or individuals on behalf of the United States. Under regulations issued by the Attorney General in 1999, the Attorney General may appoint a ''special counsel'' from outside of the Department of Justice who acts as a special employee of the Department of Justice under the direction of the Attorney General. The Attorney General, however, may also appoint an individual as a special counsel, and may invest that individual with a greater degree of independence and autonomy to conduct investigations and prosecutions, regardless of any ''special counsel'' regulations, as Attorneys General did in 1973, 1994, and 2003.

What a prosecutor is called—including ''independent'' or ''special''—is a separate question from whether that prosecutor is subject to supervision by the Attorney General. Under the terms of his appointment, both by statute and by regulation, Special Counsel Mueller remains accountable like every other subordinate Department official.

Special Counsels have been appointed for a variety of matters throughout history. For example, Attorney General William Barr appointed three Special Counsels from outside the Department of Justice during his 14-month tenure: (1) Nicholas Bua to investigate an array of allegations related to the ''Inslaw Affair,'' on November 7, 1991; (2) Malcolm Wilkey to investigate the House Bank controversy, on March 20, 1992; and (3) Frederick Lacey to investigate the Bush Administration's handling of a bank fraud case involving loans to Iraq, on October 17, 1992.

Attorney General Janet Reno appointed Robert Fiske as a Special Counsel to investigate the Whitewater land deal and other matters on January 20, 1994. Mr. Fiske explained that the appointment order was ''deliberately drafted broadly . . . to give me total authority to look into all appropriate matters relating to the events . . . .'' For example, Mr. Fiske investigated a suicide in order to determine whether it might involve a crime related to his investigation—it did not—and prosecuted a fraud case with no obvious connection to Whitewater. Federal agents and prosecutors already were investigating crimes when Mr. Fiske was appointed, but the appointment order did not mention the crimes. When asked about supervision of Mr. Fiske, Attorney General Reno said, ''I do not expect him to report to me, . . . and I do not expect to monitor him.'' That is not true of Special Counsel Mueller.

Then-Deputy Attorney General James Comey took a different approach in 2003, when he invoked his authority as Acting Attorney General to appoint Patrick Fitzgerald as a special prosecutor to investigate the Valerie Plame matter. Mr. Comey did not make that appointment under the Department's Special Counsel regulation. Instead, he delegated to the special prosecutor ''all the authority of the Attorney General . . . independent of the supervision or control of any officer of the Department.'' Mr. Comey followed up with a letter reinforcing that his delegation was ''plenary.'' That is not true of Special Counsel Mueller's appointment.

The Ethics in Government Act allowed several statutory Independent Counsels to be appointed in the absence of probable cause that a crime had occurred, and some of those appointments were not publicized. Even under the Act, when prosecutors were under much less supervision than Special Counsels are under the Department's regulation, Congress did not interfere in the investigations. The statute required the Independent Counsel to submit an annual report to the Congress, but it allowed him to ''omit any matter that in the judgment of the independent counsel should be kept confidential.''

Because the Attorney General's authority over Independent Counsels was limited, the judicial orders appointing them were a principal way to cabin their jurisdiction. Nonetheless, appointments often were made with ''a broadly worded charter.'' For example, the appointment order for Whitewater Independent Counsel Kenneth Starr gave him authority to investigate ''whether any individuals or entities have committed a violation of any federal criminal law . . . relating in any way to James B. McDougal's, President William Jefferson Clinton's, or Mrs. Hillary Rodham Clinton's relationships with Madison Guaranty Savings & Loan Assn., Whitewater Development Corp., or Capital Management Services Inc.'' McDougal owned and managed Madison Guaranty, so that charter provided vast discretion to investigate essentially any crime committed by any person that involved the savings and loan association. The Independent Counsel identified other unrelated matters of investigative interest, and he obtained orders from the court expanding his mandate, including ''Travelgate,'' ''Filegate,'' and the Lewinsky matter. The Attorney General did not supervise or control the Independent Counsel's decisions about which crimes and subjects to investigate within his broad mandates, or which persons to prosecute.

