evening. So drafts have been shared back and forth. All I said was that I came over to the floor to support the rule to permit this issue to be addressed under suspension, and I don't have in my hand what may be the latest version.

Mr. DREIER. Reclaiming my time, I know my colleague would certainly share this concern to support the rule, but we like the idea of seeing what it is that we're about to vote upon before we do that. I know that may be an unusual request under this majority, but I think that is definitely fair. And I will say that I think that it's right and correct that Members have a chance to see what it is that they're voting upon, rather than having something thrown upon them.

And we have Mrs. WILSON, who has legislation that we've offered probably a dozen times on our quest to defeat the previous question on rules so that we could at least allow consideration of this. And so that has led us, I believe, to this point.

But I think it is just absolute lunacy to believe that we are, at this moment, in a position to go ahead and vote upon something that we don't know what it consists of. And I know my friend would agree with that, that we really shouldn't have a pattern like that.

Ms. HARMAN. Will the gentleman yield?

Mr. DREIER. I would be happy to yield.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HASTINGS of Florida. I yield 30 seconds to Ms. HARMAN.

Ms. HARMAN. Mr. Speaker, just to respond to that, I'm not interested in lunacy, and I know that Mr. DREIER is not, and I'm sure that Ms. WILSON and Mr. HOEKSTRA are not either.

There is a way to solve this problem correctly. I believe that the draft, which I'm certain will be circulated to everybody imminently, I believe that you will see that it is a very careful and balanced effort to address this problem, and it has been shared.

Mr. DREIER. If the gentlewoman would yield, I think I've got it in my hands right now.

Mr. HASTINGS of Florida. The gentleman says he has a copy of the bill in his hand. I would remind the distinguished ranking member of the Rules Committee, who is my good friend, that this rule is to make in order a suspension day.

Mr. DREIER. I understand that.

Mr. HASTINGS of Florida. I'm glad you do understand it.

I would ask the gentleman from Texas to ask his Republican colleagues on the Intelligence Committee why they didn't share the bill with the Rules Committee Republicans. We cannot control what you do or do not do.

And under the circumstances, Ms. HARMAN just made it very clear to you that the goalposts keep moving. You try to act as if you don't know that for a year and a half that this has been going on here in this intelligence community, working with this administration, trying to take care of this matter.

Now understand this. First, you said on that side that Congress needed to clarify that the government shouldn't need a warrant to collect foreign-to-foreign communications. There was never any disagreement about that, and stop saying it to the American public.

Then they said they wanted broader authority to conduct electronic surveillance of terrorist communications. We agreed to that.

Then they said they wanted immunity for the telecommunications carriers. We agreed to give them prospective immunity and consider retrospective immunity when we get back.

Last night, not yesterday, not midnight to noon, and some people have gotten caught in the dark, last night, the congressional leadership was willing to make further changes for Director McConnell. He said that with those changes he would support the bill because it would, in his word, ''significantly'' enhance America's security.

But after this agreement was reached, congressional Republicans insisted on a much broader bill giving the Attorney General, not the Court, the discretion to make decisions about surveillance involving Americans. Clearly, in my judgment, as I said previously, you're not negotiating in good faith.

I remind you once again that this rule is to make in order a suspension day. You will have all the time you need to do all the reading you need to do.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair.

Mr. SESSIONS. Mr. Speaker, I would like to inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Texas has 21½ minutes. The gentleman from Florida has 13½ minutes.

□ 1345

Mr. SESSIONS. Mr. Speaker, we just heard it straight out: You don't need to see the bill. You will see it whenever we want to give it to you. You don't need it. All we are doing down here is playing tiddlywinks with national security.

Mr. Speaker, I disagree with that. We disagree with that. I think this is an unfair way.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I do not have the privilege to serve on the Intelligence Committee now, but in the 1980s I did. Then, following that, in the 1990s when I served in California as the attorney general, I recall getting security briefings from the intelligence community from Washington, DC.

It was during the Clinton administration that Admiral McConnell was the head of the NSA. I do not recall any partisan or bipartisan dispute about his qualifications, his professionalism or his judgment. He is the man that the President has brought out of retirement to be the Director of National Intelligence. He is the one that has presented to us in open and in closed testimony why we need this.

