Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pascrell
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Bishop (UT)
Blunt
Clarke
Crenshaw
Davis, Jo Ann
Gordon
Hastings (WA)
Hayes
Jefferson
Johnson, Sam
LaHood
Lewis (CA)
Paul
Peterson (PA)
Rush
Stark
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

□ 1839

So the Journal was approved.

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 (Mrs. TAUSCHER). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 611

Whereas on November 8, 2006, Speaker-Elect Nancy Pelosi said ''we will make this the most honest, ethical and open Congress in history.'';

Whereas on November 16, 2006, Speaker-Elect Nancy Pelosi said ''This leadership team will create the most honest, most open, and most ethical Congress in history.'';

Whereas on January 4, 2007, Majority Leader Steny Hoyer said ''As we open this new chapter in American history—an era in which we will seek to elevate results over rhetoric and put progress before partisanship—we will affirm our commitment to transparency, accountability and civility, which should be the hallmarks of this great institution.'';

Whereas on January 4, 2007, Majority Leader Steny Hoyer said ''the Members of this House will ensure the integrity of this institution when we conduct ourselves with integrity and hold accountable those who fail to abide by these rules and the highest ethical standards.'';

Whereas on December 8, 2006, Majority Whip-Elect James Clyburn said ''Democrats will exercise better leadership in the new Congress and work to raise the standard of ethics in this body.'';

Whereas on August 1, 2007, the Majority Leader Steny Hoyer said ''What is not fair, from our perspective, is to simply disallow the House to proceed to do its business, to have its disagreements, to make its votes, to express its will'';

Whereas the Speaker, as the presiding officer, is supposed to be the 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 the Members, as duly elected under Article I, section 2 of the Constitution of the United States, represent the people of the United States by casting their votes in the U.S. House of Representatives;

Whereas the Clerk of the House has the specific responsibility of accurately taking and tallying votes of the Members and preserving the records thereof;

Whereas on the evening of August 2, 2007, the House had under consideration H.R. 3161, a bill making appropriations for the Department of Agriculture and Related Agencies;

Whereas following completion of general debate and the reading of the bill for amendment, the gentleman from California (Mr. Lewis) offered a motion to recommit the bill to the Committee on Appropriations with instructions that prohibited any funds in the bill from being used to employ or to provide rental housing assistance to an illegal alien not authorized to receive such assistance under the Immigration and Nationality Act;

Whereas Representative Lewis timely requested the yeas and nays, which once ordered were recorded by electronic device;

Whereas shortly following the expiration of time allotted for the recorded vote, the Chair gaveled the vote closed and announced that the motion had failed by a vote of 214 yeas to 214 nays, while the tally clerk was still processing additional votes through the electronic voting system;

Whereas during said time period, the Majority Leader stated to the Parliamentarian of the House, ''We control, not the Parliamentarians.''

Whereas the Chair announced the results of the aforementioned vote after reading the totals from the electronic board to the Chair's right without the benefit of the written tally customarily provided by the tally clerks;

Whereas a video recording of the proceedings produced by the Office of the Chief Administrative Officer confirms that, while closing the vote, the Chair banged the gavel and spoke over the voice of the House Reading Clerk seated immediately in front of the Speaker's rostrum, who can clearly be heard attempting to record the vote of another Member;

Whereas contrary to the vote total announced by the Chair, said electronic board, visible to all Members in the Chamber, indicated a final tally of 215 yeas and 213 nays;

Whereas the Majority Leader directed the Chair to reopen the vote, making it possible for Members to change their vote, and thereby altering the outcome;

Whereas several minutes later the Chair again closed the vote and announced that the motion had failed on a vote 212 yeas and 216 nays;

Whereas the Minority Leader immediately directed his staff to gather and review all available records regarding this incident; and

Whereas in the course of such review, the staff discovered that the electronic voting records related to this roll call vote were missing from the electronic voting system and upon inspecting the Clerk's website, found no information regarding the disposition of the motion to recommit contrary to the long standing customary practice of that office: Now therefore be it

(1) Resolved, That—

The Officers of the House of Representatives are immediately directed to preserve all records, documents, recordings, electronic transmissions, or other material, regardless of form, related to the voting irregularities of August 2, 2007.