When the Independent Counsel statute expired, the Department adopted the current Special Counsel regulation as an internal policy concerning the appointment and management of Special Counsels. The regulation provides for congressional notification when an appointment is made and when it concludes. At the conclusion of the investigation, it requires notification to Congress of instances when the Attorney General concluded that a proposed action by the Special Counsel should not be pursued. The regulation contemplates ongoing consultation with Department components and continuing oversight by the Attorney General (or the Acting Attorney General), who remains accountable as in all other cases handled by the Department of Justice. The regulation achieves the objective of conducting an independent investigation while following normal Department policies, including supervision by a Senate-confirmed officer.

There is no statutory requirement to identify criminal violations before appointing a Special Counsel from outside the Department, and there is no requirement to publicize suspected violations in the appointment order under the Special Counsel regulation. Only one previous Special Counsel was appointed under the current regulation: John Danforth, to investigate the Waco matter, on September 9, 1999. As with Special Counsel Mueller, Mr. Danforth's appointment order did not publicly specify a crime or identify anyone as a subject.

SPECIAL COUNSEL MUELLER'S APPOINTMENT AND DELEGATED AUTHORITY

I determined that the appointment of Special Counsel Mueller to take charge of criminal matters that were already under investigation by federal agents and prosecutors was warranted under the Special Counsel regulation. The appointment order mentions 28 C.F.R. 600.4 to 600.10 because they bear on the authority and duties of the Special Counsel. The public order did not identify the crimes or subjects because such publicity would be wrong and unfair, just as it would have been wrong and unfair to reveal that information prior to Special Counsel's appointment, and just as it would be wrong and unfair in other cases handled by a U.S. Attorney or Assistant Attorney General.

So long as the Attorney General or the Acting Attorney General remains accountable, there is federal statutory and regulatory authority to assign matters to a Special Counsel, just as the Attorney General and the Deputy Attorney General (even when the Attorney General is not recused) have authority to assign matters to an Acting U.S. Attorney or any other Department official. The U.S. District Court for the District of Columbia recognized as much in its opinion in Manafort v. United States.

When Special Counsel Mueller was appointed, he received comprehensive briefings about the relevant allegations and documents that described them in considerable detail, as with previous special counsel appointments. Some of the FBI agents who were investigating those matters continued to do so. The Department assigned a team of career and non-career officials to provide supervision and assist the Acting Attorney General in determining which leads should be handled by the Special Counsel and which by other Department prosecutors, and to review any proposed indictments in conjunction with Department components that ordinarily would review them.

The regulation states that the Special Counsel has the powers and authority of a

U.S. Attorney (who may or may not be Senate-confirmed) and must follow Department policies and procedures. Under those policies and procedures, the Department should reveal information about a criminal investigation only when it is necessary to assist the criminal investigation or to protect public safety.

In August 2017, Special Counsel Mueller received a written internal memorandum from the Acting Attorney General. The memorandum eliminated the ability of any subject, target, or defendant to argue that the Special Counsel lacked delegated authority under 28 U.S.C. §515 to represent the United States. The names of the subjects were already in Department files, but we did not publicly disclose them because to do so would violate the Department's confidentiality policies.

Many of the questions raised in your letter concern the distinction between a counterintelligence investigation and a criminal investigation. The primary goal of a counterintelligence investigation is to protect against national security threats by, among other things, collecting intelligence information and disrupting foreign influence operations. The goal of a criminal investigation is to determine whether there is sufficient evidence to prosecute a criminal suspect in federal court. There was a ''wall'' between the two prior to September 11, 2001. There is no longer a wall, but agents and prosecutors are mindful that counterintelligence investigations may be broader than any criminal prosecutions that they generate.

The public announcement of the Special Counsel's appointment purposefully included no details beyond what Director Comey had disclosed at a public House Permanent Select Committee on Intelligence hearing on March 20, 2017. Director Comey revealed that:

the FBI, as part of our counterintelligence mission, is investigating the Russian government's efforts to interfere in the 2016 presidential election, and that includes investigating the nature of any links between individuals associated with the Trump campaign and the Russian government, and whether there was any coordination between the campaign and Russia's efforts. As with any counterintelligence investigation, this will also include an assessment of whether any crimes were committed. Because it is an open, ongoing investigation, and is classified, I cannot say more about what we are doing and whose conduct we are examining. At the request of congressional leaders, we have taken the extraordinary step . . . of briefing this Congress's leaders, including the leaders of this Committee, in a classified setting, in detail about the investigation.