I think it is fair for us to ask, if we are getting a draft that he has rejected, why it is the draft that is going to be presented to us under the suspension calendar. Unless we have changed the rules of the House in the 16 years I was gone, the whole concept of a suspension bill is that you suspend all the rules for noncontroversial bills. Noncontroversial bills. If the head of our intelligence services believes that this is so controversial we ought to reject this, then why is it being brought up under this kind of a suspension?

Now, I have tried to work and have worked with the gentlewoman from California on many occasions getting bipartisan legislation through this floor. But this is the single most important bill that I have seen brought up in the 3 years that I have been back, and maybe in the 10 years I was here before.

This goes to the question of whether we take our blinders off with respect to intelligence, with respect to what kind of chatter that is going on around the world. And, yes, they say we all agree that foreign-to-foreign communications ought to be not under the purview of the Court, because we understand that has never been protected under the Constitution. We have been informed that the draft that we are talking about would not allow us to do that in the way it is necessary to protect this Nation.

That is why it is so important; not that it is partisan, not that somebody came here under one rule or another, but because the head of intelligence for the United States has said we can't accept this draft. If he says that, we ought to listen to him. We ought to try and get something that will work.

So let's forget about this nonsense of partisanship. Let's not get up here, shake something out here in the hand and say, well, you have had it long enough. I don't know how long it took the Constitution to be written from beginning to end. It wasn't how long it took. It is the words they put there. It is what they actually produced. That is what we are going to be judged by; not by how many hours we were here, but whether we got it right.

The Director of National Intelligence has told us we have gotten it wrong now. All our people back home are in jeopardy. We are in jeopardy because it

is wrong, because we are not doing it right. He has asked us to fix it. It is the most solemn obligation we have under our oath of the Constitution to do it right. And to say that we are going to do it under some suspension and don't worry about what it says violates that oath.

Mr. SESSIONS. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I can't tell you how disappointed I am in my friends. And I have the greatest respect for my good friend from Florida and the gentlewoman from California. We have worked so well together on so many issues that, I think, have made a difference in a positive way for national security for this country. I believe that with every fiber of my being.

I almost feel bad for you that you would be sent here on behalf of the Speaker to try to defend this today. I feel bad for you because I know you both. And I know that is not the direction you would have taken, had it been your decision.

Efforts to change this are not new. The level of concern by so many of us who sit in those classified hearings in our Intelligence Committee is not new. Last year, my colleague from New Mexico introduced a bill that would have fixed this problem last year, and it was stopped. Earlier this year, earlier this year, it was introduced again to fix this problem, and it was denied by the majority.

I have to tell you, when I was a young FBI agent, sometimes you would look up at the policies kind of flowing down at you. We were working awfully hard to develop probable cause to get wiretaps, which was the right thing to do. It was a difficult process with lots of vetting, lots of hours, lots of source development and source vetting, lots of surveillance, and putting it all together to make something like that work so that it could rise to the standard to go after a United States citizen and their communication. It is a pretty high standard. I argue, as somebody who did it for a living, it should be.

But what we have been arguing for for the last year is to say, listen, we should not give those rights to terrorists overseas who are conducting terrorist activities to target Americans or our allies, including the United States soldiers. They do not deserve the rights of a U.S. citizen.

This was an easy fix. It said, let's be technology neutral. Times have changed since the 1970s when FISA was written. Technology has changed. People communicate completely differently.

What we said last year is let us change to keep up, because today we have asked soldiers to stand in harm's way. And the thing that I know that my colleagues understand, both Democrats and Republicans, is because this House has failed to act, they have stood in harm's way without all the information that they need and deserve to be safe, successful, and come home to their families.

This gamesmanship is dangerous, and I mean dangerous. My colleagues understand those classified cases that we talk about, that we know because this has not been fixed. Lives may have been lost because of it. Lives may have been lost because of it. We can change that today.

I just got a copy of this. As I go through it, just in my brief cursory look at it, this is not what we have been negotiating. There have been no new demands. This is so easy. This is so simple. It can be about a 2-page bill, and we can begin to protect Americans in harm's way, including the homeland, but, most importantly, the soldiers who are overseas who deserve that protection. And just because we shout and we yell, no, no, no, we believe that terrorists should not have to have a warrant overseas as well doesn't make it so, and you know that. That has been the stumbling block. The Court has said it. The intelligence community has said it. The DNI has said it. We have said it.

