



House Permanent Select Committee on Intelligence

Congressman Silvestre Reyes, Chairman

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House Intelligence Committee Passes the RESTORE Act

Washington, D.C. -- The House Permanent Select Committee on Intelligence voted 12-7 today to send the RESTORE Act (H.R. 3773) to the floor of the U.S. House of Representatives for consideration. A vote on the measure by the full House is expected next week. All Committee Democrats supported the measure.

The RESTORE Act updates the Foreign Intelligence Surveillance Act (FISA) and provides additional surveillance tools to the intelligence community to track terrorists and weapons proliferators, while protecting innocent Americans from warrantless eavesdropping.

Specifically, the legislation would clarify that no court order is required when the government acquires communications between two individuals outside the United States. The legislation does not change the current legal requirement for an individual court order, based on probable cause, when targeting a U.S. person.

The legislation also puts the FISA Court back in the process of supervising surveillance between foreign targets and Americans. The legislation also requires that the Inspector General of the Justice Department audit the Bush Administration's warrantless surveillance programs.

"We've put the FISA Court back in business after President Bush and Vice President Cheney secretly put it out of business six years ago," said Silvestre Reyes, Chairman of the House Intelligence Committee. "This bill gives strong tools to our intelligence professionals while upholding Constitutional protections for all Americans."

The Committee approved three amendments:

Congresswoman Jan Schakowsky of Illinois – The Schakowsky amendment requires that the FISA Court approve guidelines to ensure that an individual FISA Court Order is sought when "the significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States."

Congressman James Langevin of Rhode Island, Congressman Rush Holt of New Jersey, and Congressman John Tierney of Massachusetts – The Langevin/Holt/Tierney amendment requires that the FISA Court assess compliance, on a quarterly basis, with the

guidelines that the Administration uses to determine the targets of a “basket order” and with the procedures it uses to protect the civil liberties of U.S. persons.

Congressman Rush Holt – The Holt amendment expands the FISA Court from 11 to 15 judges, adds resources and personnel for the FISA process, mandates more efficient electronic filing of FISA orders, reaffirms the exclusivity of FISA, and requires the President to disclose to Congress information and documents regarding the warrantless surveillance programs.

The Committee rejected an amendment by Ranking Member Congressman Pete Hoekstra of Michigan to permanently extend the “Protect America Act,” the Administration’s surveillance bill that passed in August, and to grant retroactive immunity to telecommunications companies involved in the President’s warrantless surveillance programs.

Chairman Reyes explained that the rejection of this amendment is due to the failure of the White House to first provide documents that would reveal the nature and extent of the President’s warrantless surveillance programs. “Before you can forgive someone,” Chairman Reyes stated, “you need to know what you are forgiving.”