

Myths and Facts About the RESTORE Act

Myth: *The RESTORE Act gives Fourth Amendment rights to terrorists who may have come into the United States under a visa and overstayed their visa.*

Fact: False. The RESTORE Act does not alter the definition of U.S. Person in FISA, which includes U.S. citizens or persons lawfully admitted *for permanent residence* (i.e., Green Card holders.) There is no right or privilege conferred on temporary visa holders or illegal aliens.

Myth: *The RESTORE Act would require a “warrant” for listening to calls of terrorists abroad.*

Fact: False. Like the PAA, no individual warrant or court order is required for foreign targets under the RESTORE Act. The Court’s role is to approve procedures to ensure that Americans are not targeted.

Myth: *The RESTORE Act authorizes the blanket surveillance of Americans under so-called “blanket warrants.”*

Fact: False. The RESTORE Act maintains Fourth Amendment protections and does not alter settled law that where an American is targeted, the government must get an individualized warrant. But RESTORE also empowers the Court to approve procedures that ensure that Americans are not targeted for warrantless surveillance.

Myth: *The RESTORE Act requires additional oversight that will unnecessarily delay the collection of foreign intelligence information and may cause us to “go dark” on collection.*

Fact: False. The RESTORE Act allows for immediate collection in emergency situations without obtaining court approval, so we will never go dark. RESTORE puts the FISA Court back in the business of protecting Americans’ private communications. It also mandates meaningful congressional oversight that will ensure that the rights of Americans are protected and that these new authorities will not be abused. And it makes sure that the Intelligence Community will have the resources it needs to satisfy these new requirements.

Myth: *The RESTORE Act limits the collection of information about terrorism and other threats to security.*

Fact: False. The RESTORE Act authorizes the collection of all information related to the national defense, including information about terrorist threats, espionage, and military matters.

Myth: *The legislation is not complete without immunity for telecommunication companies.*

Fact: False. The RESTORE Act protects telecommunications companies that assist the government in carrying out surveillance under its provisions. Members of Congress cannot fairly consider the request for retroactive immunity for participating in the NSA Surveillance Program until the Bush Administration responds to *bipartisan* requests for documents describing the legal authority for the NSA Surveillance. How can Congress grant immunity if it doesn’t know what it is granting immunity for?