I am going to beg all of you, please, for the lives of the soldiers who are at risk today, for the homeland, this is not the place for gamesmanship. This is not the place that we argue about a bill that we have not even seen. This is the time that we should come together. This is the time that this bill should be out and done, negotiated, and free from all of the gamesmanship we see today.

When I go home and look at those families of those folks who have loved ones overseas, I want to be able to tell them we have done everything that we can do to make them safe. When somebody kisses their young child and puts them on the bus, I want to be able to look that family in the eye and say we are doing everything to make sure we get all the information of what the terrorists are up to to protect the United States of America.

We all know in good conscience we can't say that today, and we have not been able to say that for months in good conscience.

This is our chance to come together as people I know and I respect, who know the dangers of the gamesmanship on an issue this important. Let's stop it. Let's go back. Go back and tell the Speaker, I am sorry, we are not playing this game.

People's lives are at stake. We can do this. We can do this together. I know that is why I was sent here. I know that is what you believe in your hearts. Let's do this together. Let's put this stuff aside and fix this problem so that we can begin to listen to the conversations of terrorists we know are planning attacks against our allies and the United States of America.

I strongly urge the reconsideration of this. Let's do this. We can do this. We should do this. We ought to do it. And shame on us if we can't do it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I will yield to the distinguished Chair of the Intelligence Committee in just a moment.

But I would like to respond to my good friend from Michigan, and he is my good friend, and he was correct in asserting that he, Ms. HARMAN, myself, all of the members of the Intelligence Committee that are here, have worked actively for more than a year on this. What he was incorrect about was whether or not there were ongoing negotiations.

I would urge him to know that with staff, the distinguished Chair of the Intelligence Committee and many other Members, and Ms. HARMAN from her Chair on Homeland Security, and countless others in the minority as well, have worked day and night with the administration to produce a bipartisan, bicameral proposal.

Mr. ROGERS just said last night no other negotiations were going on. Last night the DNI asked us to make three changes, three, to our proposal. We made all three changes. They are in this bill. But the administration still rejected our proposal, and they gave us a moving target.

We gave the administration what it told us it needed to protect America. They still said no.

Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. REYES), the distinguished chairman of the Intelligence Committee.

Mr. REYES. Mr. Speaker, I just want to take a minute to respond to my colleague from Michigan.

This is a serious issue. We have worked hard for the last 2 weeks in particular, in addition to the hearings that we have had, with the commitment that we are going to do an overall fix of FISA in the fall. But we wanted to give the administration the three things, as my colleague from Florida just mentioned, that they could work with so they could keep this country safe in this urgent hour. Those three things we gave them. Then the goalposts were moved and we were told that there would be additional issues. That has been our experience.

The difference here is very simple, Mr. Speaker. My colleagues on the other side of the aisle for 6 years have been only too happy to oblige the administration on whatever they need. You got a bill? Let's rubber-stamp it. Need a supplemental? Let's rubberstamp it.

Well, do you know what? Those days are over. Since we took control of the Congress, we are doing the oversight that was neglected. We are now being part of the process to make sure that not only do we have the tools to keep this country safe, but that we protect the American people and their civil rights. That is the basic fundamental difference.

This bill here does the three things that the DNI asked us to do and that the administration wanted us to do. It is not the all-encompassing changes that FISA needs, but we are committed to doing that in the fall.

□ 1400

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I ask unanimous consent that the House recess until we get feedback from the Director of National Intelligence that he has seen this legislation and he agrees that it will fix the intelligence gap that is threatening the United States.

Mr. HASTINGS of Florida. I object.

The SPEAKER pro tempore. Objection is heard.

MOTION TO ADJOURN

Mrs. WILSON of New Mexico. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mrs. WILSON of New Mexico. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

PARLIAMENTARY INQUIRIES

Mr. SESSIONS (during the vote). Mr. Speaker, please be advised voting is not available to Members at this time and the Republican minority would request that we have the ability to vote.

The SPEAKER pro tempore. The voting machine is operational, but there is an issue with the display, the Chair has been informed, and the Clerk is working on it.

Mr. SESSIONS. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas.

Mr. SESSIONS. It is my understanding that the Speaker may, has options available to him or her as it relates to electronic voting to where the Speaker could make a decision to have the Clerk record those votes manually by rollcall.