As is now publicly known, the Department of Justice and the FBI were conducting several investigations with potential relevance to Russian interference in the 2016 election when Special Counsel Mueller was appointed in May 2017. The public order explained that the Special Counsel will ''ensure a full and thorough investigation of the Russian government's efforts to interfere in the 2016 presidential election.'' Special Counsel Mueller is authorized to investigate potential criminal offenses. Counterintelligence investigations involving any current or future Russian election interference are not the Special Counsel's responsibility.

CONGRESSIONAL OVERSIGHT REQUESTS

Department of Justice and FBI personnel are working diligently and in good faith to provide an unprecedented level of congressional access to information that members of Congress believe may be relevant. Our responses to the many related and overlapping congressional inquiries are consistent with longstanding best practices. We respond as quickly as possible to the inquiries and accommodate requests when possible. We cannot fulfill requests that would compromise the independence and integrity of investigations, jeopardize intelligence sources and methods, or create the appearance of political interference. We need to follow the rules.

In 2016 and 2017, then-Director Comey made disclosures to the public and to Congress that he has acknowledged would not have been appropriate under regular order. He maintains that his 2016 statements to the public and to the Congress about the Hillary Clinton email investigation were justified by unique circumstances comparable to a ''500-year flood.'' He further believes that his 2017 disclosures about the investigation of alleged links between the Russian government agents who interfered in the election and persons associated with the Trump campaign were an ''extraordinary step'' justified by ''unusual circumstances.''

It is important for the Department of Justice to follow established policies and procedures, especially when the stakes are high. It may seem tempting to depart from Department policies and traditions in an effort to deflect short-term criticism, but such deviations ultimately may cause a loss of public confidence in the even-handed administration of justice. We should be most on guard when we believe that our own uncomfortable present circumstances justify ignoring timeless principles respected by our predecessors. I urge you and your colleagues to support us in following the rules.

At my confirmation hearing, I promised that Department employees would conduct ourselves ''with deep respect for the institution and employees of the Department of Justice, with acute understanding of our role in the constitutional structure, and with profound appreciation of our weighty responsibilities. My commitment to the Department's longstanding traditions carries with it an obligation to ensure that we keep pending law enforcement matters separate from the sphere of politics and that there be no perception that our law enforcement decisions are influenced by partisan politics or pressure from legislators.

Regardless of political affiliation, thoughtful former Department leaders recognize that departures from our confidentiality policies pose an extraordinary threat to the Department's independence and integrity. Former Deputy Attorneys General Larry Thompson and Jamie Gorelick explained that the Department of Justice ''operates under long-standing and well-established traditions limiting disclosure of ongoing investigations to the public and even to Congress. . . . These traditions protect the integrity of the department. . . .'' Violating those policies and disclosing information about criminal investigations constitutes ''real-time, raw-take transparency taken to its illogical limit, a kind of reality TV of federal criminal investigation'' that is ''antithetical to the interests of justice.''

Punishing wrongdoers through judicial proceedings is only one part of the Department's mission. We also have a duty to prevent the disclosure of information that would unfairly tarnish people who are not charged with crimes. In 1941, Attorney General Robert Jackson explained that disclosing information about federal investigations to Congress could cause ''the grossest kind of injustice to innocent individuals,'' and create ''serious prejudice to the future usefulness of the Federal Bureau of Investigation.'' It is useful to quote at length from the Attorney General's letter:

[W]e have made extraordinary efforts to see that the results of counterespionage activities and intelligence activities of this Department involving those elements are kept within the fewest possible hands. A catalogue of persons under investigation or suspicion, and what we know about them, would be of inestimable service to foreign agencies; and information which could be so used cannot be too closely guarded.

