

Latta	Posey	Steube	Castro (TX)	Huffman	Pingree	Huizenga	Mitchell	Smith (NJ)
Lesko	Ratcliffe	Stewart	Chu, Judy	Jackson Lee	Pocan	Hunter	Moolenaar	Smucker
Long	Reed	Stivers	Cicilline	Jayapal	Porter	Hurd (TX)	Mooney (WV)	Spano
Loudermilk	Reschenthaler	Taylor	Cisneros	Jeffries	Pressley	Johnson (LA)	Mullin	Stauber
Lucas	Rice (SC)	Thompson (PA)	Clark (MA)	Johnson (GA)	Price (NC)	Johnson (OH)	Murphy (NC)	Stefanik
Luetkemeyer	Riggleman	Thornberry	Clarke (NY)	Johnson (TX)	Quigley	Johnson (SD)	Newhouse	Steil
Marchant	Roby	Timmons	Clay	Kaptur	Raskin	Joyce (OH)	Norman	Steube
Massie	Rodgers (WA)	Tipton	Cleaver	Keating	Rice (NY)	Katko	Nunes	Stewart
Mast	Roe, David P.	Turner	Cohen	Kelly (IL)	Richmond	Keller	Olson	Stivers
McCarthy	Rogers (AL)	Upton	Connolly	Kennedy	Rose (NY)	Kelly (MS)	Palazzo	Taylor
McCaul	Rogers (KY)	Wagner	Cooper	Khanna	Rouda	Kelly (PA)	Palmer	Thompson (PA)
McClintock	Rooney (FL)	Walberg	Correa	Kildee	Roybal-Allard	King (IA)	Pence	Thornberry
McHenry	Rose, John W.	Walden	Costa	Kilmer	Ruiz	King (NY)	Perry	Timmons
McKinley	Rouzer	Walker	Courtney	Kim	Ruppersberger	Kinzinger	Posey	Tipton
Meadows	Roy	Walorski	Cox (CA)	Kind	Rush	Kustoff (TN)	Ratcliffe	Turner
Meuser	Rutherford	Walt	Craig	Kirkpatrick	Ryan	LaHood	Reed	Upton
Miller	Scalise	Watkins	Crist	Kuster (NH)	Sánchez	LaMalfa	Reschenthaler	Wagner
Mitchell	Schweikert	Weber (TX)	Crow	Lamb	Sarbanes	Lamborn	Rice (SC)	Walberg
Moolenaar	Scott, Austin	Webster (FL)	Cuellar	Langevin	Scanlon	Latta	Riggleman	Walden
Mooney (WV)	Sensenbrenner	Westen	Cunningham	Larsen (WA)	Schakowsky	Lesko	Roby	Walker
Mullin	Shimkus	Westerman	Davids (KS)	Larson (CT)	Schiff	Long	Rodgers (WA)	Walorski
Murphy (NC)	Simpson	Williams	Davis (CA)	Lawrence	Schneider	Loudermilk	Roe, David P.	Waltz
Newhouse	Smith (MO)	Wilson (SC)	Davis, Danny K.	Lawson (FL)	Schrader	Lucas	Rogers (AL)	Watkins
Norman	Smith (NE)	Wittman	Dean	Lee (CA)	Schrier	Luetkemeyer	Rogers (KY)	Weber (TX)
Nunes	Smith (NJ)	Womack	DeFazio	Lee (NV)	Scott (VA)	Marchant	Rooney (FL)	Webster (FL)
Olson	Smucker	Woodall	DeGette	Levin (CA)	Scott, David	Massie	Rose, John W.	Westen
Palazzo	Spano	Yoho	DeLauro	Levin (MI)	Serrano	Mast	Rouzer	Westerman
Palmer	Stauber	Young	DelBene	Lewis	Sewell (AL)	McAdams	Roy	Williams
Pence	Stefanik	Zeldin	Delgado	Lieu, Ted	Shalala	McCarthy	Rutherford	Wilson (SC)
Perry	Steil		Demings	Lipinski	Sherman	McCaul	Scalise	Wittman
			DeSaulnier	Loebach	Sherrill	McClintock	Scott, Austin	Womack
			Deutch	Lofgren	Sires	McHenry	Sensenbrenner	Woodall
			Dingell	Lowenthal	Slotkin	McKinley	Shimkus	Yoho
			Doggett	Lowe	Smith (WA)	Meadows	Simpson	Young
			Doyle, Michael F.	Lujan	Soto	Meuser	Smith (MO)	Zeldin
			Engel	Luria	Spanberger	Miller	Smith (NE)	
			Escobar	Lynch	Speier			
			Eshoo	Malinowski	Stanton			
			Español	Maloney,	Stevens			
			Finkenauer	Carolyn B.	Suozi			
			Fletcher	Maloney, Sean	Swalwell (CA)			
			Foster	Matsui	Takano			
			Frankel	McBath	Thompson (CA)			
			Fudge	McCollum	Thompson (MS)			
			Gabbard	McGovern				
			Gallego	McNerney				
			Garamendi	Meng				
			Garcia (IL)	Moore				
			Garcia (TX)	Morelle				
			Golden	Moulton				
			Gomez	Mucarsel-Powell				
			Gonzalez (TX)	Murphy (FL)				
			Gottheimer	Nadler				
			Green, Al (TX)	Napolitano				
			Grijalva	Neal				
			Haaland	Neguse				
			Harder (CA)	Norcross				
			Hastings	O'Halleran				
			Hayes	Ocasio-Cortez				
			Heck	Omara				
			Higgins (NY)	Pallone				
			Hill (CA)	Panetta				
			Himes	Pappas				
			Horn, Kendra S.	Pascrell				
			Horsford	Payne				
			Houlahan	Perlmutter				
			Hoyer	Peters				
				Peterson				
				Phillips				