(2) there is hereby established a select committee to investigate the voting irregularities of August 2, 2007 (hereinafter referred to as the ''select committee''). The select committee shall be comprised of 6 Members, of which 3 Members shall be appointed by the Speaker and 3 by the Minority Leader. The select committee shall—

(A) investigate the circumstances surrounding the record vote requested by the gentleman from California (Mr. Lewis) on the motion to recommit to H.R. 3161, including the Chair's ruling over the objections of the Parliamentarian;

(B) make an interim report to the House not later than September 30, 2007 and a final report not later than September 15, 2008—

(i) regarding the actions of any Members, officers, or employees of the House engaged in the disenfranchisement of Members in voting on the question; and

(ii) recommending changes to the rules and procedures of the House of Representatives necessary to protect the voting rights of constitutionally elected Members chosen by the people of the United States of America.

(3) The select committee shall have the same powers to obtain testimony and documents pursuant to subpoena as authorized under clause 2(m) of rule XI.

□ 1845

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

Pursuant to rule IX, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Maryland (Mr. HOYER) or his designee each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

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

I think the resolution that I offer outlines pretty clearly the promises that have been made and the promises I believe that have been broken over the course of the last 7 months. What we seek here is to understand exactly what did happen last night and to what extent changes in the rules need to be made to ensure that all Members are treated fairly.

As was stated in the resolution, myself and my colleagues in the minority believe that, in fact, we won the motion to recommit last night. We asked to bring this resolution that a select committee do, in fact, be impaneled, three Members from each side of the aisle to understand clearly what happened, but also to understand whether there are any changes in the rules that need to be made in order to ensure that all Members are treated fairly.

I and others have begun to believe that there's been a pattern of abuse that has occurred over the last several months. In many of these occurrences it appears the Chair is operating on their own, with little regard to the recommendations of the Parliamentarian. The Parliamentarians are here to preserve the precedents of the House and to ensure that all Members are treated fairly.

And as we watched the tape from last night, we watched from activities earlier this week, watched activities, frankly, earlier today that a pattern of activity continues to occur, and I believe that it's important for this select committee that, if it is created, to not only understand what happened last night, but to understand clearly are there any other changes that need to be made to ensure that all Members' voices are, in fact, heard.

We outline a select committee, we outline a timing for an interim report, but it's something that I believe would be in the best interests of the House, and I would urge my colleagues to support the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. HOYER. Madam Speaker, we had a conversation on the floor of the House today with reference to this matter. I introduced a resolution to investigate this matter. The minority leader asked me to withdraw that resolution. I withdrew it.

The minority leader then asked me to have a meeting with himself and Mr. BLUNT, and Mr. CLYBURN attended that meeting. We discussed the incident of last night, we discussed proceeding to do the people's business, and what would be the conduct today.

The minority leader suggested that I have a member of my staff contact a member of his staff to discuss the creation of this select committee. That was just a few hours ago. Those discussions have not begun obviously and may not begin.

The minority leader talks about patterns. I think this is a pattern. I'm deeply disappointed, not by the resolution itself; although, we think the facts that are stated in the resolution are incorrect. I want to tell every Member of this House that I do not believe that there was any wrongdoing by any party yesterday. I do believe that there was a mistake made. I said that this morning. I repeat that this afternoon, and I regret it. I regret it because that mistake, understandably, angered those who perceived themselves disadvantaged by that mistake. I have a disagreement with the conclusion in here that has been again stated by the minority leader that I think would be disproved by any investigation that occurs.

There was never a call of the vote prevailing at 215–213 with a Republican motion to recommit prevailing. There was never a call by the Chair of that vote, period.

