

Police forces in the nation's capital have beefed up security in response to these perceived threats. But without good intelligence, they will not know when or how we may be attacked—never mind having a chance to thwart any plots. Due to Democrat undermining of our intelligence of our intelligence community and our military for the past couple of years—through leaks and political games—we are less prepared to uncover terrorist plots and prevent such attacks.

We need to fix the Foreign Intelligence Surveillance Act (FISA) so that the intelligence community can do its job. The American people know we need to fix the loopholes in FISA implementation that allow terrorists to bypass our intelligence capabilities. For several months Administration and Republican Leadership have repeatedly asked the Democrats to address this problem, and they have ignored these requests.

As a member of the House Permanent Select Committee on Intelligence I have been very disturbed by what I have seen this past year. The vitriol that Members on the other side of the aisle have for the President has clouded their judgment. In an effort to embarrass him, they have weakened our intelligence gathering capabilities and caused long term damage to the security of this nation. We do not monitor phone conversations, emails or finances of suspected terrorists and terrorist allies as we used to and the enemy knows it. It is time for us to strengthen, not weaken, terrorist surveillance.

Unfortunately this bill does not address the needs of the intelligence community. The Director of National Intelligence Mike McConnell is strongly opposed to this bill:

I have reviewed the proposal that the House of Representatives is expected to vote on this afternoon to modify the Foreign Intelligence Surveillance Act. The House proposal is unacceptable, and I strongly oppose it.

The House proposal would not allow me to carry out my responsibility to provide warning and to protect the Nation, especially in our heightened threat environment.

I urge Members of Congress to support the legislation I provided last evening to modify FISA and to equip our Intelligence Community with the tools we need to protect our Nation.

I trust the DNI far more than the Democrat leadership that has clearly chosen to put politics over security. I urge my colleagues to vote against this bill and encourage the majority to bring a true FISA reform bill before this body so that the intelligence community can have every tool at its disposal to protect the United States of America.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 3356.

The question was taken.

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

Mr. SMITH of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 207, not voting 8, as follows:

[Roll No. 821]

YEAS—218

Abercrombie	Gordon	Nadler
Ackerman	Green, Al	Napolitano
Allen	Green, Gene	Neal (MA)
Altmire	Grijalva	Oberstar
Andrews	Gutierrez	Obey
Arcuri	Hall (NY)	Ortiz
Baca	Hare	Pallone
Baird	Harman	Pascarell
Baldwin	Hastings (FL)	Pastor
Barrow	Herseth Sandlin	Payne
Bartlett (MD)	Higgins	Pelosi
Bean	Hill	Perlmuter
Becerra	Hinchee	Peterson (MN)
Berkley	Hinojosa	Pomeroy
Berman	Hirono	Price (NC)
Berry	Hodes	Rahall
Bishop (GA)	Holden	Rangel
Bishop (NY)	Honda	Reyes
Boren	Hooley	Rodriguez
Boswell	Hoyer	Ross
Boucher	Israel	Rothman
Boyd (FL)	Jackson (IL)	Roybal-Allard
Boyd (KS)	Jackson-Lee	Ruppersberger
Brady (PA)	(TX)	Rush
Braley (IA)	Jefferson	Ryan (OH)
Brown, Corrine	Johnson (GA)	Salazar
Butterfield	Johnson, E. B.	Sanchez, Linda
Capps	Jones (NC)	T.
Cardoza	Jones (OH)	Sanchez, Loretta
Carnahan	Kagen	Sarbanes
Carney	Kanjorski	Schakowsky
Carson	Kaptur	Schiff
Castor	Kennedy	Schwartz
Chandler	Kildee	Scott (GA)
Clay	Kilpatrick	Scott (VA)
Cleaver	Kind	Serrano
Clyburn	Klein (FL)	Sestak
Cohen	Lampson	Shea-Porter
Conyers	Langevin	Sherman
Cooper	Lantos	Shuler
Costa	Larsen (WA)	Sires
Costello	Larson (CT)	Skelton
Courtney	Lee	Slaughter
Cramer	Levin	Smith (WA)
Crowley	Lewis (GA)	Snyder
Cuellar	Lipinski	Solis
Cummings	Loeb sack	Space
Davis (AL)	Lofgren, Zoe	Spratt
Davis (CA)	Lowey	Stupak
Davis (IL)	Lynch	Sutton
Davis, Lincoln	Mahoney (FL)	Tanner
DeFazio	Maloney (NY)	Tauscher
DeGette	Markey	Taylor
Delahunt	Marshall	Thompson (CA)
DeLauro	Matheeson	Thompson (MS)
Dicks	Matsui	Tierney
Dingell	McCarthy (NY)	Towns
Doggett	McCollum (MN)	Udall (CO)
Donnelly	McIntyre	Udall (NM)
Doyle	McNerney	Van Hollen
Edwards	McNulty	Velázquez
Ellison	Meek (FL)	Visclosky
Ellsworth	Meeks (NY)	Walz (MN)
Emanuel	Melancon	Wasserman
Engel	Miller (NC)	Schultz
Eshoo	Miller, George	Watson
Etheridge	Mitchell	Watt
Farr	Mollohan	Weiner
Fattah	Moore (KS)	Wexler
Frank (MA)	Moore (WI)	Wilson (OH)
Giffords	Moran (VA)	Wu
Gilchrest	Murphy (CT)	Wynn
Gillibrand	Murphy, Patrick	Yarmuth
Gonzalez	Murtha	

