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Reyes Statement on the FISA Amendments Act of 2008

Washington, D.C. – *Congressman Silvestre Reyes, D-TX, Chairman of the House Permanent Select Committee on Intelligence, delivered the following statement on the floor of the U.S. House of Representatives today regarding H.R. 3773, the FISA Amendments Act of 2008:*

“Mr. Speaker, I am proud to rise today in support of H.R. 3773, the FISA Amendments Act of 2008, and I yield myself such time as I may consume.

“This bill arms our intelligence community with powerful new tools to track and identify terrorist targets outside the United States. At the same time, it restores essential constitutional protections for Americans that were sharply eroded when the President signed into law the Protect America Act last August.

“We have put the security of Americans first and foremost, with close attention to their constitutional rights. We have also included provisions to allow companies that acted lawfully to make that argument to the courts. If they did nothing wrong, as they claim, then they will be immune from suit.

“Title I of this bill ensures that the government does not need to get an individualized warrant when it targets communications of targets overseas. This is the central problem the Administration cited with FISA in August, and we have fixed it.

“Let me be clear, this bill does not require individual warrants for foreign terrorists before surveillance can begin.

“It does require the FISA Court to ensure that the procedures that the government uses to identify foreign targets are designed to protect the rights of Americans. This independent, front-end review is necessary to ensure that the rights of Americans are being properly protected before any violations occur. However, we also provide a generous emergency provision – at least 30 days – so that surveillance can begin in an emergency, before the government has to go get approval from the court.

“In Title II, we address the issue of the lawsuits filed against the telecom companies who allegedly participated in the President’s warrantless surveillance program. This bill allows the courts to carefully safeguard classified information – under well established protocols – that the companies may

wish to use to defend their actions. This will allow the companies to defend themselves. If they are innocent, they will face no damage. If they broke the law, they will be held to account. But this issue will be decided by a court.

“Title III of this bill establishes a bipartisan national commission to investigate warrantless wiretapping. I believe that the nation is deeply concerned about what has gone on for the last seven years, and I want to restore some of the trust in the intelligence community. Title III is designed to do just that – by bringing these things into the light in a careful and bipartisan way. The American people deserve to know the truth about what has happened.

“We’ve got lots of rhetoric and no solutions from my colleagues on the other side of the aisle. While my colleagues have been politicizing the FISA issue, we’ve been actually working on legislation. While they were engaged in rhetorical attacks, we were doing our constitutional duty, trying to craft reasonable, responsible legislation. Of course, we invited them into this process, but they refused.

“Our bill is a strong and responsible piece of legislation.

“I urge my colleagues to vote ‘yes.’”