I observed, to the minority leader, that for 2 hours and 45 minutes I sat on this floor, actually, I'm not good at sitting on this floor. I walked around and talked to a lot of Members. For 2 hours and 45 minutes, my side was prevailing; not for 5 minutes, not for 2 minutes, not for 1 minute, as was the case last night. For 2 hours and 45 minutes, my side was prevailing, and the vote lasted another 10 minutes. It was referred to on ''60 Minutes'' last Sunday.

Now, historically, in the last 12 years, let me tell you what my friends' actions would have been on this motion. Immediately you would have moved to table. I do not do that. I do not accept the premises in your resolution, but I welcome the investigation. I applaud coming to the bottom of what happened because I know what happened.

Now, I wasn't looking behind me; I was looking at the Chair. But I've been informed of what happened, and what happened is eight people changed their votes. Three were Republicans, five were Democrats. There were 428 people who voted last night during that series of three votes. Every time the vote was called, 428 people voted. And the Chair called the vote at 214–214, which as all of you know adds up to 428. So every Member of the House had voted. No one was excluded. But some changed their vote on your side, and then some changed their vote on my side. And so the vote ended up and was finally called at 212–216, and we prevailed.

Now, as I said this morning, I understand the anger that existed and the sense of unfairness that was felt because, on the board electronically, when one of the changes came forward switching from one of the 214 to one of the 215 and reducing the 214 to 213, that was immediately reflected on the electronic board as the Speaker was announcing the vote, and so you were angry. I don't blame you. For 2 hours and 45 minutes as we sat on the prevailing side, the winning side, having more votes than your side, the vote was not closed. So I empathize with the sense of anger and frustration that you have.

And so what did I do? I didn't do what one of your former leaders did, just shrugged my shoulders and said, well, that's the way it goes, folks. I went to that rostrum, and I said we ought to vacate this vote and we ought to give everybody a fair shot at making sure the result is what those 428 votes want to do, because I understood that you had a sense of being wronged, and I wanted, to the extent I could, to try to right that wrong.

So I asked unanimous consent that that vote be vacated. There were many objections on your side of the aisle. I'm not sure why. You thought the vote was improperly cast. I know my friend, and everybody knows he's my friend, but we have a deep disagreement on this conclusion. Mr. BLUNT believes that you won 215–213. We were ahead for 2 hours and 45 minutes. We didn't prevail. Why? Because the Speaker did not call the vote, and the Speaker didn't call the vote at the 215–213 margin. He called it at 214–214; you're absolutely right. But then he said, no, I was premature because there were changing votes, and so that vote was not finalized. You're absolutely right. The vote that was finalized was the accurate vote, 212 for your resolution and 216 against your resolution.

Now, one of those 216, of course, was the minority leader. He switched so he could make the motion, I presume, to reconsider, but it was not necessary for him to do that. I wanted, as I said, to try to make this right because, as I said on Tuesday night, and I repeated this morning, I want to try to have a civil relationship.

□ 1900

I work with a lot of you in this House on that side of the aisle. I like a lot of you on that side of the aisle. Some of you I do not know as well as I know others. More importantly than that, this is about my 40th year in legislative office, and I believe that it is important that we say hi to one another, respect one another and have trust in one another.

After you objected to the vacation of the vote, I moved to reconsider the vote, by which we prevailed on your motion to recommit.

I don't know why you didn't vote on that. It passed. We all voted for it on this side. All the Members on this side

voted for it to give you a second chance because you felt the first go-around wasn't fair.

I think it was fair but not appearing so because of the 215–213. Now, this investigation will look into that. As I said, we welcome it. We will not move, therefore, to table.

I have been asked to ask for a unanimous consent to drop all the ''whereas'' clauses but accept the result. I am not going to do that. Let me tell you why I am not going to do it.

I do not accept those ''whereases.'' I think they are factually inaccurate. They were not reviewed by me, and there has been no meeting of our staffs, I say to my friend, the minority leader, which we discussed at approximately 11:30 this morning.

I withdrew my resolution. My expectation was that the minority leader and I would sit down and our staffs would sit down and discuss this matter and determine how best to investigate this. That's what we discussed. There was no discussion about this resolution coming forward. There was no notice to me that this discussion was going forward; and there was a request to me, which I honored, to withdraw my own resolution offered this morning. I am disappointed.