## NOT VOTING—15

Abraham	Graves (LA)	Kuster (NH)
Clyburn	Higgins (LA)	Marshall
Crawford	Jackson Lee	McEachin
Cummings	Jordan	Van Drew
Dean	Joyce (PA)	Wright

□ 1337

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Ms. JACKSON LEE. Mr. Speaker, because I was chairing a Committee on the assault weapons ban, I missed the following vote. Had I been present, I would have voted “yea” on rollcall No. 542.

Mr. VAN DREW. Mr. Speaker, had I been present, I would have voted “yea” on rollcall No. 542.

Ms. KUSTER of New Hampshire. Mr. Speaker, had I been present, I would have voted “yea” on rollcall No. 542.

Ms. KUSTER of New Hampshire. Mr. Speaker, on Wednesday, September 25, 2019, I was unavoidably detained and missed rollcall vote No. 542. Had I been present for this recorded vote, I would have voted “aye.”

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 191, not voting 14, as follows:

[Roll No. 543]

YEAS—228

Adams	Bishop (GA)	Bustos
Aguilar	Blumenauer	Butterfield
Allred	Blunt Rochester	Carbajal
Axne	Bonamici	Cárdenas
Barragán	Boyle, Brendan F.	Carson (IN)
Bass	Brindisi	Cartwright
Beatty	Brown (MD)	Case
Bera	Brownley (CA)	Casten (IL)
Beyer		Castor (FL)

## NAYS—191

Aderholt	Calvert	Foxx (NC)
Allen	Carter (GA)	Fulcher
Amash	Carter (TX)	Gaetz
Amodei	Chabot	Gallagher
Armstrong	Cheney	Gianforte
Arrington	Cline	Gibbs
Babin	Cloud	Gohmert
Bacon	Cole	Gonzalez (OH)
Baird	Collins (GA)	Gooden
Balderson	Collins (NY)	Gosar
Banks	Cramer	Granger
Barr	Conaway	Graves (GA)
Bergman	Cook	Graves (MO)
Biggs	Crenshaw	Green (TN)
Bilirakis	Curtis	Griffith
Bishop (NC)	Davidson (OH)	Grothman
Bishop (UT)	Davis, Rodney	Guest
Bost	DesJarlais	Guthrie
Brady	Diaz-Balart	Hagedorn
Brooks (AL)	Duncan	Harris
Brooks (IN)	Dunn	Hartzler
Buchanan	Emmer	Hern, Kevin
Buck	Estes	Herrera Beutler
Bucshon	Ferguson	Hice (GA)
Budd	Fitzpatrick	Hill (AR)
Burchett	Fleischmann	Holding
Burgess	Flores	Hollingsworth
Byrne	Fortenberry	Hudson

## NOT VOTING—14

Abraham	Higgins (LA)	McEachin
Clyburn	Jordan	Meeks
Crawford	Joyce (PA)	Schweikert
Cummings	Krishnamoorthi	Wright
Graves (LA)	Marshall	

□ 1348

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. SCHWEIKERT. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted nay on rollcall No. 543.

## PERSONAL EXPLANATION

Mr. GRAVES of Louisiana. Mr. Speaker, I was absent during the first series of votes on September 25 due to illness. Had I been present, I would have voted nay on rollcall No. 542, and nay on rollcall No. 543.

## PERSONAL EXPLANATION

Ms. JACKSON LEE. Mr. Speaker, because I was held up chairing a hearing on the assault weapons ban, I missed the motion on ordering the previous question to the rule, House Resolution 577, regarding the Homeland Security bill and the whistleblower bill. If I had been here, I would have voted “yea.”

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 50 minutes p.m.), the House stood in recess.

□ 1440

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Ms. DeGETTE) at 2 o'clock and 40 minutes p.m.

**EXPRESSING SENSE OF THE HOUSE WITH RESPECT TO WHISTLEBLOWER COMPLAINT MADE TO INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY**

Mr. HIMES. Madam Speaker, pursuant to House Resolution 577, I call up the resolution (H. Res. 576) expressing the sense of the House of Representatives with respect to the whistleblower complaint of August 12, 2019, made to the Inspector General of the Intelligence Community, 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 577, the amendments to the text and preamble specified in section 11 of that resolution are adopted and the resolution, as amended, is considered read.

