

No one deserves to live with this kind of persecution which is why this malicious treatment of the Uyghurs by the CCP must brought to an end. We all wish to see the day when China behaves like, and can be treated as, a normal country. Until that time, we delude ourselves if we treat it like one. That is why we must enact the Uyghur Human Rights Policy Act today.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and pass the bill, S. 3744.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

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

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

### 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 p.m.), the House stood in recess.

□ 1456

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. DEGETTE) at 2 o'clock and 56 minutes p.m.

### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENTS TO H.R. 6172, USA FREEDOM REAUTHORIZATION ACT OF 2020

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 116-426) on the resolution (H. Res. 981) providing for consideration of the Senate amendments to the bill (H.R. 6172) to amend the Foreign Intelligence Surveillance Act of 1978 to prohibit the production of certain business records, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1500

### PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENTS TO H.R. 6172, USA FREEDOM REAUTHORIZATION ACT OF 2020

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 981 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 981

*Resolved*, That upon adoption of this resolution it shall be in order to take from the

Speaker's table the bill (H.R. 6172) to amend the Foreign Intelligence Surveillance Act of 1978 to prohibit the production of certain business records, and for other purposes, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided among and controlled by the chair and ranking minority member of the Committee on the Judiciary and the chair and ranking minority member of the Permanent Select Committee on Intelligence. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

SEC. 2. Any motion pursuant to clause 4 of rule XXII relating to H.R. 6172 may be offered only by the Majority Leader or his designee.

SEC. 3. Notwithstanding the order of the House of May 22, 2020, if a veto message is laid before the House on House Joint Resolution 76, then after the message is read and the objections of the President are spread at large upon the Journal, further consideration of the veto message and the joint resolution shall be postponed until the legislative day of Wednesday, July 1, 2020; and on that legislative day, the House shall proceed to the constitutional question of reconsideration and dispose of such question without intervening motion.

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

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

### GENERAL LEAVE

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. MCGOVERN. Madam Speaker, the Rules Committee met and reported a rule, House Resolution 981, providing for consideration of Senate amendments to H.R. 6172. The rule makes in order a motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendments.

The rule provides 1 hour of debate on the motion, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and the chair and the ranking member of the Permanent Select Committee on Intelligence. The rule provides that any motion pursuant to clause 4 of rule XXII relating H.R. 6172 may be offered only by the majority leader or his designee. Finally, the rule allows for consideration of a possible veto message on H.J. Res. 76 on July 1, 2020.

Madam Speaker, the protection of civil liberties has always been a

uniquely American value. I opposed the original PATRIOT Act and subsequent reauthorizations because I believe they crossed the line and compromised Americans' fundamental right to privacy.

We can prevent crime and terrorism without our government collecting data on law-abiding citizens. I have said that whether there has been a Republican President or a Democratic President in the White House.

This has not been a partisan notion, either. There are Members on both sides of the aisle who have consistently said the same. When I worked with my colleagues MARK POCAN and TOM MASSIE to introduce what was called the strongest antisurveillance bill to date, it was done with bipartisan support.

It is no surprise, then, that I don't support the underlying bill either. Every day, we ask Americans to choose between their right to privacy and a false sense of security. That is not a choice we should have to make.

Having said that, other Members in this Chamber—Democrats and Republicans—feel differently, and it is the Rules Committee's job to advance legislation to the floor.

A FISA reauthorization recently passed this Chamber with the support of over two-thirds of our Members. I did not support it. The Senate strengthened the bill, but quite frankly, it is not strong enough for me, though I do appreciate some of its reforms.

Now, each Member will have to decide where they stand. I know the President hasn't made this process easy. He has thrown a last-minute wrench into the process with his tweeting. If this bill passes, it will go directly to his desk. I am not sure if he will sign it or not. I am not sure he knows, quite frankly.

But we are giving every Member the chance to cast a straight up-or-down vote. Ultimately, the House will have worked its will.

I have said many times that I oppose this bill. The Government of the United States should not be able to go on fishing expeditions against citizens who haven't even broken the law. That is not a radical idea. To me, that is a fundamentally American idea. I don't want seemingly unlimited and, in my view, unconstitutional powers in the hands of President Trump and Attorney General Barr or any administration.

This Attorney General, quite frankly, has no respect for the rule of law. That is my view. I don't trust him.

I don't care whether it is a Republican or a Democrat in the White House. We can, and we must, fight terrorism and deter wrongdoing in a way that better respects Americans' civil liberties.

Madam Speaker, this is a serious matter. It deserves to be handled more responsibly than by a late-night tweet.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, my chairman is exactly right. We just came out of the Rules Committee just about an hour ago, and we did report this rule that does make in order a motion from the chairman of the Committee on the Judiciary to concur in the Senate amendments. The Senate amendments do take a small step forward in making the underlying language better than it used to be, but we had an opportunity in the Rules Committee to consider other amendments.

We had an amendment by Mr. GOSAR, for example, that asked for additional certifications from the Attorney General. We had a bipartisan amendment from Mr. DAVIDSON and Ms. LOFGREN that would have gone even further in protecting civil liberties. I regret the rule we have today makes neither of those in order.

It comes as no surprise to any of us that we have some very successful House work product that we could have added here, and we made the decision to accede to the Senate language.

As I mentioned, just over an hour ago, Dr. BURGESS, who sits on the Rules Committee, and I were there.

Madam Speaker, with the chairman's indulgence, I yield such time as he may consume to the gentleman from Texas (Mr. BURGESS) for any statement he may have.

Mr. BURGESS. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I do want to point out that the Foreign Intelligence Surveillance Act of 1978—note the first word is “Foreign”—the Foreign Intelligence Surveillance Act of 1978 provided authorities for the collection of foreign intelligence information to protect the United States from foreign threats. These authorities were expanded after 9/11, and their use has exceeded the original intent.

The Foreign Intelligence Surveillance Court provides authorization via court order. Inspector General Horowitz's recent report revealed intentional abuse of the FISA process by FBI officials investigating the Trump campaign, investigating the Trump campaign for alleged collusion with Russia during the 2016 Presidential campaign. After extensive study by Special Counsel Robert Mueller, no such connection could be found.

In addition, agents of the FBI reportedly used official meetings with then-President-elect Trump and incoming National Security Advisor Michael Flynn for the purposes of gathering information on them, intelligence information. These politically driven actions by the FBI were highly irregular; inappropriate; and, in the case of inaccurate FISA court applications, actually criminal.

It is not legal to lie to a FISA court judge. Yet, no one has been held accountable. No one has stood trial. Certainly, no one has served a sentence to account for these crimes.

Madam Speaker, what is the point of passing a law if the enforcement agency is the one abusing it? This is malfeasance of the highest order, and it certainly must not go unpunished.

Let's be clear: We all want to protect the American people. Part of that responsibility includes authorizing certain activities by our intelligence agencies to obtain critical information on foreign targets. But, no, Americans' civil liberties should not be jettisoned for that effort.

When the House first passed H.R. 6172, the reauthorization of the USA FREEDOM Act, I supported the bill because of the improvements that were made to the FISA process. But since then, we have learned details that indicate that the abuse was much more widespread and much more deliberate than initially reported.

Given that, rather than place some additional requirements on the exercise of existing authorities, I think we must fully reevaluate the FISA authorities to resolve the right balance between protecting our Nation and the rights of the American people.

In addition, the administration does not support this bill in its current form, which means that this is going to be yet another in a long line of activities undertaken by the Democratic majority that is not going to be successful.

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

Madam Speaker, I oppose the underlying bill. It has nothing do with the Mueller investigation into the collusion between Trump operatives and the Russians.

Quite frankly, I look back at that episode in our history with great concern. A foreign power intervened in our election, and people close to the President lied about their interaction with the Russians, including General Michael Flynn, whom my colleague just referred to. He lied to the FBI, but he doesn't need to worry because the President is going to pardon him, or at least alluded to pardoning him because he is his friend.

It is that kind of lack of respect for the law that has me concerned about giving more power to this administration to be able to surveil American citizens.

By the way, the Attorney General is recommending a veto on this because he thinks it is too restrictive. He wants more power. This Attorney General wants more power. Give me a break.

Madam Speaker, people have differences of opinion on the underlying bill. There are Democrats who strongly support it, and there are Democrats who oppose it. There are Republicans who strongly support it, at least they did until the President did his tweet last night, and Republicans who oppose it. So, people can vote however they want to vote.

But my opposition to the underlying bill is longstanding, and I am not going

to sit here and listen to somebody try to rewrite history as to what happened between the Russians and Trump operatives. What happened should disturb every American, Democrat or Republican.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, the gentleman from Massachusetts (Mr. MCGOVERN), my chairman, knows the great respect that I have for him—in fact, the great affection that I have for him.

Madam Speaker, I can tell him with complete sincerity that I have no interest in rewriting history, but I do have an interest in rewriting the future. And as we stand here today, my support for the underlying legislation does not wane because of a Presidential tweet; my belief that the legislation will be signed into law wanes because of a Presidential tweet.

Madam Speaker, whether you are on the side that says this bill is doing too much or whether you are on the side that says this bill is doing too little, if you are on the side that says we can do better together, then going down a path that the President's team has said would result in a veto advantages none of us.

Madam Speaker, it is painful. This is my last year in this institution, and I love this institution not because of the history that is in these walls, not because of the ancient tomes that I see here on Mr. GRIFFITH's desk, but because of the people who sacrifice themselves and their families on behalf of something that is bigger than themselves.

