

Udall (CO)	Wasserman	Welch (VT)
Udall (NM)	Schultz	Wexler
Van Hollen	Waters	Woolsey
Velázquez	Watson	Wu
Visclosky	Watt	Wynn
Walz (MN)	Waxman	Yarmuth
	Weiner	

## NAYS—196

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

## NOT VOTING—12

Carson	Jindal	McKeon
Castor	Johnson, E. B.	Tancredo
Delahunt	Kirk	Wilson (OH)
Holt	Marchant	Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1218

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. MUSGRAVE. Mr. Speaker, on rollcall No. 975, I inadvertently voted “yea” and intended to vote “nay.”

# RECOGNIZING THE IMPORTANCE OF AMERICA'S WATERWAY WATCH PROGRAM

The SPEAKER pro tempore (Mr. PAS-TOR). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 549, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 549.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 11, as follows:

[Roll No. 976]

YEAS—420

Abercrombie	Capuano	Everett
Ackerman	Cardoza	Fallin
Akin	Carnahan	Farr
Alexander	Carney	Fattah
Allen	Carter	Feeney
Altmire	Castle	Ferguson
Andrews	Chabot	Filner
Arcuri	Chandler	Flake
Baca	Clarke	Forbes
Bachmann	Clay	Fortenberry
Bachus	Cleaver	Fossella
Baird	Clyburn	Fox
Baker	Coble	Frank (MA)
Baldwin	Cohen	Franks (AZ)
Barrett (SC)	Cole (OK)	Frelinghuysen
Barrow	Conaway	Gallegly
Bartlett (MD)	Conyers	Garrett (NJ)
Barton (TX)	Cooper	Gerlach
Bean	Costa	Giffords
Becerra	Costello	Gilchrest
Berkley	Courtney	Gillibrand
Berman	Cramer	Gingrey
Berry	Crenshaw	Gohmert
Biggert	Crowley	Gonzalez
Bilbray	Cubin	Goode
Bilirakis	Cuellar	Goodlatte
Bishop (GA)	Culberson	Gordon
Bishop (NY)	Cummings	Granger
Bishop (UT)	Davis (AL)	Graves
Blackburn	Davis (CA)	Green, Al
Blumenauer	Davis (IL)	Green, Gene
Blunt	Davis (KY)	Grijalva
Boehner	Davis, David	Gutierrez
Bonner	Davis, Lincoln	Hall (NY)
Bono	Davis, Tom	Hall (TX)
Boozman	Deal (GA)	Hare
Boren	DeFazio	Harman
Boswell	DeGette	Hastert
Boucher	Delahunt	Hastings (FL)
Boustany	DeLauro	Hastings (WA)
Boyd (FL)	Dent	Hayes
Boyd (KS)	Diaz-Balart, L.	Heller
Brady (PA)	Diaz-Balart, M.	Hensarling
Brady (TX)	Dicks	Herger
Braley (IA)	Dingell	Herseth Sandlin
Broun (GA)	Doggett	Higgins
Brown (SC)	Donnelly	Hill
Brown, Corrine	Doolittle	Hinche
Brown-Waite,	Doyle	Hinojosa
Ginny	Drake	Hirono
Buchanan	Dreier	Hobson
Burgess	Duncan	Hodes
Burton (IN)	Edwards	Hoekstra
Butterfield	Ehlers	Holden
Buyer	Ellison	Holt
Calvert	Ellsworth	Honda
Camp (MI)	Emanuel	Hooey
Campbell (CA)	Emerson	Hoyer
Cannon	Engel	Hulshof
Cantor	English (PA)	Hunter
Capito	Eshoo	Inglis (SC)
Capps	Etheridge	Inslee

Israel	Michaud	Saxton
Issa	Miller (FL)	Schakowsky
Jackson (IL)	Miller (MI)	Schiff
Jackson-Lee	Miller (NC)	Schmidt
(TX)	Miller, Gary	Schwartz
Jefferson	Miller, George	Scott (GA)
Johnson (GA)	Mitchell	Scott (VA)
Johnson (IL)	Mollohan	Sensenbrenner
Johnson, Sam	Moore (KS)	Serrano
Jones (NC)	Moore (WI)	Sessions
Jones (OH)	Moran (KS)	Sestak
Jordan	Moran (VA)	Shadegg
Kagen	Murphy (CT)	Shays
Kanjorski	Murphy, Patrick	Shea-Porter
Kaptur	Murphy, Tim	Sherman
Keller	Murtha	Shimkus
Kennedy	Musgrave	Shuler
Kildee	Myrick	Shuster
Kilpatrick	Nadler	Simpson
Kind	Napolitano	Sires
King (IA)	Neal (MA)	Skelton
King (NY)	Neugebauer	Slaughter
Kingston	Nunes	Smith (NE)
Kirk	Oberstar	Smith (NJ)
Klein (FL)	Obey	Smith (TX)
Kline (MN)	Oliver	Smith (WA)
Knollenberg	Ortiz	Snyder
Kucinich	Pallone	Solis
Kuhl (NY)	Pascrell	Souder
LaHood	Pastor	Space
Lamborn	Paul	Spratt
Lampson	Payne	Stark
Langevin	Pearce	Stearns
Lantos	Pence	Stupak
Larsen (WA)	Perlmutter	Sullivan
Larson (CT)	Peterson (MN)	Sutton
Latham	Peterson (PA)	Tanner
LaTourette	Petri	Tauscher
Lee	Pickering	Taylor
Levin	Pitts	Terry
Lewis (CA)	Platts	Thompson (CA)
Lewis (GA)	Poe	Thompson (MS)
Lewis (KY)	Pomeroy	Thornberry
Linder	Porter	Tiahrt
Lipinski	Price (GA)	Tiberi
LoBiondo	Price (NC)	Tierney
Loeb sack	Pryce (OH)	Towns
Lofgren, Zoe	Putnam	Turner
Lowey	Radanovich	Udall (NM)
Lucas	Rahall	Upton
Lungren, Daniel	Ramstad	Van Hollen
E.	Rangel	Velázquez
Lynch	Regula	Visclosky
Mack	Rehberg	Walberg
Mahoney (FL)	Reichert	Walden (OR)
Maloney (NY)	Renzi	Walsh (NY)
Manzullo	Reyes	Walz (MN)
Markey	Reynolds	Wamp
Marshall	Richardson	Wasserman
Matheson	Rodriguez	Schultz
Matsui	Rogers (AL)	Waters
McCarthy (CA)	Rogers (KY)	Watson
McCarthy (NY)	Rogers (MI)	Watt
McCaul (TX)	Rohrabacher	Waxman
McCollum (MN)	Ros-Lehtinen	Weiner
McCotter	Roskam	Welch (VT)
McCrery	Ross	Weldon (FL)
McDermott	Rothman	Weller
McGovern	Roybal-Allard	Westmoreland
McHenry	Royce	Wexler
McHugh	Ruppersberger	Whitfield
McIntyre	Rush	Wicker
McMorris	Ryan (OH)	Wilson (NM)
Rodgers	Ryan (WI)	Wilson (SC)
McNerney	Salazar	Wolf
McNulty	Sali	Woolsey
Meek (FL)	Sánchez, Linda	Wu
Meeks (NY)	T.	Wynn
Melancon	Sanchez, Loretta	Yarmuth
Mica	Sarbanes	Young (FL)

## NOT VOTING—11

Aderholt	Johnson, E. B.	Udall (CO)
Carson	Marchant	Wilson (OH)
Castor	McKeon	Young (AK)
Jindal	Tancredo	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1228

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

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