The SPEAKER pro tempore. The voting system is operational and the vote is ongoing.

Mr. SESSIONS. Continuing my request.

The SPEAKER pro tempore. If the gentleman will suspend. The Chair will try to ensure that Members know of time remaining and will have an opportunity to cast their votes, and the Chair will announce the vote a number of times to allow Members to change their vote.

Mr. SESSIONS. Mr. Speaker, how am I recorded?

The SPEAKER pro tempore. If the gentleman will consult with the Clerk, they will tell you how you have voted.

Ms. DEGETTE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlelady from Colorado.

Ms. DEGETTE. Parliamentary inquiry. To speed this process, Mr. Speaker, are the computers throughout the Chamber on both sides working so Members could check the computers to see how their votes are recorded and how much time is remaining?

The SPEAKER pro tempore. The Chair would recommend that Members check their votes at the voting machine or at the rostrum to ensure that his or her vote is recorded.

Ms. DEGETTE. Mr. Speaker, further parliamentary inquiry. On this side of the aisle the computers in the Chamber seem to be working, and I am wondering if they are working on the other side of the aisle?

The SPEAKER pro tempore. That is not a proper parliamentary inquiry. The voting will continue.

Mr. SESSIONS. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, point of parliamentary inquiry. When the electronic voting system is inoperable or is not used, the Speaker or Chairman may direct the Clerk to conduct a record vote or quorum call as provided in clause 3 or 4; is that correct?

The SPEAKER pro tempore. The gentleman is correct.

The voting system is working. The problem is with the display. The House will continue voting electronically.

Mr. SESSIONS. Point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, would it be correct to say that normal procedures of this House are not currently, as it relates to voting, in place and available to Members at this time?

The SPEAKER pro tempore. The gentleman is correct. There is a problem with the display. The Clerk is working to address that problem. But the voting machines are working, and the tally is being held.

Mr. SESSIONS. Point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, the question is whether the Speaker or the Speaker's designee has the authority to make a decision to enact what we would call to conduct or direct the Clerk to conduct a record vote or quorum call as provided in clause 3 or 4.

The SPEAKER pro tempore. The Chair has alternatives; and when it is proper to use them, the Chair may do so.

Mr. SESSIONS. Point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, could you please outline those options that are available to you and your thinking? Because we are in a circumstance where we believe an inoperable voting system is presently being——

The SPEAKER pro tempore. One is a manual call, one is a vote by tellers, and one is to continue with the electronic vote. And the Chair has chosen to so continue.

Mr. DREIER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California.

Mr. DREIER. Mr. Speaker, parliamentary inquiry. How much time is remaining on the vote that we can't see displayed any place that we are supposed to be casting?

The SPEAKER pro tempore. There are 5 minutes and 30 seconds remaining on this vote, and the Chair will accommodate Members on this vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from California has come to the Chair and reminded the Chair that Members may verify their vote at any one of the various voting stations. The engineers are working on the malfunction on the display, and we will continue electronic voting.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind Members that the House is voting on a motion to adjourn. Members may verify their votes at any of the various voting stations. The engineers are still working on the malfunction of the display.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind the Members that they may use the voting machines, and Members may verify their vote at any one of the various voting stations. The House is presently voting on a motion to adjourn.

PARLIAMENTARY INQUIRIES

Mr. SESSIONS (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, as a result of the Members having an inability to know what time remains, can the Chair please advise us what time remains in this vote?

The SPEAKER pro tempore. The Chair will make every effort to ensure that the Members will have every opportunity to vote, regardless of the time elapsed.

Mr. SESSIONS. Further parliamentary inquiry. Mr. Speaker, can you please advise me how much time remains in this vote?

The SPEAKER pro tempore. Will the gentleman repeat his inquiry?

Mr. SESSIONS. I will, Mr. Speaker. Can you please tell me how much time remains in this vote?

The SPEAKER pro tempore. The Chair has the discretion to close the vote when all Members have voted.

Mr. SESSIONS. Further parliamentary inquiry, Mr. Speaker. Recognizing the circumstances that we are under, can you please advise me how much longer you will hold the vote open for Members?

The SPEAKER pro tempore. The Chair will use his discretion to provide for Members who have not voted or