This idea that it is the United States of America that you and I have the privilege of playing a small leadership role in, that is universal. To be here on the floor of the House today, again, accentuating our divisions on a bill that is going nowhere, is worthless to me.

Madam Speaker, I love being on the House floor with my friend, the chairman, when he is full thunder on behalf of his ideas and his principles and I have to take the other side. That kind of debate, those kinds of differences of opinions among people who respect one another but simply come at things from a different perspective, that is exactly what this House was intended to produce.

Madam Speaker, to be here on the floor today, when my friend from Massachusetts is having to carry a rule for a bill that he opposes and wants to defeat, I am down here telling you that we had a great bipartisan solution, but we are not going to be able to talk about it on the House floor.

So, I have a bill that I support the underlying vision of but know it is going to go absolutely nowhere, and we are just going to back folks into their political corners. That is not what our constituents expect from us, and it is not, I would argue, what we have come

to expect from ourselves. It, sadly, is what the political theater advocates have come to expect from us.

Madam Speaker, if we defeat the previous question, I will offer an amendment to a new rule to suspend the proxy voting until the D.C. Federal district court reviews a lawsuit and determines an outcome.

Madam Speaker, thinking about things that are within the walls of this institution, all the stories these walls tell, they will never tell a story of a single Member of Congress ever casting a vote from outside of this room where we are standing. Never has it happened. I would argue the Constitution flatly prohibits it. I cannot understand how one can read the Constitution differently.

Madam Speaker, I ask unanimous consent to include in the RECORD the text of my amendment, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

□ 1515

Mr. WOODALL. Madam Speaker, I reference the tomes that sit on the gentleman from Virginia's desk.

At this time, I would like to yield 5 minutes to my good friend and, actually, Madam Speaker, as you know, someone who has worked in a bipartisan way, a surprising bipartisan way—never fails to surprise Members on both sides of the aisle—to protect this institution and all that it means to the American people.

There are many folks in this institution, Madam Speaker, I don't mind disagreeing with; and, in fact, the fact that we are on other sides humbly leads me to believe I am even more right than I thought that I was. When I find myself disagreeing with the gentleman from Virginia, I find myself having to go back and reflect on exactly why that is we have come down on different sides. And those individuals in this Chamber who provide us with that counsel, Madam Speaker, you know that we hold in such high regard.

Madam Speaker, I yield 5 minutes to gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH. Madam Speaker, I appreciate the kind words of my good friend and colleague, and we will miss him when he goes on to do greater things elsewhere.

Madam Speaker, if we do not pass the motion to proceed to the previous question, we can put the proxy quorum voting rule on hold until after the courts have time to rule on its constitutionality.

Most on this side of the aisle and a handful on the other side of the aisle strongly believe that this proxy voting rule is unconstitutional. Accordingly, yesterday, a suit was filed to have the rule declared unconstitutional.

Under the suit, the court is asked to do many things, including asking for an injunction of our Clerk from counting the proxy votes on any measure and on counting proxies for purposes of determining a quorum. The courts must weigh in on this controversy before we take important votes using this new proxy quorum voting scheme.

The suit lays out constitutional requirements. Many of these arguments were made previously. It goes through the definitions of words like "to meet," "assemble," et cetera.

Madam Speaker, as you know, words are important and the meanings are important, and the filers of this suit couldn't have made me happier. When I was reading it, they used Samuel Johnson's dictionary of 1773. And just to let you know exactly how oddball I can be, I pulled my copy of Samuel Johnson's of 1773 off the shelf in my office. I checked to see what they had written down, and they got it exactly right. The term "meet" meant "to encounter, to be close face-to-face."

And in 1851, the Webster's dictionary says "to come together or approach near, or into company with; to assemble, to congregate." The example they used in Webster's in 1851 was: "The legislature will meet on the first Wednesday in March." Clearly, they knew what it meant to come together face-to-face.

Today, on the internet—knowing that some out there would say, "MORGAN, get yourself out of the dusty books"—it says, meet: to come into the presence of; to come face-to-face.

And "assemble," similarly, in Johnson's, it means "to bring together into one place"; Webster's: "To collect a number of individuals into one place or body"; internet, Merriam-Webster's, today: "To bring together, as in a particular place."

The suit lays out the constitutional requirements. Many of these arguments were made, as I said, previously.

Now, I know what many of you are thinking. MORGAN, you have got to get modern. Zoom is a place, as is Webex and a dozen others. Some say that if they had only known about it during the writing of the Constitution, they would have permitted it; but, Madam Speaker, they had the written word and they had the ability to send letters.

They also knew about dangers. They knew about wars with other nations, later, the burning of D.C., the Civil War.

Multiple plagues and fears have gripped the capitals of this country, but they never contemplated sending a note or a letter by friend or by post, saying—and can you imagine it saying: "Hey, give my vote to Harry Lee of Virginia or William Holman of Indiana. And not only count my vote as a vote on the bill, but count me present as a part of the quorum?"

Never did it, never thought they should, never thought they could.

So the lawsuit challenging the constitutionality of this so-called rule is well-founded.

Also, it is important we think about how the newfangled proxy quorum rule affects our work today. Some may say: "Let the courts do their thing and we will sort it out later." Well, that is more than just sloppy legislating; it is dangerous.

MORGAN, you say, how is that?

Let me explain. As an example, we are preparing to vote on the reauthorization of the Federal Intelligence Surveillance Act, FISA. On that, or any other vote that does anything of import, no matter how small—even the naming of a post office, because it spends money—the vote and the action of this House, under the proxy quorum rule, is tainted and the authority of that legislation, accordingly, called into question.

On FISA, if we pass it and the courts rule that the proxy quorum voting rule is unconstitutional, in whole or in part, we will have handed either a get-out-of-jail-free card to terrorists who are enemies of the United States or a hammer they can use against prosecutors trying to pursue justice.

Is that really what we want to do? I know it is not. And we have another way. We can put the proxy quorum rule on hold, suspend it until the courts can make a final ruling on its constitutionality.

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

Mr. WOODALL. Madam Speaker, I yield an additional 5 minutes to the gentleman from Virginia.

Mr. GRIFFITH. We can put the proxy quorum rule on hold. We can suspend it until the courts can make a final ruling on its constitutionality. Once we have that answer, we can then move forward. But to move forward without knowing where we are going on constitutionality is dangerous, damaging, and destructive to every act we take in this body.

Madam Speaker, I would implore the Members of this House: Do not vote the party line. Do not say, "Oh, it is a previous question, it is a throwaway vote." Today, the previous question is an important vote on whether we move forward not knowing the way or whether we move forward knowing whether it is constitutional or unconstitutional.

I ask you all to vote for our great Republic and this august body. Vote "no" on the previous question and put the proxy quorum rule on hold until we have a definitive answer.

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

I want to thank the gentleman for reading from Webster's Dictionary to all of us, but I want to read from the Constitution. And let me quote: "Each House may determine the rules of its proceedings."

Madam Speaker, I include in the RECORD a letter from Erwin Chemerinsky, the renowned constitutional expert and dean of Berkeley School of Law, discussing the view that

the remote voting process we are considering today would, in fact, be constitutional.

In the letter, the dean says: “The Constitution bestows in each House of Congress broad discretion to determine the rules for its own proceedings. . . . This authority is expansive and would include the ability to adopt a rule to permit proxy voting. Nothing in the Constitution specifies otherwise.”

“Moreover, if this were challenged in court, it is very likely that the case would be dismissed as a political question. The Supreme Court has ruled that challenges to the internal operation of the Congress are not justiciable in the Federal courts. . . . Indeed, I have written, the Court often ‘has held that congressional judgments pertaining to its internal governance should not be reviewed by the Federal judiciary.’”

BERKELEY LAW,

May 13, 2020.

Chairman MCGOVERN and Ranking Member COLE,

House Rules Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN MCGOVERN AND RANKING MEMBER COLE: I have been asked for my view as to whether the House of Representatives could constitutionally adopt a rule to permit remote voting by proxy. As explained below, I believe that this would be constitutional and it is very unlikely that any court would invalidate such a rule, especially in light of the current public health emergency.

My understanding is that the system of remote voting by proxy that is being considered would have some key features:

Low-tech remote voting process through proxy voting;

Some number of Members would be present on the Floor for debate and in-Chamber voting;

Proxy would be used to establish a quorum and to register the yeas/nays;

The proxy holder would be another Member of the House;

The proxy holder would have NO discretion on the vote. Instead, the proxy holder would be required (through the rule and accompanying regulations) to cast the vote in accordance with the specific and exact instruction from the Member.

The Constitution bestows on each House of Congress broad discretion to determine the rules for its own proceedings. Article I, section 5 of the Constitution says: “Each House may determine the Rules of its proceedings.” This authority is expansive and would include the ability to adopt a rule to permit proxy voting. Nothing in the Constitution specifies otherwise.

Moreover, if this were challenged in court, it is very likely that the case would be dismissed as a political question. The Supreme Court has ruled that challenges to the internal operation of Congress are not justiciable in the federal courts. *See Field v. Clark*, 143 U.S. 649 (1892). Indeed, I have written, the Court often “has held that congressional judgments pertaining to its internal governance should not be reviewed by the federal judiciary.” Erwin Chernerinsky, *Constitutional Law: Principles and Policies* §2.8.5 (6th ed. 1919).

Especially in the context of the current public health emergency, it is highly unlikely that any court would review and invalidate the procedures adopted by the House of Representatives that would allow it to conduct its business without endangering the health of its members and its staff. Every branch of government is devising new procedures to accomplish this. The Supreme Court, for example, will conduct oral arguments by telephone for the first time in its

history. I am sure that the rules will ensure that the votes cast by proxy are accurate and carefully recorded.