Moreover, disclosure of the reports would be of serious prejudice to the future usefulness of the Federal Bureau of Investigation. As you probably know, much of this information is given in confidence and can only be obtained upon pledge not to disclose its sources. A disclosure of the sources would embarrass informants—sometimes in their employment, sometimes in their social relations, and in extreme cases might even endanger their lives. We regard the keeping of faith with confidential informants as an indispensable condition of future efficiency.

Disclosure of information contained in the reports might also be the grossest kind of injustice to innocent individuals. Investigative reports include leads and suspicions, and sometimes even the statements of malicious or misinformed people. Even though later and more complete reports exonerate the individuals, the use of particular or selected reports might constitute the grossest injustice, and we all know that a correction never catches up with an accusation.

In concluding that the public interest does not permit general access to Federal Bureau of Investigation reports for information by the many congressional committees who from time to time ask it, I am following the conclusions reached by a long line of distinguished predecessors in this office who have uniformly taken the same view. . . .

Since the beginning of the Government, the executive branch has from time to time been confronted with the unpleasant duty of declining to furnish to the Congress and to the courts information which it has acquired and which is necessary to it in the administration of statutes.

Attorney General Jackson's letter mentioned that the pending congressional request was ''one of the many made by congressional committees.'' He understood the profoundly harmful consequences of proceeding down a road that would empower congressional members and staffers to choose which federal investigations should be publicized.

Congressional leaders respected Attorney General Jackson's obligation to do the job he swore an oath to perform—''well and faithfully execute the duties of the office'' —by preserving the independence of federal law enforcement and protecting it from political influence. President Eisenhower later agreed, finding that ''it is essential to the successful working of our system that the persons entrusted with power in any of the three great branches of government shall not encroach upon the authority confided to the others.''

Requiring the Department of Justice to disclose details about criminal investigations would constitute a dangerous departure from important principles. Criminal prosecutions should be relatively transparent—because the public should know the grounds for finding a citizen guilty of criminal offenses and imposing punishment—but criminal investigations emphatically are not supposed to be transparent. In fact, disclosing uncharged allegations against American citizens without a law-enforcement need is considered to be a violation of a prosecutor's trust. As stated in the Department's Principles of Federal Prosecution:

In all public filings and proceedings, federal prosecutors should remain sensitive to the privacy and reputation interests of uncharged third-parties. In the context of public plea and sentencing proceedings, this

means that, in the absence of some significant justification, it is not appropriate to identify (either by name or unnecessarily-specific description), or cause a defendant to identify, a third-party wrongdoer unless that party has been officially charged with the misconduct at issue. In the unusual instance where identification of an uncharged third-party wrongdoer during a plea or sentencing hearing is justified, the express approval of the United States Attorney and the appropriate Assistant Attorney General should be obtained prior to the hearing absent exigent circumstances. . . . In other less predictable contexts, federal prosecutors should strive to avoid unnecessary public references to wrongdoing by uncharged third-parties. With respect to bills of particulars that identify unindicted co-conspirators, prosecutors generally should seek leave to file such documents under seal. Prosecutors shall comply, however, with any court order directing the public filing of a bill of particulars.

As a series of cases makes clear, there is ordinarily ''no legitimate governmental interest served'' by the government's public allegation of wrongdoing by an uncharged party, and this is true ''[r]egardless of what criminal charges may . . . b[e] contemplated by the Assistant United States Attorney against the [third-party] for the future.'' In re Smith, 656 F.2d 1101, 1106–07 (5th Cir. 1981). Courts have applied this reasoning to preclude the public identification of unindicted third-party wrongdoers in plea hearings, sentencing memoranda, and other government pleadings. . . .

In most cases, any legitimate governmental interest in referring to uncharged third-party wrongdoers can be advanced through means other than those condemned in this line of cases. For example, in those cases where the offense to which a defendant is pleading guilty requires as an element that a third-party have a particular status (e.g., 18 U.S.C. 203(a)(2)), the third-party can usually be referred to generically (''a Member of Congress''), rather than identified specifically (''Senator X''), at the defendant's plea hearing. Similarly, when the defendant engaged in joint criminal conduct with others, generic references (''another individual'') to the uncharged third-party wrongdoers can be used when describing the factual basis for the defendant's guilty plea.

