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WASHINGTON, D.C. -- Rep. Anna G. Eshoo, D-Palo Alto, yesterday joined several Democratic colleagues on the House Intelligence and Judiciary Committees in introducing H.R. 5371, the Lawful Intelligence and Surveillance of Terrorists in an Emergency by NSA (LISTEN) Act.

The legislation makes clear that any attempt to listen in on Americans or collect telephone or e-mail records must be conducted in accordance with the Foreign Intelligence Surveillance Act of 1978 (FISA), or Title III of the criminal code. In both cases, court warrants based on probable cause are required. The LISTEN Act states that FISA is the exclusive way to conduct electronic surveillance of U.S. persons on U.S. soil for intelligence purposes. It also states that, contrary to the President's views, the Authorization for Use of Military Force in Afghanistan passed by Congress on September 14, 2001, did not constitute authority to engage in electronic surveillance outside of FISA.

Furthermore, the legislation streamlines the ability to conduct surveillance on potential terrorists by providing additional tools to expedite emergency warrant applications, and authorizes funds to incorporate standardization, electronic filing and streamlined review procedures at the NSA and Department of Justice. It also requires the President to ensure that resources are adequate to process warrants, and requires the Administration to comply with FISA at all times.

"Through his domestic spying program, the President is offering the American people a false choice between their security and the protection of the law for all Americans," Eshoo said. "I refuse to believe that we must be forced to sacrifice one for the other, and the LISTEN Act will give the intelligence community additional resources to protect the American people, while ensuring their personal freedoms are fully protected."

[Click here to read the Lawful Intelligence and Surveillance of Terrorists in an Emergency by NSA \(LISTEN\) Act.](#)