I hope that this is helpful. Please do not hesitate to let me know if I can be of further assistance.

Sincerely,

ERWIN CHERNERINSKY.

Mr. MCGOVERN. I include in the RECORD a letter from Deborah Pearlstein, constitutional law professor from Cardozo School of Law.

In her letter, which I strongly recommend all of my colleagues read in full, Professor Pearlstein writes: “. . . I believe adopting procedures to allow for remote voting under these extraordinary circumstances is not only lawful, but essential to the maintenance of our constitutional democracy.”

“The Constitution . . . contains no specific requirement of physical presence for Members to vote. What the Constitution does instead—as the courts have repeatedly recognized—is leave it up to each House of Congress to ‘determine the Rules of its Proceedings.’”

“Indeed, it is just such constitutional flexibility that has enabled Congress to embrace the various informal solutions it has adopted over the years to ‘do business,’ including relying on Members to give ‘unanimous consent’ to a vote even if something less than an actual majority of Members is physically present on the floor.”

“Finally, the temporary remote voting procedures . . . bear an entirely ‘reasonable relation’ to the goal you aim to achieve, namely, ensuring that Congress preserves the ability to vote in a way that maintains the institution’s representative character, protects the transparency of its operation, and fairly and accurately reflects the will of the American people.”

CARDOZO LAW,

April 16, 2020.

DEAR CHAIRMAN MCGOVERN: Thank you for your statement today recommending the implementation of temporary remote voting procedures in Congress during this tragic pandemic. As a professor of constitutional law, and a scholar who has written extensively on separation of powers issues in U.S. Government, I believe adopting procedures to allow for remote voting under these extraordinary circumstances is not only lawful, but essential to the maintenance of our constitutional democracy. Recognizing that specific procedures for remote voting may still be in development, the analysis offered here focuses foremost on the broad scope of Congress’ constitutional authority to regulate its voting procedures.

As with much else in the Constitution, the description of the text provides of how Congress is to fulfill its legislative “duties” once members have been elected is relatively brief. Article I, Section 5 provides that there must be “a Quorum to do business,” which the Constitution defines as constituting simply “a Majority” of each House. The same Section likewise specifies that each House must keep a “Journal of its Proceedings,” which must be published “from time to time,” and which may, if a sufficient number of members desire, reflect how every member voted “on any question.” The Constitution adds that neither House can adjourn for more than three days, or move the session to some other place, without the consent of the other House—a provision designed to prevent a single House from thwarting all congress-

sional action by simply absenting themselves indefinitely.

There can be little question that the Framers imagined the legislature would do its work while assembled in some physical location. In 1787 when the Constitution was drafted, they could scarcely have imagined any other functional way of proceeding. Various other constitutional provisions thus refer to Congress as “meeting” (Art. I, Sec. 4) or “assembling” (Art. I, Sec. 3), and one even provides a mechanism by which members can compel “the Attendance of absent Members,” (Art. I, Sec. 5) meaning presumably those members not otherwise present where Congress is meeting. Of course, none of the clauses in which those terms appear address how Congress casts or counts its votes. Indeed, neither the document itself nor any Supreme Court decision defines what counts as “attendance” or “assembling,” much less how such “attendance” may be taken, or such “assemblage” may be accomplished. The Constitution equally contains no specific requirement of physical presence for Members to vote. What the Constitution does instead—as the courts have repeatedly recognized—is leave it up to each House of Congress to “determine the Rules of its Proceedings.” (Art. I, Sec. 5) As the Supreme Court explained in *United States v. Ballin*, 144 U.S. 1 (1892), so long as there is a “reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained,” the content of those rules are “beyond the challenge of any other body or tribunal.”

Indeed, it is just such constitutional flexibility that has enabled Congress to embrace the various informal solutions it has adopted over the years to “do business,” including relying on members to give “unanimous consent” to a vote even if something less than an actual majority of members is physically present on the House floor. But while such well settled procedures are surely constitutional, they may not always function to advance the system of majority rule the Constitution so plainly contemplates. As we recently saw when Congress enacted a substantial stimulus bill just last month, it is possible for one House member, acting alone, to single-handedly defeat the manifest preference of the bipartisan majority by insisting upon an actual demonstration that a majority of members were “present” (a term contained in House Rules, not in the Constitution itself). This forced House leaders to make a choice the Constitution cannot be understood to compel—between surrendering the will of the majority to the demands of a single man, or insisting, as they did, that Members jeopardize their safety (and thus their ability to effectively represent their constituents going forward) by defying lawful public health restrictions to travel and meet in Washington, D.C.

It is precisely in order to avoid such absurd results that Congress has embraced a variety of measures throughout its history to adjust to developing technologies and changing demands. Thus, for example, current House Rules provide that in the event the existing electronic voting system is “inoperable,” the Speaker may direct the vote to be conducted through alternative methods, including through the use of “tellers” designated by the Speaker to “record the names of the Members voting on each side of the question.” The teller system was an innovation put in place before the current electronic system was available, one among key reforms designed to strengthen Congress’ ability to maintain a public record of Members’

votes. The particular challenge of ensuring that Congress could continue to operate during the outbreak of infectious disease was indeed the subject of one of Congress's first efforts to provide for alternative rules of operation. Following Congress' return after the yellow fever epidemic that devastated the then-capital of Philadelphia in the summer of 1793, Congress adopted a law providing that in circumstances when "the prevalence of contagious sickness" made it "be hazardous to the lives or health of the members to meet at the seat of Government," the President could "convene Congress at such other place as he may judge proper." If Congress can delegate to the President the power to move congressional operations entirely, surely it can reserve for itself the lesser power to make whatever far more modest amendment to process is required to ensure Congress is able to vote in the same, extraordinary circumstances.

Finally, the temporary remote voting procedures as you have sketched them thus far appear to bear an entirely "reasonable relation" to the goal you aim to achieve, namely, ensuring that Congress preserves the ability to vote in a way that maintains the institution's representative character, protects the transparency of its operations, and fairly and accurately reflects the will of the American people. By keeping remote voting procedures tied as closely as possible to the existing system, the proposed approach protects Members' ability to participate in votes regardless of geographic location, technical knowledge or means; minimizes the risk of foreign or other unlawful interference in the vote; and maximizes Congress's ability to fairly reflect the will of the majority of the people even during the present crisis. The proposed approach contains essential safeguards to ensure that Members' preferences are fully and accurately recorded; as you emphasized in your recent statement, Members designated to submit voting cards on behalf of other elected Representatives may only act pursuant to the direct, express instruction of the elected Representative, retaining no discretion in carrying out the ministerial function they play in the modified voting process. As ever, Members remain subject to all the disciplinary powers the House possesses to ensure the appropriate exercise of their duties.

In short, with limited reforms that maximize Members' ability to represent the wishes of their constituents, while minimizing disruption and confusion in House operations, Congress can succeed in preserving the essential constitutional function of the legislative branch even amidst an unprecedented pandemic. It is a critically important initiative in these extraordinary times.

As ever, I thank you for your efforts, and for the opportunity to share my views.

Sincerely,

DEBORAH N. PEARLSTEIN,  
*Professor of Law.*

Mr. MCGOVERN. Madam Speaker, about the process, let me just say, I hear from my friends. They like to talk about the 230 years of tradition as though the House has never made any changes to the way it operates in these last 230 years. That is just simply not true. So many of our most basic functions have changed drastically since the first Congress, from the way we vote to the way we count a quorum.

If a legislative body does not have the ability to respond to the challenges it faces, then how can it survive and how can it be functional?

The challenge we are facing today is not permanent. I could argue that the

House has made several more sweeping and permanent changes than this before. For one, the way we vote today looks nothing like how our predecessors voted in 1789. Now we cast our votes in the Chamber by electronic device.

Our predecessors recognized that the House needed to advance with technology. For decades, they called on the House to implement a more efficient and advanced voting system. They were afraid we would seem archaic compared to foreign and State governments. Does that sound familiar?

Right now, we are watching as legislatures in our States take responsible action to respond to this pandemic by implementing remote voting procedures and as parliaments around the world advance to meet this challenge head-on. What are we doing? We are struggling to even come up with an agreement that we need to do something—something. Anything.

But voting electronically is not the only change we have made in response to technological advancements. Now, our floor proceedings are broadcast on C-SPAN. Members grappled with questions of how broadcasting the House would fundamentally change this body, but the desire for accountability and transparency won the day.

Change is not always bad. And, of course, there were safeguards attached to this that preserved the integrity of the House: Proceedings cannot be tampered with and cannot be used for political reasons and so on.

Other changes we made over the years include the provisional quorum after 9/11. And that is not the only time we made changes to our quorum requirements.

Other changes were deciding when a quorum is required. For decades, Members raised points of order that a quorum is not present during debates. The House has even expanded the Speaker's ability to adjust the numbers of the whole House to account for those living, incapacitated, or resigned.

How we count a quorum today is not the same as how we counted a quorum in the first Congress. We have made changes to our quorum rules as recent as 15 years ago.

Here is the deal: What we are facing today doesn't have to prevent us from legislating. We should not be afraid to adapt and respond to these challenges and to do so in a safe manner. If anything, we have 230 years of precedent of us adapting to the changing world around us. There is nothing wrong with that.

But we don't have decades to make these changes. We need to make them now, because we are in the midst of a pandemic. Hopefully, we are seeing the end of it, but according to this administration's own CDC, we may see a surge in COVID-19 cases in the fall. We may be in a more difficult situation. We need to be prepared.