NAYS—207

Aderholt	Brady (TX)	Cole (OK)
Akin	Brown (GA)	Conaway
Alexander	Brown (SC)	Cubin
Bachmann	Brown-Waite,	Culberson
Bachus	Ginny	Davis (KY)
Baker	Buchanan	Davis, David
Barrett (SC)	Burgess	Davis, Tom
Barton (TX)	Burton (IN)	Deal (GA)
Biggart	Buyer	Dent
Bilbray	Calvert	Diaz-Balart, L.
Bilirakis	Camp (MI)	Diaz-Balart, M.
Bishop (UT)	Campbell (CA)	Doolittle
Blackburn	Cannon	Drake
Blumenauer	Cantor	Dreier
Blunt	Capito	Duncan
Boehner	Capuano	Ehlers
Bonner	Carter	Emerson
Bono	Castle	English (PA)
Boozman	Chabot	Everett
Boustany	Coble	Fallin

Feeney	Lewis (KY)	Reynolds
Ferguson	Linder	Rogers (AL)
Filner	LoBiondo	Rogers (KY)
Flake	Lucas	Rogers (MI)
Forbes	Lungren, Daniel	Rohrabacher
Fortenberry	E.	Ros-Lehtinen
Fossella	Mack	Roskam
Fox	Manzullo	Royce
Franks (AZ)	Marchant	Ryan (WI)
Frelinghuysen	McCarthy (CA)	Sali
Gallegly	McCaul (TX)	Saxton
Garrett (NJ)	McCotter	Schmidt
Gerlach	McCrery	Sensenbrenner
Gillmor	McDermott	Sessions
Gingrey	McGovern	Shadegg
Gohmert	McHenry	Shays
Goode	McHugh	Shimkus
Goodlatte	McKeon	Shuster
Granger	McMorris	Simpson
Graves	Rodgers	Smith (NE)
Hall (TX)	Mica	Smith (NJ)
Hastert	Michaud	Smith (TX)
Hastings (WA)	Miller (FL)	Souder
Heller	Miller (MI)	Stark
Hensarling	Miller, Gary	Stearns
Herger	Moran (KS)	Sullivan
Hobson	Murphy, Tim	Tancred
Hoekstra	Musgrave	Terry
Holt	Myrick	Thornberry
Hulshof	Neugebauer	Tiahrt
Hunter	Nunes	Tiberti
Inglis (SC)	Olver	Turner
Inslee	Pearce	Upton
Issa	Pence	Walberg
Jindal	Peterson (PA)	Walden (OR)
Johnson (IL)	Petri	Walsh (NY)
Jordan	Pickering	Wamp
Keller	Pitts	Waters
King (IA)	Platts	Welch (VT)
King (NY)	Poe	Weldon (FL)
Kingston	Porter	Weller
Kirk	Price (GA)	Westmoreland
Kline (MN)	Pryce (OH)	Whitfield
Knollenberg	Putnam	Wicker
Kucinich	Radanovich	Wilson (NM)
Kuhl (NY)	Ramstad	Wilson (SC)
Lamborn	Regula	Wolf
Latham	Rehberg	Woolsey
LaTourette	Reichert	Young (AK)
Lewis (CA)	Renzi	Young (FL)

NOT VOTING—8

Clarke	Hayes	Paul
Crenshaw	Johnson, Sam	Waxman
Davis, Jo Ann	LaHood	

□ 2058

Mr. WELCH of Vermont and Mr. JOHNSON of Illinois changed their vote from "yea" to "nay."

Mr. WEINER changed his vote from "nay" to "yea."