The text of the resolution, as amended, is as follows:

**H. RES. 576**

*Resolved, That—*

(1) the whistleblower complaint received on August 12, 2019, by the Inspector General of the Intelligence Community shall be transmitted immediately to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives should be allowed to evaluate the complaint in a deliberate and bipartisan manner consistent with applicable statutes and processes in order to safeguard classified and sensitive information.

The SPEAKER pro tempore. The resolution, as amended, shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Connecticut (Mr. HIMES) and the gentleman from California (Mr. NUNES) each will control 30 minutes.

The Chair recognizes the gentleman from Connecticut.

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

Madam Speaker, I rise in support of the amended resolution, which demands provision to the congressional intelligence committees of a whistleblower complaint, which the Acting Director of National Intelligence has withheld. The law, however, required the Acting DNI to submit it to the committees.

This is a serious matter, Madam Speaker, for IC whistleblowing, congressional oversight, and the rule of law.

Before turning to it, let me express my deep gratitude for the actions of a courageous and anonymous individual in the intelligence community. That person wanted to report urgent, credible allegations of serious wrongdoing and did the right thing by acting in

strict accordance with proper whistleblower procedures. These permit classified disclosures to be made to the intelligence committees while protecting national security.

Using that mechanism, in August, the whistleblower made a complaint to the inspector general of the intelligence community. According to the Justice Department's legal opinion regarding the complaint, which it today released to the public, the whistleblower's allegations concerned the content of a telephone call between President Trump and a foreign leader.

The inspector general determined the complaint to be urgent, meaning that the matter met important statutory criteria, and that its allegations appeared to be credible.

The inspector general, months later, would write that the complaint's allegations not only fell "within the DNI's jurisdiction," but that they "relate to one of the most important and significant responsibilities to the American people." That is protecting the United States from foreign interference in our elections.

In strict accordance with the statutory rules, the inspector general passed the complaint and his determination to the Acting Director of National Intelligence. The Acting Director was obligated to forward this material to the congressional intelligence committees within 7 days of receipt, but, in contravention of the law, he refused to do that.

There can be no misreading of the provision imposing that obligation. It says that the DNI "shall" forward the materials to the House intelligence committee and also to our colleagues at the Senate intelligence committee.

□ 1445

"Shall," of course, means "shall." It does not mean "can if you want to."

Despite this unambiguous, categorical directive, the Trump administration interfered with the time-tested process for IC whistleblowing. It would need to resist that process forcefully because, as public reports have suggested, the complaint potentially concerned the same craven abuse of power by President Trump which the public learned about this morning.

I won't recite all the details of this sordid episode. But suffice it to say that documents released today plainly show the President of the United States shaking down his Ukrainian counterpart for a "favor"—an investigation by Ukraine's authorities, with close coordination by Rudy Giuliani and Attorney General Bill Barr, into the son of former Vice President Joe Biden, the former Vice President himself being a candidate for the U.S. presidency.

So the administration got the Justice Department's Office of Legal Counsel involved, it got the White House Counsel involved, and, without invoking national security or making a claim of executive privilege, it man-

aged to get a staggeringly flawed legal opinion from the Department of Justice.

The opinion's reasoning is specious on its face. According to the Department of Justice, the whistleblower statute did not apply to the complaint, and the complaint therefore did not have to be forwarded to the committees because the complaint's allegations do not relate to an urgent concern, meaning the funding, administration, or operation of an intelligence activity under the DNI's authority and responsibility.

In this regard, the DOJ observed that the alleged conduct was committed by the President, who is outside of and above the IC. I will point out that that is irrelevant under the statute. All that is required is that the allegation "relate to" an intelligence activity within the DNI's purview.

The DOJ also faulted the IC IG, the inspector general, for not citing a statute or policy that gave the DNI operational responsibility to prevent foreign interference in our elections.

Think about that for a second. Have in mind what our country went through in 2016 when Russia undertook covert as well as overt measures to warp the U.S. Presidential election and to sow discord which the Trump campaign welcomed with open arms.

With that recent history in mind, to say nothing of the rules on the books, we can easily dispose of the claim that the intelligence community, as captained by the acting DNI, has no operational role in keeping adversary governments from meddling in our democratic processes. That assertion is ignorant. It is wrong. And it bespeaks a serious misunderstanding about the DNI's authorities and the activities of the United States intelligence community.

The DOJ's cramped view would come as news to President Trump, I suspect, given the executive order he issued in September of 2018 regarding foreign interference in our elections, which requires the DNI, after every Federal election in this country, to assess whether such interference has taken place and to report his assessment to the rest of the executive branch. That sounds a lot like a serious role for the DNI to me.

I imagine the Department of Justice's view would also come as a shock to the acting DNI himself. After all, by statute the DNI is the head of the U.S. intelligence community and the principal intelligence adviser to the President and the National Security Council, among other things. As the inspector general correctly noted, one mission of the intelligence community, among its core missions, is to protect the United States against hostile intelligence activities directed against it. That would include any hostile foreign intelligence activities associated with efforts by foreign adversaries to interfere in our elections.

So I am stunned that the acting DNI would accept legal advice like this,