So no one is suggesting any permanent rules changes here. Everything

that we are putting forth is temporary and will be tied to the duration of this pandemic. Full stop.

Let me just say this, finally. Proxy voting is constitutional. The experts have said so. We aren't going to stop the work of the people's House so that another branch of government can weigh in on our internal proceedings.

I get it. My Republican friends have another agenda. They would prefer that we do not get work done during this difficult time. It is in, I think, their political interests, I guess they have decided, to slow the work down of Congress.

Well, do you know what? The American people want us to work in times that are normal and in times like this when we are in the middle of a pandemic. And so I would urge my colleagues to reject the motion of my colleagues on the other side of the aisle and instead vote to get our work done.

Madam Speaker, I reserve the balance of my time.

□ 1530

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

Madam Speaker, I wanted to ask my chairman, when he was referencing Republicans who just want to slow this place down and don't want to get any work done, if he would except me and my colleague from Virginia from that characterization? Because I certainly know that it doesn't apply, and I would like to know that my chairman knows that it doesn't apply as well.

When the chairman just stated that the reason that Republicans are opposed to proxy voting has nothing to do with—

Mr. MCGOVERN. Will the gentleman yield?

Mr. WOODALL. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Madam Speaker, let me put it this way: I think there are certain Members of your conference who are interested in slowing the work of this democratic majority down. And I think that the constitutional arguments are certainly on our side on this, and I think that there is another agenda, quite frankly, that is being pursued by some. I am not going to attribute that to you or anybody else.

Mr. WOODALL. Madam Speaker, I thank the chairman.

Madam Speaker, if the constitutional arguments are so clear, we should be able to get this out of the district court in very short order, presumptively with the decision that my chairman would like.

Madam Speaker, I want to ask my friend from Virginia again—what I have seen from Mr. GRIFFITH, Madam Speaker, is someone who has fought on behalf of the institution, not on behalf of Republicans, not on behalf of Democrats. Without throwing my friend under the bus, he has been in the minority of my conference as often as he has been in the majority, fighting to do



the right thing because he thought we were on the wrong path. And he was saying: You know what? You may think this is politically expedient today, but you are going to regret this. And the decisions we make aren't about politics, they are about people. They are about the institution.

Madam Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH. Madam Speaker, I would reiterate and thank the gentleman for his kind comments. He is absolutely right. I come here today not as a Republican or a Democrat. I come here as an American, and I have no agenda today except to defend the Constitution.

And while the courts may ultimately determine that my friends on the other side of the aisle are right, I believe they are sorely wrong, Madam Speaker. Sorely wrong. Because we are not just talking about voting from afar, and while I would have problems with that as well, I will tell you it is more critical than that because the Constitution calls on us to meet, to assemble, and to have a quorum.

The Founding Fathers debated whether or not that quorum should be a smaller-than-50-percent amount. And they determined that was not right because then it would tilt power into the hands of those that live closer to the Capitol, like Mr. BEYER, who apparently is carrying at least nine proxies. It tilts powers into those people's hands and away from the States that are further away, like Colorado and California.

Madam Speaker, I would submit to you that there is a reason that in 231 years this has never come up, even though they could have written a letter. As I said before, they could have easily written a letter. They could have written a letter, and said: Hey, I can't get there right now, give my vote to my friend. They didn't do it.

They could have said: Hey, for purposes of a quorum, count me from afar by letter. They knew how to write. Messages were traded all the time. But, instead, they went to wherever the Capitol was at the time, whether it be in Philadelphia, whether it be in Washington, D.C., at a hotel, and they did the people's business. They did not cede that authority to anyone else. They kept it for themselves. And that is what the Constitution calls for. And you know what, as I said before, they never did it. They never thought they should. They never thought they could.

Madam Speaker, I have to tell you, we go all the way back to the Declaration of Independence, and Caesar Rodney got on his horse while deathly ill with cancer, suffering from asthma and the gout, to ride to Philadelphia to cast the deciding vote for his State of Delaware because he needed to be there live in order to do it. He needed to be at the Capitol. He needed to be at the meeting place of this country, even in its infancy, to cast the vote, no matter what. And he rode through a storm.

And so we continue to have the policy—because it was the Founding Fathers' wish, and because it is the right thing to do—that if you are going to count as a quorum, you meet in the Capitol. You may designate a different place for that Capitol. We might designate it in Colorado, if need be.

But wherever the Capitol is designated, this body must come together, representing the people from the various States of this Union. And, we, each individual, shall cast our vote, not 10 votes here by one and 8 votes there by another, but one by one, each district as determined in the decennial census shall cast their vote on each and every measure. When we don't do that, we don't do our job. When we don't do our job, we cast a doubt on every action we take.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume. I don't even know what the heck the gentleman from Virginia is talking about. We debated this. Nobody is ceding their power to anybody here. We had this debate. Read the resolution.

Members who cannot be here are very much engaged and are directing their wishes very directly, like they would by casting the vote here. So I don't even know what the heck we are talking about here, but I guess it is a good talking point on their side, but it just doesn't reflect reality.

Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Speaker of the House.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding. I thank him for his leadership of the Rules Committee and for bringing us together so that we can present this FISA bill on the floor today.

Madam Speaker, when we come to Congress, we all take an oath of office. We raise our right hand to protect and defend the Constitution of the United States. Protecting that, we are protecting the American people.

Central to that defense is how we do protect and defend, it is about our values, which are part of our strength. It is about the health, education, and well-being of our people, our children, our future, which is part of our strength. Our military might is part of our strength. And our intelligence is very much a part of our strength in order to provide force protection for our men and women in uniform when they go out there to protect and defend our country. Force protection.

When I first started on the Intelligence Committee in the early mid-90s, a long time ago, I would soon then rise to be the ranking member, and I take great pride in that ex officio all these years since then. When I started way back when, it was about force protection; intelligence to protect our forces to anticipate any initiation of hostilities, and also, when engaged, to have the intelligence to protect them.

Since then, the whole world has changed with technology, and all the rest, in that period of time. So our intelligence has had to change as well. And one of the ways it has, has necessitated us having a FISA bill, the USA FREEDOM Reauthorization Act.

In the House some weeks ago we passed a bill, honchoed by our two distinguished chairs, the chair of the Judiciary Committee, Mr. NADLER from New York; and the chair of the Intelligence Committee, Mr. SCHIFF from California, two committees of jurisdiction. It had strong bipartisan support. It went over to the Senate. In my view, it was vastly improved in the Senate, and it had 80 votes.

Our bill was bipartisan. Their bill was bipartisan, too: 80 votes in the United States Senate for the Senate bill, which was amended by the Leahy/Lee Amendment—very, very protective of the balance that we have to have between security and privacy, security and civil liberties. This is the balance that we have to strike.

In my years on Intelligence, I was focused a lot on the civil liberties part of it, establishing a board, et cetera, to ensure that whatever we did, that balance with our civil liberties was central and important to it.

As Benjamin Franklin said: Security and liberties, you can't have one without the other. They go together, security and liberty.

And so now today, this Rules Committee is presenting that bill, the USA FREEDOM Reauthorization Act coming back from the Senate. Again, our bill in the House originally was 278 to 136. It was strongly bipartisan, with 126 Republicans voting for it. This bill coming back from the Senate, as I said, had 80 votes over there.

So with an intelligence bill, with a FISA bill, nobody is ever really that happy. I never was. And you always want more or less, as the case may be, but the fact is—and I say this in all humility, because I don't pretend to know more than my colleagues—but in all humility, we have to have a bill. If we don't have a bill, then our liberties, our civil liberties are less protected.

Some people say: I don't care, just let them extend this and extend that. No. There is real value in both the House bill that we passed and then exceptionally so in what the Senate passed. There are those that would not like us to have a bill. Some of them in the judiciary, the Department of Justice, just say: Don't have a bill, just give us all the leeway in the world not to have to protect any liberties. But we can't have that.

We take an oath to protect and defend the Constitution of the United States and all the liberties contained therein as we protect the American people.

So if anybody thinks, well, no, in order to have a bill, we have to have a rule. So I thank you, Mr. Chairman, for bringing this rule to the floor, which enables us to pass a bill. This legislation increases the power of the Privacy

and Civil Liberties Oversight Board to pursue its mission to protect Americans' privacy.

After 9/11 this Congress considered the Intelligence Reform and Terrorism Prevention Act of 2004, establishing the Privacy and Civil Liberties Board. That was one of my top priorities all those years ago. And the Board has done critical work in assessing the privacy and civil liberties impact of the government's collection activities, including under various provisions of the Foreign Intelligence Surveillance Act.

So, again, this has to be a high priority for us. It was a higher priority in the act that was passed that could get passed in the Senate.

So, again, I am going to submit my statement for the RECORD that I talk about here. But FISA is a critical pillar of America's national security, which Congress has updated and improved over the last years to ensure that America's privacies and civil liberties are expected.

Are we ever satisfied? Of course not. Of course not. But legislation is just exactly that. Legislation. Our attempt to come together to protect and defend in a way that has already passed the Senate can go directly to the President for his signature, and I hope that that will be the case today.

Madam Speaker, I thank the gentleman again for bringing this rule to the floor. I urge all of our colleagues to vote for this important rule that enables us to do important things for the American people. With that, I urge an "aye" vote.

Madam Speaker, I rise in support of the USA FREEDOM Reauthorization Act, a strong, bipartisan bill to reauthorize critical FISA provisions.

