

SHEILA JACKSON LEE
18TH DISTRICT, TEXAS

WASHINGTON OFFICE:
2435 Rayburn House Office Building
Washington, DC 20515
(202) 225-3816

DISTRICT OFFICE:
1919 SMITH STREET, SUITE 1180
THE GEORGE "MICKEY" LELAND FEDERAL BUILDING
HOUSTON, TX 77002
(713) 655-0050

ACRES HOME OFFICE:
6719 WEST MONTGOMERY, SUITE 204
HOUSTON, TX 77019
(713) 691-4882

HEIGHTS OFFICE:
420 WEST 19TH STREET
HOUSTON, TX 77008
(713) 961-4070

FIFTH WARD OFFICE:
3300 LYONS AVENUE, SUITE 301
HOUSTON, TX 77020

Congress of the United States
House of Representatives
Washington, DC 20515

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CONGRESSWOMAN SHEILA JACKSON LEE, OF TEXAS

**STATEMENT IN SUPPORT OF
NADLER AMENDMENT
TO H.R. 3773**

**“RESPONSIBLE ELECTRONIC SURVEILLANCE THAT IS
OVERSEEN, REVIEWED, AND EFFECTIVE ACT OF 2007”**

OCTOBER 10, 2007

Mr. Chairman, I move to strike the last word and speak in favor of the amendment offered by Mr. Nadler. As Mr. Nadler amply demonstrated, this amendment makes a constructive contribution to this important legislation that already is superior to the misnamed “Protect America Act.”

As Mr. Nadler indicated, under the RESTORE Act, the Administration is required to submit to the FISA court three sets of

procedures/guidelines, none of which were required under the PAA:

1. Procedures to ensure that the targets of surveillance are located outside the United States
2. Minimization procedures to regulate dissemination of information about U.S. persons collected
3. Guidelines to ensure that the government obtains an individualized FISA warrant when the target is located in the United States.

As drafted, the RESTORE Act gives the FISA court the option to assess compliance with #2 and #3 at the time of the original application and at any time during the life of the application.

The Nadler Amendment improves the bill in three ways. First, it *requires* the FISA court to conduct this assessment of compliance (“shall” is substituted for the current permissive draft language “may”). Second, the amendment expands the scope of the assessment to include *all three* of the procedures/guidelines described above, not just #2 and #3. Finally, the amendment removes the limitations on the actions the FISA court can take in conducting this assessment (the current draft limits this assessment to reviews of specific government actions – this amendment would delete that limitation).

The bottom line, Mr. Chairman, is that the Nadler Amendment recognizes the indispensable function of the FISA Court and empowers it to act as an Article III court is expected to do under our

Constitution. Not as a rubber-stamp for the Administration or a bottleneck to protect terrorists but as the validator of the lawful exercise of executive power on the one hand, and the guardian of individual rights and liberties on the other.

For these reasons, I urge the adoption of this amendment.
Thank you, Mr. Chairman. I yield back the remainder of my time.