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Madam Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 612

Whereas clause one of House rule XXIII (Code of Official Conduct) states, "A Member, Delegate, Resident Commissioner, officer or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House,";

Whereas the House Ethics Manual states that, "The public has a right to expect Members, officers and employees to exercise impartial judgment in performing their duties" and "This Committee has cautioned all Members to avoid situations in which even an inference might be drawn suggesting improper action;

Whereas during proceedings of the House on August 3, 2007, with the gentleman from Pennsylvania (Mr. Murtha) presiding, a question occurred on approval of the Journal of the previous day's proceedings;

Whereas following the vote, the gentleman from Wisconsin, Representative Sensenbrenner, inquired "Could the chair tell me how many Members rose to request a recorded vote and [the] total number of Members present in the House upon which the chair made his decision?";

Whereas Representative Murtha replied, "It is up to the chair. Let me tell you this, the vote will show that the approval would be approved by the House as it has been.";

Whereas the Speaker, as the presiding officer, has a duty to be a fair and impartial arbiter of the proceedings of the House, held to the highest ethical standards in deciding the various questions as they arise with impartiality and courtesy toward all Members, regardless of party affiliation;

Whereas a presiding officer of the House cannot achieve the requisite standard of impartiality while attempting to influence the outcome of a vote, predict the outcome of a vote, or express a preference for a particular outcome of a vote;

Whereas when the chair imbues his parliamentary statements with a partisan hue or with language more appropriate to a participant in the debate than to its presiding officer, Members' essential confidence in the impartiality of the chair is impaired: Now, therefore, be it

Resolved, That by his actions on August 3, 2007, the gentleman from Pennsylvania, Mr. Murtha, has brought dishonor and discredit to the United States House of Representatives by misusing the powers of the chair.

□ 2100

The SPEAKER pro tempore. The resolution constitutes a question of privilege.

MOTION TO TABLE

Mr. HOYER. Madam Speaker, I move to table the resolution.

POINT OF ORDER

Mr. BOEHNER. Madam Speaker, I raise a point of order that the gentleman from Maryland engaged in debate.

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

PARLIAMENTARY INQUIRY

Mr. BOEHNER. Parliamentary inquiry, Madam Speaker.

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

Mr. BOEHNER. Madam Speaker, isn't it correct that the gentleman from Maryland engaged in debate, which allows the House to then proceed with up to 1 hour of debate on this resolution?

The SPEAKER pro tempore. The gentleman was not recognized as the Chair had not yet ruled that the resolution constituted a question of privilege.

The question is on the motion to table.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 211, nays 178, answered "present" 12, not voting 31, as follows:

[Roll No. 822]

YEAS—211

Abercrombie	Grijalva	Oberstar
Ackerman	Hall (NY)	Obey
Allen	Harman	Olver
Altmire	Hastings (FL)	Ortiz
Andrews	Herseth Sandlin	Pallone
Arcuri	Hill	Pascarell
Baca	Hinchev	Pastor
Baird	Hinojosa	Payne
Baldwin	Hirono	Perlmutter
Barrow	Hodes	Pomeroy
Bean	Holden	Price (NC)
Becerra	Holt	Rahall
Berkley	Honda	Rangel
Berman	Hooley	Reyes
Berry	Hoyer	Rodriguez
Bishop (GA)	Inslee	Ross
Bishop (NY)	Israel	Rothman
Boswell	Jackson (IL)	Roybal-Allard
Boucher	Jackson-Lee	Ruppersberger
Boyd (FL)	(TX)	Rush
Boyda (KS)	Jefferson	Ryan (OH)
Brady (PA)	Johnson (GA)	Salazar
Braley (IA)	Johnson, E. B.	Sanchez, Linda
Brown, Corrine	Jones (OH)	T.
Butterfield	Kagen	Sanchez, Loretta
Capps	Kanjorski	Sarbanes
Capuano	Kaptur	Schakowsky
Cardoza	Kennedy	Schiff
Carnahan	Kildee	Schwartz
Carney	Kilpatrick	Scott (GA)
Carson	Kind	Scott (VA)
Castor	Klein (FL)	Serrano
Chandler	Kucinich	Shea-Porter
Clay	Lampson	Sherman
Cleaver	Langevin	Shuler
Clyburn	Larsen (WA)	Sires
Cohen	Larson (CT)	Skelton
Conyers	Lee	Smith (WA)
Cooper	Levin	Snyder
Costa	Lewis (GA)	Solis
Costello	Lipinski	Space
Courtney	Loebbeck	Spratt
Cramer	Lofgren, Zoe	Stupak
Crowley	Lowey	Sutton
Cuellar	Lynch	Tanner
Davis (AL)	Mahoney (FL)	Tauscher
Davis (CA)	Maloney (NY)	Taylor
Davis (IL)	Markey	Thompson (CA)
Davis, Lincoln	Marshall	Thompson (MS)
DeFazio	Matheson	Tierney
DeGette	Matsui	Towns
Delahunt	McCarthy (NY)	Udall (CO)
DeLauro	McCollum (MN)	Udall (NM)
Dingell	McGovern	Van Hollen
Doggett	McIntyre	Velázquez
Donnelly	McNerney	Visclosky
Doyle	McNulty	Walz (MN)
Ellison	Meek (FL)	Wasserman
Ellsworth	Meeks (NY)	Schultz
Emanuel	Melancon	Waters
Engel	Michaud	Watson
Eshoo	Miller (NC)	Watt
Etheridge	Miller, George	Weiner
Farr	Mitchell	Welch (VT)
Fattah	Mollohan	Wexler
Filner	Moore (WI)	Wilson (OH)
Frank (MA)	Murphy (CT)	Woolsey
Giffords	Murphy, Patrick	Wu
Gillibrand	Murphy, Tim	Wynn
Gonzalez	Nadler	Yarmuth
Green, Al	Napolitano	
Green, Gene	Neal (MA)	