In March, our Members worked day and night to craft legislation that strikes a strong, careful balance between security and privacy. We thank Chairman NADLER and Chairman SCHIFF for their leadership and the expertise they bring on this vital national security issue.

We were proud to have passed that bill on an overwhelmingly bipartisan 278–136 basis, including with the support of 126 of our Republican colleagues.

Last week, the Senate considered the House-passed FISA bill and amended it to further expand the robust amicus curiae provisions in the original House bill. The bill then passed also on an overwhelmingly bipartisan basis, 80–16, supported by nearly every Republican Senator.

Yet, now, some Members on the other side of the aisle are considering changing their minds and flipping their position, in order to score political points with the President.

As should be clear, political gamesmanship has no place in our national security. Reauthorizing FISA—and doing so in a timely manner—is a matter of keeping the American people safe.

Indeed, FISA is a critical pillar of America's national security, which Congress has updated and improved over the years to ensure that Americans' privacy and civil liberties are respected.

After 9/11, as revelations emerged that the Bush Administration had engaged in warrant-

less electronic surveillance of the public, Congress strengthened and updated the Foreign Intelligence Surveillance Act.

Our action helped end this unacceptable practice and ensure that all electronic surveillance of Americans complies with the law.

Since then, the law has been further updated, including through the FISA Amendments Act of 2008 and the USA FREEDOM ACT of 2015.

The bill that the House passed in March took additional steps to strengthen FISA, which are preserved in the Senate-amended bill: placing new limitations on surveillance authorities while ensuring that our intelligence and law enforcement have the tools necessary to keep Americans safe; ending the NSA's call detail records initiative, which the government has confirmed that it no longer uses; strengthening the integrity of the FISA process by increasing transparency and accountability; and expanding involvement of the court-appointed amicus curiae in FISA cases—which was expanded in the Senate bill.

We are proud that this legislation increases the power of the Privacy and Civil Liberties Oversight Board (PCLOB) to pursue its mission to protect Americans' privacy.

After 9/11, as Congress considered the Intelligence Reform and Terrorism Prevention Act of 2004, establishing the Privacy and Civil Liberties Oversight Board was one of my top priorities.

The Board has done critical work in assessing the privacy and civil liberties impact of the government's collection activities, including under various provisions of the Foreign Intelligence Surveillance Act.

As Members of Congress, we take an oath to support and defend the Constitution, and to protect the American people.

This legislation honors that oath, as it also honors the patriotic contributions of the men and women of the intelligence and law enforcement communities and the privacy of the American people.

I urge Members to remember their oath and to once again support this critical legislation to keep the American people safe.

Mr. WOODALL. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, I thank the Speaker for her words. We do come to a place where we sometimes are satisfied. In this case we had a bipartisan group that was continuing to work to do even more of those good things that the gentlewoman laid out.

They had an amendment that they had drafted together in a bipartisan way. That amendment was not made in order on this floor. I agree with the gentlewoman, we should never be satisfied. In this case, we have decided to be satisfied with the Senate language instead of trying to improve it with the House work product, and I deeply regret that.

Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ROY.)

Mr. ROY. Madam Speaker, I appreciate the opportunity here to visit about what we are dealing with today with respect to proxy voting with respect to the previous question. And I notice that the gentleman from Massachusetts—and, first of all, and our prayers go out for the tragedy that you

are dealing with in Massachusetts, at a significant clip worse than we are in Texas, obviously, regionally very difficult.

But what we are trying to deal with here right now is trying to protect the Constitution of the United States. And this is not something that is about slowing down the work of this body. I am delighted to work with my colleague, DEAN PHILLIPS from Minnesota. Right now, together, we are all working on legislation to try to improve the PPP, and I am delighted to do that as the cosponsor of that legislation. I am not here to slow down what we need to be doing to help work for the people of the United States, I can assure you.

I am here because the Constitution matters. In the various staff reports that talked about the options for us to deal with this, I would remind you that our Democratic colleagues acknowledge the constitutional questions that arise from proxy voting.

□ 1545

Let's be clear to the American people that we are not talking about remote voting. I, too, like the gentleman from Virginia, have very serious constitutional reservations about remote voting, but let's have that debate. Let's have a thorough debate about that. But we are talking about proxy voting.

For those people who are watching this back at home, understand what that means. That means that a Member of this body who has been delegated to them the responsibility from their constituents to vote for them, to argue for them, to be on this body representing them, is taking that solemn duty and handing it to another, and in some cases, 5 or 10 Members handing it to another.

That undermines our body. It dilutes the representation of our constituent. It dilutes those of us as Members and the power and importance that is entrusted to us to represent our constituents.

This is what is at stake, and this is what we are talking about, and this is why we have filed litigation.

I would rather that we address this in this body, but in talking to the Parliamentarian, I was advised there was nothing we could do, that when the House voted 10, 12 days ago—

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

Mr. WOODALL. Madam Speaker, I yield an additional 1 minute to the gentleman from Texas.

Mr. ROY. Madam Speaker, I was advised that we could do nothing in this body to address the constitutional infirmity of literally transferring our constitutionally vested authority to represent our constituents to another. Therefore, I was told, and I believe that is the case, we have to go to the courts, the Article III courts, to express our concern that this is constitutionally infirm.

This is not about setting our own rules. This is about directly opposing

the structure of the Constitution in which we represent our constituents.

Keep in mind that at the time of our founding in 1793, in the heat of yellow fever, 5,000 Philadelphians died out of a population of 50,000. That is 10 percent. That would be 180,000 or 160,000 today. Yet, what happened? James Madison, George Washington, and Thomas Jefferson were all working to figure out how this body could continue to meet in person. They didn't adopt proxy voting. They figured out how to work to meet.

There is a letter sent from James Madison to George Washington on October 24, 1793, talking about this very issue, that in a pandemic, this body should meet.

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

Mr. WOODALL. Madam Speaker, I yield an additional 1 minute to the gentleman from Texas.

Mr. ROY. Madam Speaker, this body should continue to meet. That letter from James Madison, the father of the Constitution, to the father of our country, George Washington, expressly lays out what he is talking about to try to protect our duty to meet as a body, the requirement of physical presence, the requirement that we meet together, to look each other in the eye to do our duty to represent our constituents.

This is not about slowing down the work of this body. This is about doing our duty to uphold the Constitution and finding a way to navigate through the difficulties of the current moment.

We got through yellow fever. We got through world wars. We got through the Spanish flu. We got through a Civil War. And we managed to figure out how to do our job. Our Founders got through smallpox. I would implore my colleagues on the other side of the aisle, let us not adopt this proxy voting in which we turn over our solemn duty to another Member. Let us work together to find out how to get through this in a way that respects the Constitution. That is why we are here.

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

Nobody is turning over their solemn duty to another Member of Congress, and if my friend would read the proposal which passed the House, if he had paid attention to the debate that we had, he wouldn't be mischaracterizing what, in fact, we are doing here.

Nobody is turning over their solemn power to anybody. Members have to participate directly just like they would on the House floor. They have to pay attention to the proceedings. They cannot give their votes in advance. On a previous question, people have to respond just like they would in real time as if they were here on the floor.

So, this is just not true. It is not accurate.

Again, we have had this debate. The House has spoken, and we are moving forward with remote voting by proxy today.

By the way, we didn't get through the pandemic of 1918 in the way the gentleman just kind of characterized. In fact, that was an example of why we need to do something because, during that time, we weren't meeting. During that time, a bill actually to try to get more doctors to rural areas to help people get through it couldn't get passed in the House, and a lot of people died as a result of it.

So, I don't look at the Spanish flu of 1918 as somehow a model that we ought to employ now. That is an example of how this institution failed, and people died as a result of it.

We are now in another pandemic. Hopefully, this is short-lived. Hopefully, the President is right that, tomorrow, everything will be perfect. But we are also being told that, actually, things could get worse in the fall. That is what happened during the Spanish flu, by the way. The fall was worse.

We need to be prepared, and that is what we are going to do. We are going to do the people's business, and the people who can get here, they can get here. If they can't, for whatever reason, because flights have been canceled because they are living in areas where there has been a terrible surge in COVID-19, we will adjust accordingly.

Again, this is temporary, and it is not meant to displace the way we do business here on a regular basis, and it is totally constitutional. Constitutional scholar after constitutional scholar has validated that, so I would say to the gentleman that I reject the way he has characterized what we have done here because it is just not accurate. It is not accurate.

Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the majority leader of this House.

Mr. HOYER. Madam Speaker, I thank the gentleman from Massachusetts for yielding.

I am going to argue, and I want to talk about this rule and the bill to which it applies, but I will take a minute, not much more, perhaps a little more than that, to talk about what apparently the Republicans want to talk about: proxy voting.

I will tell my friend that not a single one of my constituents, not one, voted for me so I would vote in this machine. Not one. Not one of them voted for me to vote in that machine. What they want me to do is vote to represent them, and they really didn't care how I did that as long as it was accurate.

Very frankly, I think that side of the aisle is promoting form over substance. Of course, the gentleman mentioned Philadelphia, September 1787, the miracle at Philadelphia. You remember the debate as Member after Member got up and said we cannot use Teams; we cannot use our cell phones; we cannot use Webex. Remember that debate? They said you can't use any of that, and you certainly can't use a rotary telephone. You heard them say that. You can't do that. You need to be in

this room. Well, that room was in Philadelphia. Or you needed to be in this room. Well, that room is in New York.

My friends, you have magnified form over substance. Our constituents voted for us to vote their interests, and there are many ways we can do that.