Even when we file federal charges, Department policy strongly counsels us not to implicate by name any person who is not officially charged with misconduct.

The recent Inspector General report emphasizes the solemn duty of federal law enforcement officials to defend the confidentiality of federal investigations. I hope you and your colleagues in the Senate and House will support us in restoring those principles. The Department of Justice must not proceed along the unhappy road to being perceived as a partisan actor, deciding what information to reveal and what information to conceal based on the expected impact on the personal or political interests of its temporary leaders and congressional allies.

The current investigation of election interference is important, but there are also thousands of other important investigations pending in the Department of Justice and the FBI. Every investigation is important to the persons whose reputations may be irreparably damaged or whose careers may be permanently disrupted. No matter who an investigation involves—an ordinary citizen, a local or state politician, a campaign official, a foreign agent, or an officer of the federal legislative, executive, or judicial branch—agents and prosecutors are obligated to protect its confidentiality and preserve the Department's independence from political influence.

Throughout American history, wise legislators have worked with Department officials to limit oversight requests in order to respect the Department's duty to protect national security, preserve personal privacy, and insulate investigations from the appearance of interference. For instance, the Department sent a letter to a House committee chair in 2000, describing the Department's policies on responding to congressional oversight requests. The letter explains:

Such inquiries inescapably create the risk that the public and the courts will perceive undue political and Congressional influence over law enforcement and litigation decisions. Such inquiries also often seek records and other information that our responsibilities for these matters preclude us from disclosing.

The letter quotes President Ronald Reagan, who wrote that a ''tradition of accommodation should continue as the primary means of resolving conflicts between the Branches.'' Regardless of whether an inter-branch information request is made by letter or subpoena, the relationship between the branches gives rise to ''an implicit constitutional mandate,'' to ''reach an accommodation short of full-scale confrontation.'' It must not be the case that the Department is required to risk damage to reputations, put cases and lives at risk, and invite political interference by opening sensitive files to congressional staff without restriction.

Tension between Congress's oversight interests and the Department's solemn responsibility to protect law enforcement information is unavoidable. In 1989, then-Assistant Attorney General William Barr wrote that misunderstandings often arise because congressional investigations, by their nature, are usually adversarial and unbounded by the rules of evidence. In another 1989 opinion, the Department's Office of Legal Counsel explained that ''the executive branch has . . . consistently refused to provide confidential information'' to ''congressional committees with respect to open cases.''

Sometimes there is a strong temptation to seek short-term benefit at the cost of long-term values. But departures from Department traditions contribute to a loss of public confidence. We can build public confidence if we stick to the principle that the prosecutor is ''the servant of the law, the twofold aim of which is that guilt shall not escape nor innocence suffer.''

APPROVAL OF FOREIGN INTELLIGENCE SURVEILLANCE ACT APPLICATIONS

Finally, you asked whether I delegated approval authority under the Foreign Intelligence Surveillance Act. Such approval authority is not delegable beyond the approving officials designated in the Foreign Intelligence Surveillance Act. FISA affidavits are written and sworn under oath by career federal agents who verify that they are true and correct. They are reviewed by investigative agency supervisors and attorneys, and by Department of Justice attorneys and supervisors. Before filing, they must be approved by an intelligence agency leader, usually the FBI Director, and by either the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for the National Security Division. In every case, the ultimate decision on whether to allow surveillance is made by a federal judge who independently determines whether the evidence provided under oath by the federal agent meets the requisite legal standard.

CONCLUSION

I hope that you find this information helpful. I regret that the many duties of my office preclude me from responding personally to every congressional inquiry. I am deeply grateful to have the support of a talented and dedicated team that understands our obligation to work cooperatively with the Congress to protect the American people and preserve the rule of law.

Sincerely,

ROD J. ROSENSTEIN.
Deputy Attorney General.

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

Mr. MEADOWS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ZELDIN).

Mr. ZELDIN. Mr. Speaker, I rise today in strong support of H. Res. 970.

I would like to thank my colleagues, Congressman MARK MEADOWS and JIM JORDAN.

