

Center for Democracy and Technology Supports RESTORE Act  
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The RESTORE Act is undeniably better than current law. CDT urges Members to vote for the RESTORE ACT as a significant improvement over the Protect America Act and a significant step forward in restoring our civil liberties.

- The RESTORE Act provides for a substantial amount of judicial review of intelligence surveillance, restoring checks and balances that were eliminated in August in the Protect America Act (PAA).
- Under the RESTORE Act, the FISA court has the authority to review and approve or disapprove the procedures that the NSA will use in targeting people abroad who may be communicating with people in the U.S. This is an IMPROVEMENT over the PAA, which has no prior court review at all.
- Under the RESTORE Act, the Foreign Intelligence Surveillance Court also reviews and can approve or disapprove the MINIMIZATION guidelines that are intended to control the dissemination of intelligence reports containing information that identifies a US Citizen or lawful permanent resident. The PAA does not allow the court to review the minimization procedures.
- The RESTORE Act empowers the Foreign Intelligence Surveillance Court to review not only the guidelines themselves, but whether the government is COMPLYING with those guidelines. It requires quarterly reports to the court on implementation of the program, so the court can monitor the impact on the rights of Americans.
- The RESTORE Act cleans up the ambiguous language in the PAA that could have been interpreted to allow warrantless access to communications between people in the U.S. that merely “concern” people believed to be abroad.
- The RESTORE Act requires an important AUDIT of the surveillance by the Inspector General of the Department of Justice and reports to go to Congress about the surveillance.
- The RESTORE Act sunsets on December 31, 2009, so Congress can return to the legislation informed by the IG audit and the reports to Congress mandated under the bill.

The RESTORE Act may not be perfect, and many would want to see individualized warrants for interception of calls to and from Americans, but at this time the RESTORE Act is the best chance the House has to improve protection of civil liberties. If the bill fails because it does not have enough votes, a substantially worse bill could pass.

For more information, contact Gregory T. Nojeim (202) 637-9800 x 113.