They had not the technology. That is why they couldn't schedule a vote in 48 hours, because the horses did not fly. Form over substance.

You don't want us to meet. And the man who would be king does not want us to meet. I get that. Because you do not like the substance, whether it is the Affordable Care Act, whether it is trying to help renters and mortgage people, whether it is trying to help people in line. I get it. You don't want us to meet.

But we have an obligation and a duty to the American people to do so, to make sure that the man who would be king is not king because our Constitution, the people who met in that Philadelphia room, they had had enough of kings. They wanted to have people who would represent them. And they didn't care whether they voted on this machine, that machine, that machine, or, very frankly, as you are sitting in the aisle and you can't get by and you ask your friend: "Put it in the slot for me, will you?"

I am not going to ask you to raise your hand if you have ever done that. But that was virtual voting. But it reflected your view, my view, representing my constituents and your constituents.

Now, let me speak about this rule and this bill because I am appalled, chagrined, disappointed at what is happening. We worked very hard to deal with a very difficult subject, Mr. BLUNT and I from the House and Senator Bond and Senator Rockefeller. Ms. PELOSI was the Speaker of the House, and I was the majority leader of the House. It was 2008, and we were trying to deal with extending the Foreign Intelligence Surveillance Act to keep our people and our country safe.

Probably not very many of us on this floor know more about the Intelligence Committee than our Speaker. She is the longest serving member of the Intelligence Committee ever.

Mr. NUNES and Mr. SCHIFF, they work together. Mr. NADLER and his ranking member work together. Just about 2½ months ago, we came to this floor, and we were all present. I don't mean we had 100 percent of membership, but we were mostly present. We debated that bill, and we voted on that bill.

We did what the American people so pined for us doing. We voted together as Americans; 67.7 percent of the Republicans voted aye, and 66.9 percent of the Democrats voted aye. And America said amen. That is what they want us to do, reason together and do for the American people and our country what is best for our people and our country.

We sent that bill to the United States Senate; 126 Republicans and 152



Democrats voting together. Two-thirds of the House sent that bill to the United States Senate.

I talked to Mr. SCHIFF and I talked to Mr. NADLER, and they said this House bill has the support of the United States Senate. I talked to leaders—I won't name them—in the United States Senate who were surprised that the Senate did not pass the House bill but sent an extension because they didn't really vote on the House bill. They sent it after we had left. We didn't pass that, and the Intelligence Committee made do.

So, the Senate did, in fact, take up the bill. What did they do? Two people who spoke, Mr. BURGESS and Mr. WOODALL, who voted with the majority, with the two-thirds of Republicans who said this is a good bill, this is a good bill for our country, for America's security, and America's safety—as did Mr. MCCARTHY; as did Mr. SCALISE; as did Mr. THORNBERRY, the ranking member of the Armed Services Committee; as did Mr. ROGERS, the ranking member on the Homeland Security Committee; as did Ms. CHENEY, your Conference chair; as did Mr. COLE, the ranking member of the Rules Committee; and 120 other Republicans.

□ 1600

Now, there were, of course, as is not surprising, differences. This is, as the Speaker said, a very controversial bill. It is always a controversial bill.

My friend, Mr. MCGOVERN, and I, who vote together most of the time, are going to vote differently on this bill. I am going to vote for it. He believes there are not enough protections in here. But there are more protections in here than when those named voted for it and 80 Members of the United States Senate voted for it, including 48 Republicans.

Now, what was different when they voted on it and 48 Republicans in the United States Senate voted for it? There had not been a snap of the fingers, "Vote 'no'"; not an order from on high, "Vote 'no'"; not a President who has been beating the drum and, frankly, his supporters have been beating the drum that somehow the law enforcement community—the FBI, the CIA, the other this and that and the other law enforcement agencies—broke the Constitution.

This President shows less respect for law enforcement than any President I have seen at the Federal level. So he said, "Vote 'no.'"

My friend with whom I work, the majority leader, called me the other night and said: You ought to pull the bill—the minority leader.

You know why I do that? Because we were all in the majority when we passed this bill. It wasn't a majority-minority bill; it was an American bill.

My friend, the minority leader, said: Pull this bill.

Now, I won't go into the rest of the conversation because we have private conversations about where we are going to go and what we need to do.

The only thing that has changed, Madam Speaker, is that Donald Trump has said "Vote 'no'" to 126 people who voted with 152 Democrats for America.

By the way, the people who are voting "no" also voted for America. They voted for civil liberties, which we honor.

We can respect every person who voted because they voted out of conviction, not out of party loyalty, not out of a "Yes, sir." They voted their conscience, they voted their conviction.

I wish this Chamber were full, but we have to be distanced. I hope some of my colleagues are listening on both sides of the aisle.

This bill is like every bill, not perfect, but as the Speaker said, it must pass. Why? To protect America.

We need to continue to keep making it better. My friend from Massachusetts will make sure that we focus on that, and I honor him for it.

So I ask my friends: Vote your convictions. Remember how critical you were of a candidate for President who said, "I first voted for it and then I voted against it," how critical you were. But your flailing around to find a rationalization for your change of vote is sad.

Madam Speaker, vote "yes" on the rule and on the bill. Vote for your country.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. WOODALL. I thank you for that admonition, Madam Chair.

Madam Speaker, there is only one person on our side of the aisle who can clear up all of that confusion in 1 minute. I yield 1 minute to the gentleman from California (Mr. MCCARTHY), our leader.

Mr. MCCARTHY. Madam Speaker, I thank the majority leader for his comments. It reminds me of the days when I was the majority leader and he was minority whip and we used to be able to have colloquies. I yearn for those days again.

But let me respond to much of what the majority leader has said. I respect the gentleman greatly, but I just think he is wrong.

When I walked in the room, the gentleman said we did not want to meet. He knows that is not true.

Simply look at the board today, how many Republicans are here and how many Democrats. We will give the gentleman an easy answer to that question of who wants to meet.

Or why not look to simply a month ago. Only one side put a plan out of how to bring Congress back.

We don't have a schedule. We don't know when we are supposed to come. One day they say "yes," the next day they say "no."

I think it is very clear which side wants to meet. It is very clear, and based upon 231 years of history.

For those Members not in the Chamber and sitting in their office watching on television, they ought to pay atten-

tion to this very next vote. They are going to do something that no Member has ever been allowed to do before. They are going to change history, but not for the better.

While millions of Americans are going to be tuned in to their television to watch us put people in space, we are going to watch more than 70 Members on the Democrat side stay home and say they could not make it, but they still want a paycheck.

We just listened to the majority leader question the Republicans on whether they want to meet.

I watch my home State of California. Now we get to go to church, now we can get our hair cut today, but in Congress, what do we get? We get no accountability.

You see, the one thing the majority leader said that is true is that people vote for us. Yes, they do. They vote for us, expecting us to vote for them. They do not expect us to give that vote to somebody from another State.

Our Constitution, our country expects us to convene, just as history has shown every time before in any crisis we have.

I heard the majority leader question, not going through the Speaker, but one of our own Members on a speech that he gave just a few minutes before, Congressman CHIP ROY, about whether he wanted to meet. Well, let's look at some facts.

We are called back here to vote on a bill authored by CHIP ROY, the Congressman, to help small businesses, but his name will no longer be on it. The only reason we are going to get a vote on it is because the Speaker had to pledge to somebody to vote for the \$3 trillion bill that we would vote on.

Once we found out everybody loved the bill, lo and behold, we can't let a Republican have their name on the bill, so we have changed the bill number. We didn't change the bill, but took his name off of it. He is no longer the main author of the bill, even though it was his idea. It is something the Members can be proud of on the other side. They played politics well that day.

CHIP ROY will tell me, though, he doesn't care who gets the credit; he just wants to help small businesses.

I look forward to seeing the Member who took his name try to campaign on that. That is a lot of character on the other side, by far. I hope they are proud of that, because I don't think anybody in the country is.

Now, let's just look at some facts.

I respect the chairman of the Rules Committee. I read his reports. Even in April, he wrote a report about proxy voting, and he questioned the constitutionality of it. I don't know if the Constitution changed between then and now, but I don't believe it has.

Let's look at exactly the facts of what we have.

Now, I think many Members will say in their own States that things are getting better. I know in my home State, we can go to church; yes, we can get

our hair cut; restaurants are opening up. But 2 weeks ago, people would probably argue it was a little worse.

At that time, only 12 Democrats couldn't make it here to vote for their \$3 trillion bill. Now there are more than 70 who are supposedly signing something to say they physically can't make it here now. I wonder if any of them are having a fundraiser today.

Let's go through the facts.

The Constitution requires in-person assembly.

If we hang our hat on the notion that the House can make their own rules, then why don't we make a rule that Republicans can't vote? Why don't we make a rule that women can't vote? We can make the rules, but we can't make unconstitutional rules.

The Constitution deals with this and tells us we should assemble. Yes, that is why, on August 14, after this building burned in 1812, the War of 1812-1814, they still convened. It wasn't here, but it was in a hotel.

Some might think, oh, modern history allows us to do this. Well, do you know what modern history allows people to do? If the Member can't vote on the proxy, this rule allows the staff to do it. That is literally what the rule says.

If the other side doesn't have it, I will put it in the RECORD right here. I will underline it, and I will provide it to the other side. If they want to read it out loud, they are more than welcome.

If a Member cannot provide electronically, a staff is allowed to put the vote across.

That is what is written. That is what was passed.

Even one proxy vote dilutes the voting power of every Member.

We have an unbelievable country. The people lend their power and voice to Members of Congress, be it a Congresswoman or Congressman, and they hold us accountable every 2 years.