First off, from my conversations with members of the Justice Department, I have been very impressed with their feedback of seeing just how high morale has gone over the course of the last year and a half because they are able to do their jobs again.

You were seeing prosecution numbers and certain metrics in these different U.S. Attorney Offices going down. Their hands were being tied behind their back. We talked about the military having their hands tied behind their back, the rules of engagement. We saw our Justice Department, our U.S. attorneys, and our FBI with their hands tied between their back. And their morale is going up.

Now, I'm not going to subscribe to those in this Chamber and in this country who want to resist, oppose, obstruct, and impeach this President on everything and anything. That is their top priority in life; that is not mine. My priority is, when I see that there is misconduct at the highest levels of the Department of Justice and the FBI, as a Member of Congress, taking my oath seriously to my own constituents and to this country, I demand answers. It is about transparency and it is about accountability.

I have a 12-page resolution that we introduced, H. Res. 907. It has up to 33 cosponsors. What is interesting about this resolution is it is 12 pages outlining and detailing all this misconduct, calling for a second special counsel, and not one person has been able to poke any hole and a single bullet in this entire 12-page document.

I have a problem with it when those in the Justice Department say that they can't provide a document because it risks national security. You read the document and find that nothing in there risks national security. Actually what the problem was is that it might cause embarrassment to someone in the DOJ and the FBI. That is why it wasn't provided.

I don't like it when you see FISA abuse that results in a United States citizen being spied on: going to a secret court with secret documents to get a warrant without due process and providing the full story.

It is all about justice, transparency, and accountability. MARK MEADOWS has been leading the fight to get more documents. I support him with it. The Justice Department needs to comply.

We have an oversight function, and I do not subscribe to those in this Chamber who want to oppose, obstruct, resist, and impeach. That is not the path forward for America.

Mr. NADLER. Mr. Speaker, I think I made the case clear. I think Mr. ZELDIN has added nothing to the debate that I have to refute.

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

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

Mr. Speaker, I thank the gentleman opposite for his impassioned arguments and debate on this issue. I thank all of those who have come down to the floor today to stand up for this institution's right to provide proper oversight and conduct it according to the Constitution, but, more importantly, for good transparency. Transparency is a good thing, and I think it is high time that we do it.

For 8 months, Mr. Speaker, we have made a request of the Department of Justice. They have not fully complied. On March 22, 99 days ago, we sent a subpoena giving them 14 days. They did not comply. Two weeks ago, the Speaker of the House actually reached out and said, ''You have another week.'' They did not comply.

This is our last attempt to give them the benefit of the doubt that they have nothing to hide. They need to start acting like it, Mr. Speaker.

Mr. Speaker, I encourage a ''yes'' vote, and I yield back the balance of my time.

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

Pursuant to House Resolution 971, the previous question is ordered on the resolution and on the preamble.

The question is on adoption of the resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 226, nays 183, answered ''present'' 1, not voting 17, as follows:

[Roll No. 306]

YEAS—226

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

NAYS—183

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Smith (WA)
Soto
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Titus
Tonko
Torres
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

ANSWERED ''PRESENT''—1

Amash

NOT VOTING—17

Aderholt
Black
Costello (PA)
Crowley
Ellison
Eshoo
Grijalva
Grothman
Jones
Labrador
Luetkemeyer
Pelosi
Speier
Thompson (MS)
Tsongas
Walz
Wilson (FL)

□ 1154

Mr. BUCSHON changed his 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.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2019

The SPEAKER pro tempore (Mr. HOLDING). Pursuant to House Resolution 964 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 6157.

Will the gentleman from Alabama (Mr. BYRNE) kindly take the chair.

□ 1155

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6157) making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes, with Mr. BYRNE (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, June 27, 2018, a request for a recorded vote on amendment No. 29 printed in House Report 115–785 offered by the gentleman from Connecticut (Mr. COURTNEY) had been postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 115–785 on which further proceedings were postponed, in the following order:

Amendment No. 7 by Mr. GALLAGHER of Wisconsin.

Amendment No. 8 by Mr. GALLAGHER of Wisconsin.

Amendment No. 15 by Ms. CLARK of Massachusetts.