

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. UDALL of Colorado. Mr. Speaker, as a member of the Air Force Academy's Board of Visitors, I have been participating in a meeting of that board here in Washington, DC.

Earlier today, I left the floor to return to that meeting and as a result was not present to vote on rollcall No. 976, on the motion to suspend the rules and pass H. Res. 549, recognizing the importance of America's Waterway Watch program.

Had I been present for that vote, I would have voted "yea."

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had agreed to a resolution of the House of the following title.

H. Con. Res. 193. Concurrent resolution recognizing all hunters across the United States for their continued commitment to safety.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106.

Mr. LARSEN of Washington. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 106.

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

There was no objection.

RESTORE ACT OF 2007

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 746, I call up the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3773

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective Act of 2007" or "RESTORE Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Clarification of electronic surveillance of non-United States persons outside the United States.
- Sec. 3. Procedure for authorizing acquisitions of communications of non-United States persons located outside the United States.
- Sec. 4. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States.
- Sec. 5. Oversight of acquisitions of communications of non-United States persons located outside of the United States.

Sec. 6. Foreign Intelligence Surveillance Court en banc.

Sec. 7. Audit of warrantless surveillance programs.

Sec. 8. Record-keeping system on acquisition of communications of United States persons.

Sec. 9. Authorization for increased resources relating to foreign intelligence surveillance.

Sec. 10. Reiteration of FISA as the exclusive means by which electronic surveillance may be conducted for gathering foreign intelligence information.

Sec. 11. Technical and conforming amendments.

Sec. 12. Sunset; transition procedures.

SEC. 2. CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

Section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

“CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES

“SEC. 105A. (a) FOREIGN TO FOREIGN COMMUNICATIONS.—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 United States persons and 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.

“(b) COMMUNICATIONS OF NON-UNITED STATES PERSONS OUTSIDE OF THE UNITED STATES.—Notwithstanding any other provision of this Act other than subsection (a), electronic surveillance that is directed at the acquisition of the communications of a person that is reasonably believed to be located outside the United States and not a United States person for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting that person shall be conducted pursuant to—

“(1) an order approved in accordance with section 105 or 105B; or

“(2) an emergency authorization in accordance with section 105 or 105C.”

SEC. 3. PROCEDURE FOR AUTHORIZING ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.

Section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

“PROCEDURE FOR AUTHORIZING ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES

“SEC. 105B. (a) IN GENERAL.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly apply to a judge of the court established under section 103(a) for an ex parte order, or the extension of an order, authorizing for a period of up to one year the acquisition of communications of persons that are reasonably believed to be located outside the United States and not United States persons for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting those persons.

“(b) APPLICATION INCLUSIONS.—An application under subsection (a) shall include—

“(1) a certification by the Director of National Intelligence and the Attorney General that—

“(A) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States;

“(B) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

“(C) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications; and

“(D) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)); and

“(2) a description of—

“(A) the procedures that will be used by the Director of National Intelligence and the Attorney General during the duration of the order to determine that there is a reasonable belief that the targets of the acquisition are persons that are located outside the United States and not United States persons;

“(B) the nature of the information sought, including the identity of any foreign power against whom the acquisition will be directed;

“(C) minimization procedures that meet the definition of minimization procedures under section 101(h) to be used with respect to such acquisition; and

“(D) the guidelines that will be used to ensure that an application is filed under section 104, if otherwise required by this Act, when the Federal Government seeks to conduct electronic surveillance of a person reasonably believed to be located in the United States.

“(c) SPECIFIC PLACE NOT REQUIRED.—An application under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

“(d) REVIEW OF APPLICATION.—Not later than 15 days after a judge receives an application under subsection (a), the judge shall review such application and shall approve the application if the judge finds that—

“(1) the proposed procedures referred to in subsection (b)(2)(A) are reasonably designed to determine whether the targets of the acquisition are located outside the United States and not United States persons;

“(2) the proposed minimization procedures referred to in subsection (b)(2)(C) meet the definition of minimization procedures under section 101(h); and

“(3) the guidelines referred to in subsection (b)(2)(D) are reasonably designed to ensure that an application is filed under section 104, if otherwise required by this Act, when the Federal Government seeks to conduct electronic surveillance of a person reasonably believed to be located in the United States.

“(e) ORDER.—

“(1) IN GENERAL.—A judge approving an application under subsection (d) shall issue an order—

“(A) authorizing the acquisition of the contents of the communications as requested, or as modified by the judge;

“(B) requiring the communications service provider or custodian, or officer, employee, or agent of such service provider or custodian, who has authorized access to the information, facilities, or technical assistance necessary to accomplish the acquisition to provide such information, facilities, or technical assistance necessary to accomplish the