We are going to have people on this floor voting for more than five Members from five different States.

In California alone, the largest delegation, more than half of the Democrats stayed home. I will guarantee they all cashed their check this month. That means 19 million people in California will not have their voice heard. Maybe somebody from Connecticut will vote for them.

More than 70 Members will vote by proxy. That is 49 million Americans who did not count because we gave it to somebody else. The other side should be proud of that.

Proxy votes have never been allowed to count towards a quorum, but what are we going to do on this rule? There will be more bodies voting "no" than voting "yes," but the other side is going to win because they have got a vote in the pocket.

The Democrat plan permits a staffer to vote by proxy on behalf of a Member who is unavailable. That is totally true. It is in the rules right here, and I will provide it to the other side. Let me

read it into the RECORD since they have a hard time reading:

If a Member is unavailable to email or send a text message, a staff member may transmit the instructions at the direction of the Member.

Is that a staff member? Does that say anywhere in there that only a Member can vote?

I have not yielded my time, but I have read these words.

A Member can vote by proxy while attending a political fundraiser under this plan. A Member could be at a fundraiser watching on television and say: Well, let me pause for one moment. I didn't want to go back to D.C., even though you asked me to, but I need to put my vote in. It is okay. I will get somebody from another State to do it.

The McGovern regulations state that Members can only vote using proxy voting if they are physically unable to make it to the Capitol.

I don't know what happened in the last 2 weeks when only 12 could not make it, but now there are more than 70. I am concerned for them. It must be something very serious.

All Members had nearly 2 weeks' notice ahead for this vote; 2 weeks we had to plan.

For 231 years, Members found a way to get to D.C.

If this rule or bill passes, it will only be because of proxy votes that will make up the difference.

So my friend over there thinks someone is going to vote differently. Yeah, they are.

Even on the Senate side, they have told us: Whatever you are passing here under these rules is not constitutional.

If we can make this type of rule, we could make anything: People with glasses can't vote—unheard of.

□ 1615

Yes, we raised a lawsuit. Yes, we believe in a previous question, that people should vote "no" on this.

It is a violation of the Constitution. It is a dereliction of the duty of elected officials. It will silence the voice of people, the same constituents that you took the oath to represent.

I think of all the things this country had challenges with. Never did this body not find it was essential to meet. Never did they question to change the rule to empower one over another. But they have done just that. They have done just that.

If you are a Member of Congress, if you are home, sitting there because you cannot make it, and you think you are going to send your message to your staffer to send it in, you might want to change because maybe McGovern will change the rules now.

When you were sworn in, you held up your hand to uphold the Constitution. This is your moment. This is your time. Read Article I, Section 4, Section 5, and Section 6. We even compel people to go gather you to bring you to these Chambers.

What is interesting to me is that the other side is willing to endanger our

Constitution just to empower more power to the majority itself.

It will be interesting to see those who go back to their constituents and say, I will represent you because I can just phone it in. I deserve to be re-elected because I passed us off to another Member to vote for you.

It is interesting to find that maybe when you raised your hand, maybe when you thought the Constitution changed, it hasn't.

So, yes, just as the majority leader said, he wants you to look into your heart to how you are going to vote. Do that.

I hope we all come back to this floor and we all look up. I am not sure how the vote will go. Will you have a little P by the name that says a proxy?

Will we be able to tell by proxy that somebody from another State voted for you so the rest of the country can see?

How will you tell the country today that is opening up more, that is sending astronauts to space, that you want to close Congress further, and you want to deny their voice one last time?

This is not about opening a campus. This is about restoring the voice to the American public that we have done for 231 years. And for you to ever question who wants to meet, let the public just see the scoreboard at the end of the day.

I think it is easy to answer that question, not by voice, but simply by your feet, who is willing to show and who is willing to work for them.

The SPEAKER pro tempore. According to the rules, Members shall address their remarks to the Chair, and the Chair will strongly admonish all Members to do so.

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

I have been here for a while now, and I have never quite heard anything like that; I mean, blatant mischaracterization of what the facts are.

The gentleman suggested, not once, but several times, that the rules allow staff members to vote for other Members in this Chamber. That is just not true. I mean, no matter how you want to look at it, it is just not true. But the gentleman repeated that falsehood over and over and over and over again.

I asked him to yield so I could read the end of the sentence that he didn't want to finish, which is: "And that Member must confirm the instruction by telephone to the Member serving as proxy before the vote may be cast on their behalf."

The gentleman knows that that is not true but, yet, here he comes to the floor and he repeats over and over again something that, in the written instructions, in the guidelines that he was referring to, says the opposite.

I mean, are things that broken here that we cannot even agree on the basic facts?

I get it. You don't like what we are doing here, that's fine. But let's not

misinterpret and twist and distort what we are trying to do here.

Yeah, the gentleman had a plan. We actually delayed moving forward on trying to change the rules to operate remotely because the gentleman said that he was willing to work with us to try to figure out whether we could come to some sort of accommodation.

And you know what his plan was? His plan was we all come back, and all the Members in this Chamber get prioritized, over all of our constituents, and we get tested every time we come back, so that we can operate here safely.

So my doctors, and my nurses, and my first responders, and those who work in our grocery stores, and those who work in homeless shelters and in food pantries, who can't get tested, we are all so special, according to the minority leader, that we should be prioritized and go to the top of the list. And that was part of his plan.

Forget about it. I don't know about your constituents, but my constituents would find that totally unacceptable, and it represents a tone-deafness that I haven't heard in a long time here.

When he talks about no accountability in this process, I don't even know what the hell he is talking about, I really don't.

And again, the idea that somehow staff could vote for Members? That is absolutely not true. Absolutely not true.

I don't even know how to respond to what the gentleman just said. It makes you understand why so many people are cynical when they look at this Chamber and they see the exchanges that go on here.

I get it; we have disagreements on issues. We have disagreements on whether we should move forward on with FISA or not. I have disagreements with my own leadership on that. Those are honest disagreements, but they are based on conviction. They are based on fact.

You can disagree with whether or not we should be able to operate remotely during extraordinary times like pandemics. I get it. We can argue about the constitutionality. I think we are on strong constitutional grounds. You can argue the opposite point of view.

But to makes things up, to come down here just to twist what we have done here, it is just unacceptable. It is unacceptable. We all ought to be better than that.

We are trying to figure out a way to operate during a very difficult time in our country where, probably today, over 100,000 people will have lost their lives.

And notwithstanding the President of the United States trying to downplay that and say, no big deal, you know, it is not much of anything.

It is a big deal. I have lost valued members of my community to this disease, and I know you have as well.

So we are trying to get through this and, hopefully, this is short-lived and,

hopefully, we can get back to business as normal as quickly as possible. But if this comes back in the fall, we need to be prepared.

So, under this proposal, if you want to be here you can come here and we can operate in person. But as we are all finding out, that is difficult, even in committee hearings.

The Rules Committee is the smallest committee in the House, and we can't even meet in the Rules Committee room. We are meeting in the Ways and Means Committee room or the Transportation and Infrastructure Committee room, which are among the biggest committee rooms in the House because we are all trying to follow the advice of the Attending Physician.

So we can debate whether this is the best way to move forward or not. That is fine. But let's not make things up.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, you have heard the thundering defense of the constitutionality of a constitutionally questionable proxy voting procedure. That is what our motion is in the previous question.

My friend from Massachusetts is absolutely certain that every constitutional scholar in the land is on board and believes it is absolutely fine, which is good news for those of us who want the district court to decide, because the constitutionality can be sorted out in the courts in no time flat.

If it is this settled of a question, we are saying just give it a couple of days. Let the court have an opinion. Let's go ahead and sort this out. If it is a non-judicial issue, then we will learn that. If it is so clear that it is okay, why won't we allow time for the court to take a look?

My friend from Massachusetts says we have had this debate and the House has spoken. That is undeniably true. Now, to be fair, it spoke in a bipartisan way against this; in a partisan way in favor of proxy voting; in a bipartisan way against proxy voting.

Yes, the House has spoken, and, in a bipartisan way, we have serious concerns that we would like to be addressed. If we defeat the previous question, they will be. It is not going to slow down the underlying bill. It is not going to slow down any other important issues on the House floor today. It simply delays proxy voting that has never before happened in this Chamber until the courts rule on its constitutionality.

Madam Speaker, the underlying provision is an extension of our Foreign Intelligence Surveillance Act measures. This is something, as the majority leader said, that we have done in a bipartisan way time and time again. I have been a part of that bipartisan coalition.

Today, we have a Senate bill in front of us, and a bipartisan House amendment that improves that bill.

What you didn't hear from the majority leader, what you didn't hear from the Speaker, is that the Rules Committee did not allow that bipartisan amendment; and we have now a take-it-or-leave-it piece of legislation from the United States Senate. I get it; that happens to us sometimes, but it doesn't have to happen to us today.

We have a bipartisan option, a bipartisan choice. We, collectively, if we pass this rule, will choose to ignore that opportunity, an opportunity that, in a bipartisan way, we agree both protects national security and protects civil liberties better than the underlying bill.

Madam Speaker, I don't know how many of my colleagues decided to show up for the vote today. We will soon find out. Each one who is voting by proxy is going to have to go through you and the Member they have designated.

The two issues before us are serious issues, and they are threatened by the underlying constitutional issue of the manner in which we will vote, as will every single vote we take until this measure is litigated.

Let's litigate first. Let's not throw all of this important work into question. If my friend from Massachusetts is right and it is crystal clear legally, we will find out in no time flat.

