foreign soil who are trying kill us, if the legislation provides them with the tools to intercept those conversations and prevent them from having the ability to attack the United States of America?

Now, my friend from Dallas has just very correctly said, can we see the legislation that we're expected to vote upon today if this suspension rule is made in order that will do exactly what the President has said is necessary to ensure the safety and the security of the American people?

Mr. SESSIONS. I thank the gentleman from California for his words.

Mr. Speaker, this Democrat majority has simply not lived up to the words that it spoke when it became the new majority. And it was a campaign promise that is reiterated on a regular basis all through this Chamber and all the committees. Most disappointing among these is the forgotten promise that Democrats promised to be the most open, honest and ethical Congress in history.

And I will now quote Speaker PELOSI from page 24 of A New Direction for America, and I quote, ''Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.''

I further quote the distinguished chairman of the Rules Committee, LOUISE SLAUGHTER, on November 12, 2006, just a week after election. She said, ''My fellow Democrats and I have long felt that the Rules Committee was failing its major obligations. We publically argued that it was being used to shut down the legislative process for partisan purposes. But now that the Democrats will control the committee we will have a chance to change all that.''

Mr. Speaker, they have not changed it. They've made it worse.

We do understand right now, as we speak, we have a copy of the Foreign Intelligence Surveillance Act that evidently has only now been given to the minority.

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

Mr. HASTINGS of Florida. At this time, I am very pleased to yield to my colleague, with whom I've served 7 years on the Select Committee on Intelligence. She was the ranking member and is now the chairman of the House Permanent Select Committee on Intelligence.

Before yielding to Ms. HARMAN, who has gone down this road for well over a year to get us to this point, I would like to say to my friend from Texas that perhaps it would be helpful if he would ask the minority members of the Intelligence Committee about the bill.

Secondly, the measure that we are dealing with is a rule providing for suspension, not consideration.

That said, I yield 3 minutes to my friend from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding and commend him for his long service, both on the Intelligence and Rules Committees.

I am now the Chair of an Intelligence Subcommittee of Homeland Security. As no one in this Chamber would miss, security is my passion, and I think it is our primary obligation as Members of Congress.

I was sitting here listening to the discussion about where is the bill and why aren't we acting on FISA? It seems a little disingenuous, given the fact that the current ranking member on the Intelligence Committee and former chairman, has an article in USA Today in which he says that this move to get the administration to put its surveillance program under FISA ''gives legal protections to foreign enemies who would do us harm.''

Excuse me? FISA, the Foreign Intelligence Surveillance Act passed by a large bipartisan majority in 1978. FISA was passed to assure that Americans, not foreigners, would have their constitutional rights protected when the U.S. engages, as it must, in foreign intelligence surveillance.

I don't think there is anyone here, not that I know of, who is against foreign intelligence surveillance. There is no one in this body, I haven't heard one person say that we think that when the U.S. engages in foreign intelligence surveillance, in foreign countries involving communications between foreigners in different foreign countries, that FISA applies. But FISA can and must apply when Americans' constitutional rights are at issue, and that is the issue we will debate a little bit later.

I want to say that it surprises me again that all of a sudden no one knows what we might be talking about. There have been intense negotiations, I have been a part of some of them, for months over what we might do to make FISA work better. In the 109th Congress, all nine Democrats on the Intelligence Committee authored legislation to help FISA work better; and in this Congress I'm aware of both closed and open hearings by the Intelligence Committee to carefully consider these issues.

So it seems to me quite surprising and disingenuous to hear that, for example, the ranking member of the Intelligence Committee doesn't even feel that FISA protects Americans; he thinks that it coddles foreigners.

I am happy to yield to the gentlewoman from New Mexico.

Mrs. WILSON of New Mexico. I thank the gentlelady because I have some confusion over here, and you may be able to help me.

As I look at this, I think this is the bill that was rejected by the Director of National Intelligence 36 hours ago as insufficient. And it is not the bill that, as I understand it, was going to be accepted by the Senate this morning that the DNI proposed.

Is the House offering a different bill than has been accepted by the Senate?

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

Mr. HASTINGS of Florida. I yield the gentlelady an additional minute to respond.

Ms. HARMAN. I thank the gentleman for yielding.

Reclaiming my time, I don't have a copy of the latest draft. It may be one I've seen, but I'm not absolutely positive. My understanding is that negotiations have been going on for quite a long time and that the requirements of the DNI have been met.

What is happening, and I think it's a real tragedy for the American people, is that the goalposts keep moving. I just wonder whether the other side wants this to be a wedge issue or wants to solve the problem.

As one Member here who has worked on this for years, I want to solve the problem; and we will attempt to do that under the suspension rules later today.

Mr. SESSIONS. You know, Mr. Speaker, we talk about this genuine desire to solve the problem, but the fact of the matter is we're about as close as midnight and noon in our thoughts and beliefs as parties for doing that.

I hearken back to just a few days ago in the Rules Committee, where some of the questions from my good friends on the Democrat side are: Well, what about the constitutional rights of some of these people who live in other countries who are known terrorists, what about their constitutional rights? And we need to take those into account.

Mr. Speaker, it's amazing how we're sitting here debating something that's in the best interests of this country, and some people are more concerned about the terrorists' rights than they are about protecting this country.

Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank the gentleman for yielding.

Mr. Speaker, I would just like to say that I have the highest regard for my California colleague (Ms. HARMAN). She knows that very well. We share representing Los Angeles County here. And I know that she has worked very hard on intelligence issues.

But I will say that I am very troubled with the exchange that I just saw take place between my friend from Albuquerque here, who has worked on this. She talked about the fact that we have legislation that was just rejected 36 hours ago by the Director of National Intelligence, Mr. McConnell. And my friend from California has just said something to the effect that she's not sure exactly what bill it is that we're looking at. I'm not an expert on this myself.

I would be happy to yield to my friend if she wants to respond at all on this.

Ms. HARMAN. Well, what I meant was that I'm aware that there were negotiations going on with the DNI last