

The RESTORE Act (HR 3773) vs. the PAA

RESTORE Act (Conyers-Reyes, introduced Oct 9, 2007)	PAA (Administration bill, signed into law on August 5, 2007)
Prohibits warrantless surveillance of Americans. Requires a Court Order before targeting Americans' phone calls or email.	Contains language that could authorize warrantless surveillance of Americans' homes, offices, medical records, and phone records.
Requires an individual finding of probable cause before conducting surveillance on Americans who are abroad (soldiers, travelers, etc.).	Permits warrantless electronic surveillance of Americans abroad without probable cause.
Clarifies that no Court Order is required for surveillance of conversations where both ends are foreign.	Does not address this issue.
Grants the Attorney General and Director of National Intelligence authority to apply to the FISA Court for an order authorizing electronic surveillance of multiple foreign targets. The FISA Court must review the guidelines and procedures for this surveillance.	FISA Court's review of procedures is only after-the-fact. FISA Court is relegated to a "rubber stamp" because it may only overturn the surveillance procedures if they are "clearly erroneous."
FISA Court must approve minimization procedures.	No FISA Court review of minimization procedures allowed.
<p>Mandates quarterly audits by the Justice Department Inspector General (DOJ IG) on communications collected under this authority and the number of U.S. persons identified in intelligence reports disseminated pursuant to this collection. These audits would be provided to the FISA Court and to Congress (Intelligence and Judiciary Committees).</p> <p>Mandates an IG audit of non-compliance by intelligence agencies.</p> <p>Requires the DOJ IG to conduct an audit of the Administration's warrantless surveillance programs – to include providing authorizations and legal memoranda to Congress.</p>	Only authorizes an audit of non-compliance by intelligence agencies.
Authorizes the FISA Court, at its discretion, to review applications and other matters as a panel (<i>en banc</i>).	No provision for <i>en banc</i> review
Requires the government to submit applications before conducting surveillance (but provides for surveillance to begin immediately in an emergency).	Allows the government to conduct surveillance for 120 days before procedures must be filed with the FISA Court.
Narrows the scope of this new authority to allow surveillance on terrorism and other threats to national security.	Allows warrantless surveillance to collect any type of intelligence, to include information about trade negotiations.
Requires the government to establish a record-keeping system to track instances where information identifying U.S. persons is disseminated.	No such record keeping required.