NAYS—178

Aderholt	Brown-Waite,	Deal (GA)
Akin	Ginny	Dent
Alexander	Buchanan	Diaz-Balart, L.
Bachmann	Burgess	Diaz-Balart, M.
Bachus	Burton (IN)	Doolittle
Baker	Buyer	Drake
Barrett (SC)	Calvert	Dreier
Barton (TX)	Camp (MI)	Duncan
Biggart	Campbell (CA)	Ehlers
Bilbray	Cannon	Emerson
Bilirakis	Cantor	English (PA)
Bishop (UT)	Capito	Everett
Blackburn	Carter	Fallin
Blunt	Castle	Feeney
Boehner	Chabot	Ferguson
Bonner	Coble	Flake
Bono	Cole (OK)	Forbes
Boozman	Conaway	Fortenberry
Boustany	Culberson	Fossella
Brady (TX)	Davis (KY)	Fox
Brown (GA)	Davis, David	Franks (AZ)
Brown (SC)	Davis, Tom	Gallegly

Garrett (NJ)	McCarthy (CA)	Ros-Lehtinen
Gerlach	McCaul (TX)	Roskam
Gillmor	McCotter	Royce
Gingrey	McCrery	Ryan (WI)
Gohmert	McHenry	Sali
Goode	McHugh	Saxton
Goodlatte	McKeon	Schmidt
Granger	McMorris	Sensenbrenner
Graves	Rodgers	Sessions
Hall (TX)	Mica	Shadegg
Hastert	Miller (FL)	Shays
Hastings (WA)	Miller (MI)	Shimkus
Heller	Miller, Gary	Simpson
Hensarling	Moran (KS)	Smith (NE)
Herger	Musgrave	Smith (NJ)
Hoekstra	Myrick	Smith (TX)
Hulshof	Neugebauer	Souder
Inglis (SC)	Nunes	Stearns
Issa	Pearce	Sullivan
Jindal	Pence	Tancredo
Jordan	Peterson (PA)	Terry
Keller	Petri	Thornberry
King (IA)	Pickering	Tiahrt
King (NY)	Pitts	Tiberi
Kirk	Platts	Turner
Kline (MN)	Poe	Upton
Knollenberg	Porter	Walberg
Kuhl (NY)	Price (GA)	Walden (OR)
Latham	Pryce (OH)	Walsh (NY)
LaTourette	Putnam	Wamp
Lewis (CA)	Ramstad	Weldon (FL)
Lewis (KY)	Regula	Weller
Linder	Rehberg	Westmoreland
Lucas	Reichert	Whitfield
Lungren, Daniel	Renzi	Wilson (NM)
E.	Reynolds	Wilson (SC)
Mack	Rogers (AL)	Wolf
Manzullo	Rogers (KY)	
Marchant	Rogers (MI)	

ANSWERED "PRESENT"—12

Bartlett (MD)	Johnson (IL)	Rohrabacher
Frelinghuysen	Jones (NC)	Wicker
Gilchrest	Kingston	Young (AK)
Hobson	LoBiondo	Young (FL)

NOT VOTING—31

Blumenauer	Hare	Murtha
Boren	Hayes	Paul
Clarke	Higgins	Peterson (MN)
Crenshaw	Hunter	Radanovich
Cubin	Johnson, Sam	Sestak
Cummings	LaHood	Shuster
Davis, Jo Ann	Lamborn	Slaughter
Dicks	Lantos	Stark
Edwards	McDermott	Waxman
Gordon	Moore (KS)	
Gutierrez	Moran (VA)	

□ 2119

Mr. LOBIONDO changed his vote from "nay" to "present."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110-298) on the resolution (H. Res. 613) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110-299) on the resolution (H.