But if my friend from Massachusetts is wrong, then we will prevent the next round of litigation that calls into question every single bill this House acts on between now and then.

I want to close, Madam Speaker, by saying I don't question my friend from Massachusetts' love of this institution or his understanding and knowledge of the Constitution. He is in a tough spot as the Rules Committee chairman. We have a crisis in front of us. It was his job to move something forward.

The report he wrote earlier this year reflected his wisdom. The measure this House passed reflected his wisdom. He has got a very difficult job, and that is why you hear the very passionate defense he is making of what will become known as the McGovern language.

But let it not be said by any Member of this Chamber that his intent is anything other than serving this country and serving this House. He is in a very difficult spot, but I know that his heart and his intellect are 100 percent with the people of this country and in service to this institution. I regret that we are on different sides of this particular issue.

Vote "no" on the previous question. Defeat it. Add this litigation timeout. If we can't do that, then I need my colleagues to defeat the rule. Defeat the rule, and let's take a better bite at this decision with the bipartisan amendments that we have before us.

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

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

Let me thank my colleague from Georgia (Mr. WOODALL). This is his last

term and, believe it or not, I am going to miss him. He is a spirited debater.

But I want to say, and I say this sincerely, I appreciate his advocacy for his point of view. I usually disagree with it, but I know it is based on principle and conviction, and he sticks to the facts. He doesn't come to the floor and make things up. He actually sticks to the facts. We have disagreements on those facts, and that is the way debate should be. It should be based on what is real, what are the facts.

Madam Speaker, as you heard today, this is a difficult issue, the underlying legislation that we are dealing with with regard to FISA. It is one that cuts across party lines, and many Members have strong opinions.

As I said earlier, I opposed the original PATRIOT Act and subsequent reauthorizations. I appreciate the work of many of my colleagues in getting reforms included in the underlying bill that are badly needed. I think we need to do much more to truly respect all Americans' fundamental right to privacy.

□ 1630

I think it is a false choice to suggest that either we can fight terrorism and wrongdoing or uphold the right to privacy.

There has been a lot of debate on both sides of the Capitol, and the President has weighed in recently. The Attorney General has suggested that the President should veto this bill not because the Attorney General wants more reforms like the ones that the Senate put in or the ones that have been suggested. It is quite the opposite. The Attorney General doesn't want any more checks and balances put in place.

As I said earlier, that scares me because I don't trust him. I just don't.

Now, the House will have a chance to work its will. My vote on the underlying bill will be "no." But I respect many of my colleagues who feel strongly that we ought to move forward and approve the bill that originated in this House then went to the Senate where additions were made in the Senate, and now it is back to the House. So, this has been a process that has not been short-circuited in any way, shape, or form.

But I think that given the fact that the Senate passed this with 80 percent of the Senate voting in favor of it—again, I would have voted "no" if I were in the Senate. But 80 percent of them voted in favor of it. Madam Speaker, you can't get 80 percent of the Senate to agree on lunch, yet they voted affirmatively on this.

We voted in the House. Two-thirds of this Chamber, Democrats and Republicans, voted "yes." I voted "no." But the idea that somehow there isn't strong support to move forward I think is not justified by the facts.

Madam Speaker, I urge my colleagues to vote "yes" on the rule so we can move forward.

I would again differ with my friends on the previous question. I think what

we did to try to accommodate the reality that we are faced with during this COVID-19 crisis was responsible and deliberative. We attempted to work in a bipartisan way.

In fact, many of the parts of this proposal reflect Republican suggestions. I regret that we did not come to a conclusion that we all could agree on, but as I said before, the minority leader's insistence that somehow we all be prioritized in terms of testing was a nonstarter. His insistence that he had veto power over everything and that he would use that veto power so we couldn't operate remotely was also a nonstarter.

We need to do our work, and we need to do it in a way where all Members during this pandemic can participate.

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

#### AMENDMENT TO HOUSE RESOLUTION 981

At the end of the resolution, add the following:

SEC. 4. H. Res. 965 shall have no force or effect until such time as the ongoing litigation into the constitutionality of proxy voting is complete.

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

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

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

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

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

#### UYGHUR HUMAN RIGHTS POLICY ACT OF 2020

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3744) to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 413, nays 1, not voting 17, as follows:

[Roll No. 110]

YEAS—413

Adams  
Aderholt  
Aguilar  
Allen  
Allred

Amash  
Amodei  
Armstrong  
Arrington  
Axne

Babin  
Bacon  
Baird  
Balderson  
Banks

Barr  
Barragán  
Bass  
Beatty  
Bera  
Bergman  
Beyer  
Biggs  
Bilirakis  
Bishop (GA)  
Bishop (NC)  
Bishop (UT)  
Blumenauer  
Blunt Rochester  
Bonamici  
Bost  
Boyle, Brendan  
F.  
Brady  
Brindisi  
Brooks (AL)  
Brown (MD)  
Brownley (CA)  
Buck  
Bucshon  
Budd  
Burchett  
Burgess  
Bustos  
Butterfield  
Byrne  
Calvert  
Carbajal  
Cárdenas  
Carson (IN)  
Carter (GA)  
Cartwright  
Case  
Casten (IL)  
Castor (FL)  
Castro (TX)  
Chabot  
Cheney  
Chu, Judy  
Ciocline  
Cisneros  
Clark (MA)  
Clarke (NY)  
Clay  
Clever  
Cline  
Cloud  
Clyburn  
Cohen  
Cole  
Collins (GA)  
Comer  
Conaway  
Connolly  
Cook  
Cooper  
Correa  
Costa  
Courtney  
Cox (CA)  
Craig  
Crawford  
Crenshaw  
Crist  
Crow  
Cuellar  
Cunningham  
Curtis  
Davids (KS)  
Davidson (OH)  
Davis (CA)  
Davis, Danny K.  
Davis, Rodney  
Dean  
DeFazio  
DeGette  
DeLauro  
DelBene  
Delgado  
Demings  
DeSaulnier  
DesJarlais  
Deutch  
Diaz-Balart  
Dingell  
Doggett  
Doyle, Michael  
F.  
Duncan  
Dunn  
Emmer  
Engel  
Escobar  
Eshoo

Español  
Estes  
Evans  
Ferguson  
Finkenauer  
Fitzpatrick  
Fleischmann  
Fletcher  
Fortenberry  
Foster  
Foxx (NC)  
Frankel  
Fudge  
Fulcher  
Gaetz  
Gallagher  
Gallego  
Garamendi  
Garcia (CA)  
Garcia (IL)  
Garcia (TX)  
Gianforte  
Gibbs  
Gohmert  
Golden  
Gomez  
Gonzalez (OH)  
Gonzalez (TX)  
Gooden  
Gosar  
Gottheimer  
Granger  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Green (TN)  
Green, Al (TX)  
Griffith  
Grijalva  
Grothman  
Guest  
Guthrie  
Haaland  
Hagedorn  
Harder (CA)  
Harris  
Hartzler  
Hastings  
Hayes  
Heck  
Hern, Kevin  
Herrera Beutler  
Hice (GA)  
Higgins (LA)  
Higgins (NY)  
Hill (AR)  
Himes  
Holding  
Horn, Kendra S.  
Houlahan  
Hoyer  
Hudson  
Huffman  
Huizenga  
Hurd (TX)  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson (LA)  
Johnson (OH)  
Johnson (SD)  
Johnson (TX)  
Jordan  
Joyce (OH)  
Joyce (PA)  
Kaptur  
Katko  
Keating  
Keller  
Kelly (IL)  
Kelly (MS)  
Kelly (PA)  
Kennedy  
Khanna  
Kildee  
Kilmer  
Kim  
Kind  
King (IA)  
King (NY)  
Kinzinger  
Kirkpatrick  
Krishnamoorthi  
Kuster (NH)  
Kustoff (TN)  
LaMalfa  
Lamb  
Lamborn

Langevin  
Larsen (WA)  
Larson (CT)  
Latta  
Lawrence  
Lawson (FL)  
Lee (CA)  
Lee (NV)  
Lesko  
Levin (CA)  
Levin (MI)  
Lewis  
Lieu, Ted  
Lipinski  
Loebsock  
Lofgren  
Long  
Loudermilk  
Lowenthal  
Lowe  
Lucas  
Luetkemeyer  
Lujan  
Luria  
Lynch  
Malinowski  
Maloney,  
Carolyn B.  
Maloney, Sean  
Marshall  
Matsui  
McAdams  
McBath  
McCarthy  
McCaul  
McClintock  
McCollum  
McEachin  
McGovern  
McKinley  
McNerney  
Meeks  
Meng  
Meuser  
Mfume  
Miller  
Mitchell  
Moolenaar  
Mooney (WV)  
Moore  
Morelle  
Moulton  
Mucarsel-Powell  
Mullin  
Murphy (FL)  
Murphy (NC)  
Nadler  
Napolitano  
Neal  
Neguse  
Newhouse  
Norcross  
Norman  
Nunes  
O'Halleran  
Ocasio-Cortez  
Olson  
Omar  
Palazzo  
Pallone  
Palmer  
Panetta  
Pappas  
Pascarelli  
Payne  
Pelosi  
Pence  
Perlmutter  
Perry  
Peters  
Peterson  
Phillips  
Pingree  
Pocan  
Porter  
Pressley  
Price (NC)  
Quigley  
Raskin  
Reed  
Reschenthaler  
Rice (NY)  
Rice (SC)  
Richmond  
Riggleman  
Roby  
Rodgers (WA)  
Roe, David P.  
Rogers (AL)