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Reyes Announces Intention to Hold Hearings on FISA

Washington, D.C. – Congressman Silvestre Reyes (D-TX), Chairman of the House Permanent Select Committee on Intelligence, released the following statement today announcing plans to hold a series of Intelligence Committee hearings on the Foreign Intelligence Surveillance Act (FISA):

“Last week, Director of National Intelligence (DNI) Mike McConnell wrote an op-ed urging Congress to rewrite the Foreign Intelligence Surveillance Act (FISA), the law that governs how the government conducts surveillance on communications inside the United States.

“Since FISA was enacted, Congress has updated the law more than fifty times and, since 9/11, Congress has updated the law in at least a dozen different ways. We support having the most modern, up-to-date tools to track terrorist communications.

“At issue today is whether current laws and practices are adequate to track terrorist communications, and if they are not, how to change those practices and laws. The key question is: whether proposed changes to the FISA system enhance our ability to intercept the communications of terrorists without compromising the liberties of Americans, which FISA was designed to protect.

“One of the DNI’s proposals is to grant immunity to individuals who and companies that facilitated electronic surveillance activities that were part of the NSA surveillance program disclosed by the President in December 2005. Before granting immunity for any activities, it will be important to review what those activities were, what was the legal basis for those activities, and what would be the impact of a grant of immunity.

“Therefore, today I am announcing a series of hearings on the important issue of surveillance practices by the Executive Branch and proposals to alter the laws governing surveillance of Americans.

“These hearings will begin in June and will focus on the following important questions:

- * What surveillance activities has the President authorized under the NSA surveillance program disclosed in December 2005? What was the legal basis for these activities, and how did those activities change since the inception of the program? What activities are occurring today?
- * How does the current FISA system operate? Can this system be improved?

* Are current legal authorities adequate for tracking terrorist communications, or are changes to the law required?

* Whether current and proposed legal authorities adequately protect the Fourth Amendment rights of Americans.

“As the Committee considers these issues, it will be important to receive testimony from the following individuals:

* Attorney General Alberto Gonzales

* Former Attorney General John Ashcroft and former Deputy Attorney General Jim Comey

* Former NSA Director and current CIA Director Michael Hayden

* Judges of the FISA Court

* DNI Mike McConnell, NSA Director Keith Alexander, FBI Director Robert Mueller, and relevant officials from the Office of Intelligence Policy Review (OIPR) at the Department of Justice.

* Outside experts and organizations who have studied surveillance policies and laws, including civil liberties organizations, former practitioners, and academics.

“Certain hearings may have to occur in closed session, but a major hearing on legislative proposals – featuring Administration witnesses and outside experts – will occur in open session. Changes to public laws should be debated in public.

“I will not prejudge the outcome of these hearings. We need the facts about what has occurred in the past to inform us where we should go in the future.”