I am not going to oppose this resolution, and we will have an investigation. We will appoint three on our side, and we will appoint three on your side. We will appoint three fair-minded Members who care about this institution. I hope you will do the same.

Madam Speaker, I reserve the balance of my time.

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

Last night, when the gentleman from New York was in the chair and beginning to call the question and the electronic board moved to 215–213, my observation of the well of the House is that there was no one in the well of the House attempting to vote at that moment. It's why my colleagues and I, many of us, believed that we won. I think it's fair to say, many of my colleagues and I feel as though the vote was taken from us.

I understand the disagreement, and I appreciate the gentleman coming to an agreement on this Select Committee to get to the bottom of it.

But this morning's conversation was, well, we will talk about it. I am sorry, we could be talking about it for months.

I wanted to bring this resolution to the floor tonight so that there could be real action on this issue. We don't want to sit around here for months and months and talk about it and never come to some agreement and it's all over and done with. I think our Members want to get to the bottom of it as quickly as possible, and I am glad that the gentleman has agreed with us.

If the gentleman would like to work out some resolution dividing the question on the resolution before us, I would be happy to do it. Because at the end of the day, what we want is we want to get to the bottom of what happened and are there any necessary changes that need to be made in order to protect the rights of all Members.

Madam Speaker, I yield to the minority whip, Mr. BLUNT.

Mr. BLUNT. I thank Mr. BOEHNER for yielding; and I also thank my good friend, the majority leader, for being willing to accept this effort to look at the standards of how we do our business in the House.

In fact, I think many of my friends on our side, and obviously your side as well, want to be sure that the work of the House is done in a way that the American people can be proud of.

I think a lot of the problem that we saw last night, to our side, at least, was another indication of deciding that the normal behavior and the normal rules of the House may not apply any more. Last night's vote, I see some of my friends near the front of their House shaking their head, last night's vote is the only vote I am aware of in the House of Representatives in the 10 years and few months that I have been here that the Clerk did not write down a number which is the official end of the vote and hand it to the Speaker.

The Speaker, in fact, is talking over the Clerk while the Clerk is trying to announce votes are being changed.

If any Member on that side or our side, either one, has ever seen a time in the House when a vote was announced or sees one later today where the paper wasn't filled out and you wait for that paper, I would like to know when that was.

You know, as the whip of the House for the last 4 years, the previous two Congresses, I remember many times thinking that I wanted the vote over; and I remember many times thinking the Clerk is writing too slow, the Clerk is turning around too slow, the Speaker is reading the paper too slow, but I don't remember it ever not happening.

If that had happened, we would not have this problem. The vote on the board has nothing to do with the official tally. The Clerk keeps the official tally.

During that vote, someone said to the Parliamentarian, the Parliamentarians don't run the House, the majority does. Well, that's right. The Parliamentarians don't run the House. But the Parliamentarians provide the continuity of how the House is always run.

This is not the great legislative body it is because every Congress decides how they are going to run things. This isn't the great legislative body it is because those of us who, I think, if 78,000 votes in the entire country would have changed would be in the majority or the minority that we have no rights here. This is not the great legislative body it is because the majority just gets to decide.

Now, there are other instances in recent days when we believe the Parliamentarian gave other advice than was taken. I don't want to create a problem for the Parliamentarian. But I do know that one night this week in debate Members of the House were told that their comments were irrelevant. Now, they might not have been the best comments in the world, they might not have been the most on-target comments in the world, but I never remember anybody in the chair ever before ruling that a Member's comments were irrelevant.

We are not irrelevant here. Just because we are in the minority does not mean we are irrelevant. Just because we have a small difference between our numbers and your numbers doesn't mean we are irrelevant. That doesn't mean that the Speaker can decide to end the votes when they want to, no matter what the traditions have been of the House.

It does mean, when the Speaker ends the vote, whatever the official tally is at that moment, which, by the way, is what the Clerk would write down, should be the official tally.

