



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

February 13, 2008  
(House)

## STATEMENT OF ADMINISTRATION POLICY

### H.R. 5349 – To extend the Protect America Act of 2007 for 21 days

(Rep. Conyers (D) MI)

The Federal Government has no higher responsibility than protecting our citizens from foreign terrorist threats, and the Intelligence Community plays a central role in detecting and preventing terrorist attacks. At this moment, somewhere in the world, terrorists are planning new attacks on our country. Their goal is to bring destruction to our shores that will make September the 11th pale by comparison. To carry out their plans, they must communicate with each other, they must recruit operatives, and they must share information. The lives of countless Americans depend on our ability to monitor these communications. Our intelligence professionals must be able to find out who the terrorists are talking to, what they are saying, and what they're planning. It is essential that the men and women who protect us have the ability to monitor terrorist communications quickly and effectively.

Last August, Congress passed the Protect America Act ("PAA") to help us do that, but Congress set it to expire on February 1, 2008. Congress then passed a temporary 15-day extension of the current law. The President signed that extension to give members of the House and Senate more time to work out their differences. This extension expires on Saturday, February 16, 2008.

Yesterday, February 12, 2008, the Senate approved new legislation that will ensure our intelligence professionals have the tools they need to make us safer – and they did so by a wide, bipartisan majority. The Senate bill will also provide fair and just liability protection for companies that did the right thing and assisted in defending America after the attacks of Nine-Eleven. Liability protection is critical to securing the private sector's cooperation with our intelligence efforts. The Senate has passed a good bill, and has shown that protecting our Nation is not a partisan issue.

Unfortunately, while the Senate has acted, the House has failed to pass a good bill. And now House leaders say they want still more time to reach agreement with the Senate on a final bill. H.R. 5349 is deficient and unacceptable. Rather than follow the bipartisan lead of the Senate and put in place a long-term foundation for our Intelligence Community to monitor terrorist communications under a modernized Foreign Intelligence Surveillance Act, H.R. 5349 would merely extend the PAA by an additional 21 days, without providing retroactive liability protection. Patchwork extensions of critical national security tools do not give our Intelligence Community the long-term certainty they need to do their jobs and protect our Nation. Nor do they give needed certainty to our private partners, whose assistance is so vital to this enterprise. H.R. 5349 fails to recognize that the threat posed by al Qaeda will no more expire in 24 days than it will in three days when the current extension of the PAA lapses. Accordingly, if H.R. 5349 were presented to the President, he would veto the bill.

The House's failure to pass the bipartisan Senate bill will jeopardize the security of our citizens. Without this law, our ability to prevent new attacks will be weakened. And it will become harder for us to uncover terrorist plots. We must not allow this to happen. As the Director of National Intelligence and Attorney General have explained, "[t]he expiration of the authorities in the Protect America Act would plunge critical intelligence programs into a state of uncertainty, which would cause us to delay the gathering of, or simply miss, critical foreign intelligence information. Expiration will result in a degradation of critical tools necessary to carry out our national security mission. Without these authorities, there is significant doubt surrounding the future aspects of our operations."

House members have had over six months to debate and pass a good bill. They have already been given a two-week extension beyond the deadline they set for themselves – and have failed to meet it. It is time for Congress to ensure the flow of vital intelligence is not disrupted. Accordingly, it is time for the House to pass the Senate Bill and thereby provide a long-term foundation to protect our country. And they must do so immediately. The time for debate is over. The time for the House to act is now.

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