

Washington, D.C. - Congressman David Price (D-NC) today issued the following statement on his opposition to the Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2008 ([H.R. 6304](#)).

"By circumventing the FISA court and authorizing warrantless wiretaps on Americans, President Bush made an end run around the judicial checks on the power of the executive branch that are necessary to protect the rights of Americans. The bill before the House today to amend the Foreign Intelligence Surveillance Act goes a long way toward addressing the serious flaws in the President's warrantless wiretapping program and ensuring that no president can ever again assert unaccountable authority to conduct surveillance.

"The FISA compromise will require that surveillance on Americans be conducted under a court-issued warrant, that there be stringent guidelines for the targeting of foreign subjects to prevent unjustified surveillance of law abiding Americans, and that the executive branch provide extensive and detailed reports to Congress on previous and ongoing surveillance activities. Importantly, it stipulates that FISA and specific chapters of Title 18 are the exclusive means by which electronic surveillance and certain criminal law interceptions may be conducted, thereby preventing the executive branch from claiming an unchecked power to conduct surveillance on any other basis.

"Unfortunately, the bill also contains a provision that will make it nearly impossible for Americans who were the victims of warrantless wiretapping to have their day in court. Instead, this bill directs a federal judge to dismiss such lawsuits if the Attorney General can produce documents showing that the Administration asked the companies to participate and claimed in writing that such cooperation was lawful. Because of this significant flaw in the bill, I voted against it."

"I supported an earlier House bill ([H.R. 3773](#)) that, while establishing the same protections against future wiretapping abuses as today's bill, would not have granted retroactive immunity to telecommunications companies facing lawsuits from their customers. H.R. 3773 would have permitted federal courts to hear classified evidence in the context of civil lawsuits to ensure that the companies were able to mount a defense. This would have given both aggrieved customers and the companies their day in court, while the bill approved by the House today sets the unfortunate precedent of preempting the authority of the courts."

STATEMENT ON THE FOREIGN INTELLIGENCE SURVEILLANCE BILL

June 20, 2008

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