That's why, I may not be quite to the level of outrage, but that's why I am offended by how that process worked. I have never seen it happen before; I hope to never see it happen again.

If it had happened in the right way, we wouldn't be having this discussion right now. But maybe this discussion also allows us to look at our relationships with each other, our relationship with the Parliamentarian, the job of the Speaker in the chair is to create fairness. It's not to ensure that everything goes so that one side is happy and the other side is not.

I welcome the acceptance of my friend Mr. BOEHNER's resolution by the majority leader and, I assume, the majority. I look forward to the report. I hope this creates a moment when we all begin to think about what we are doing here and how we are doing it and the obligations we owed each other.

This is not a one-sided street. I understand that. Respect for each other, appreciation for each other, respect for the way business has been done here for a long time is an important part of what we all need to work to achieve, and hopefully this helps get that done.

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

Mr. HOYER. Madam Speaker, I want to take the leader up on his offer, and I don't want to argue the facts more than we have done. Mr. BLUNT knows I disagree with the conclusions he has just expressed. We discussed our disagreements in my office just a few hours ago.

I want to take the leader up on his offer. And pursuant to that, I would ask unanimous consent that the Chair be permitted to divide the question of agreeing to House Resolution 611 between agreeing to the resolution and agreeing to the preambles.

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

There was no objection.

Mr. HOYER. The preambles are your conclusions. I would therefore, with the question divided, I would hope, very frankly, Mr. Leader, as my resolution did, it did not make conclusions. It simply asserted that we ought to look into the matter. Your resolve clause says that. We will support that, but we will not support the conclusions.

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

Mr. BOEHNER. Madam Speaker, I appreciate the work of the majority leader, and for the benefit of all Members basically, the motion that the gentleman offers would strike the ''whereases'' contained in the resolution and leave the resolved clauses in place.

I appreciate his support and hope this will allow us to move on.

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

The SPEAKER pro tempore. Pursuant to the previous order of the House, the Chair will first put the question on the matter following the resolved clause, followed by putting the question on the preamble.

The question is on the resolution.

The resolution was agreed to.

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

The preamble was not agreed to.

A motion to reconsider was laid on the table.

□ 1915

IMPROVING FOREIGN INTELLIGENCE SURVEILLANCE TO DEFEND THE NATION AND THE CONSTITUTION ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3356) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain electronic surveillance.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving Foreign Intelligence Surveillance to Defend the Nation and the Constitution Act of 2007''.

SEC. 2. PURPOSE.

The purpose of this Act is to facilitate the acquisition of foreign intelligence information by providing for the electronic surveillance of persons reasonably believed to be outside the United States pursuant to methodologies proposed by the Attorney General, reviewed by the Foreign Intelligence Surveillance Court, and applied by the Attorney General without further court approval, unless otherwise required under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SEC. 3. ADDITIONAL PROCEDURE FOR AUTHORIZING CERTAIN ELECTRONIC SURVEILLANCE.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105 the following:

''CLARIFICATION OF ELECTRONIC SURVEILLANCE OF PERSONS OUTSIDE THE UNITED STATES

''SEC. 105A. Notwithstanding any other provision of this Act, a court order is not required for the acquisition of the contents of any communication between persons that are not located within the United States for the purpose of collecting foreign intelligence information, without respect to whether the communication passes through the United States or the surveillance device is located within the United States.

''ADDITIONAL PROCEDURE FOR AUTHORIZING CERTAIN ELECTRONIC SURVEILLANCE

''SEC. 105B. (a) IN GENERAL.—Notwithstanding any other provision of this title, the Attorney General, upon the authorization of the President, may apply to a judge of the court established under section 103(a) for an ex parte order, or an extension of an order, authorizing electronic surveillance for periods of not more than 1 year, for the purpose of acquiring foreign intelligence information, in accordance with this section.

''(b) APPLICATION.—

''(1) SPECIFIC PERSONS AND PLACES NOT REQUIRED.—An application for an order, or extension of an order, submitted under subsection (a) shall not be required to identify—

''(A) the persons, other than a foreign power, against whom electronic surveillance will be directed; or

''(B) the specific facilities, places, premises, or property at which the electronic surveillance will be directed.

''(2) CONTENTS.—An application for an order, or extension of an order, submitted under subsection (a) shall include—

''(A) a statement that the electronic surveillance is directed at persons reasonably believed to be outside the United States;

''(B) the identity of the Federal officer seeking to conduct such electronic surveillance;

''(C) a description of—

''(i) the methods to be used by the Attorney General to determine, during the duration of the order, that there is a reasonable belief that the targets of the electronic surveillance are persons outside the United States; and

''(ii) the procedures to audit the implementation of the methods described in clause (i) to achieve the objective described in that clause;

''(D) a description of the nature of the information sought, including the identity of any foreign power against whom electronic surveillance will be directed; and

''(E) a statement of the means by which the electronic surveillance will be effected and such other information about the surveillance techniques to be used as may be necessary to assess the proposed minimization procedures.

''(c) APPLICATION APPROVAL; ORDER.—

''(1) APPLICATION APPROVAL.—A judge considering an application for an order, or extension of an order, submitted under subsection (a) shall approve such application if the Attorney General certifies in writing under oath, and the judge upon consideration of the application determines, that—

''(A) the acquisition does not constitute electronic surveillance within the meaning of paragraph (1) or (3) of section 101(f);

''(B) the methods described by the Attorney General under subsection (b)(2)(B)(i) are reasonably designed to determine whether the persons are outside the United States;

''(C) a significant purpose of the electronic surveillance is to obtain foreign intelligence information;

''(D) the proposed minimization procedures meet the definition of minimization procedures under section 101(h).

''(2) ORDER.—A judge approving an application pursuant to paragraph (1) shall issue an order that—

''(A) authorizes electronic surveillance as requested, or as modified by the judge;

''(B) requires a communications service provider, custodian, or other person who has the lawful authority to access the information, facilities, or technical assistance necessary to accomplish the electronic surveillance, upon the request of the applicant, to furnish the applicant forthwith with such information, facilities, or technical assistance in a manner that will protect the secrecy of the electronic surveillance and produce a minimum of interference with the services that provider, custodian, or other person is providing the target of electronic surveillance;

''(C) requires such communications service provider, custodian, or other person, upon the request of the applicant, to maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished;

''(D) directs the Federal Government to compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to such order; and

''(E) directs the applicant to follow the minimization procedures as proposed or as modified by the court.

''(3) ASSESSMENT OF COMPLIANCE WITH MINIMIZATION PROCEDURES.—At or before the end of the period of time for which electronic surveillance is approved by an order or an extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

''(d) GUIDELINES FOR SURVEILLANCE OF UNITED STATES PERSONS.—Not later than 15 days after the date of the enactment of this section, the Attorney General shall establish guidelines that are reasonably designed to ensure that an application is filed under section 104, if otherwise required by this Act, when the Attorney General seeks to initiate electronic surveillance, or continue electronic surveillance that began under this section, of a United States person.

''(e) SUBMISSION OF ORDERS, GUIDELINES, AND AUDITS.—

''(1) ORDERS.—Upon the entry of an order under subsection (c)(2), the Attorney General shall submit to the appropriate committees of Congress such order.

''(2) GUIDELINES.—Upon the establishment of the guidelines under subsection (d), the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) such guidelines.

''(3) AUDITS.—Not later than 60 days after the date of the enactment of this section, and every 60 days thereafter until the expiration of all orders issued under this section, the Inspector General of the Department of Justice shall complete an audit on the compliance with the guidelines established under subsection (d) and shall submit to the appropriate committees of Congress, the Attorney General, the Director of National Intelligence, and the court established under section 103(a)—

''(A) the results of such audit;

''(B) a list of any targets of electronic surveillance under this section determined to be in the United States; and

''(C) the number of persons in the United States whose communications have been intercepted under this section.

''(f) IMMEDIATE EMERGENCY AUTHORIZATION.—