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For Immediate Release
Office of the Press Secretary
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Fact Sheet: The Protect America Act of 2007

President Bush Signs Legislation Modernizing Foreign Intelligence Law To Better Protect America

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"We know that information we have been able to acquire about foreign threats will help us detect and prevent attacks on our homeland. Mike McConnell, the Director of National Intelligence, has assured me that this bill gives him the most immediate tools he needs to defeat the intentions of our enemies. And so in signing this legislation today I am heartened to know that his critical work will be strengthened and we will be better armed to prevent attacks in the future."

President George W. Bush, 8/5/07

The Protect America Act Modernizes The Foreign Intelligence Surveillance Act (FISA) To Give Intelligence Professionals The Tools They Urgently Need To Gather Information About Our Enemies, While Protecting The Civil Liberties Of Americans. The Act, passed with bipartisan support in the House and the Senate, restores FISA to its original focus on protecting the rights of Americans, while not acting as an obstacle to conducting foreign intelligence surveillance on foreign targets located overseas.

- **Changes In Technology Since 1978 Had The Effect Of Expanding The Scope Of FISA's Coverage To Include Intelligence Collection Efforts That Congress Excluded From The Law's Requirements.** This unintended expansion of FISA's scope meant the government, in a significant number of cases, needed to obtain a court order to collect foreign intelligence information against a target located overseas. This created an unnecessary obstacle to our Intelligence Community's ability to gain real-time information about the intent of our enemies overseas and diverted scarce resources that would be better spent safeguarding the civil liberties of people in the United States, not foreign terrorists who wish to do us harm.
- **The Government Should Not Have To Obtain A Court Order To Conduct Surveillance On Foreign Intelligence Targets Located In Foreign Countries.** This was not Congress' intent when it enacted FISA. As the Director of National Intelligence stated, continuing to operate under this outdated law meant our intelligence professionals were "missing a significant amount of foreign intelligence that we should be collecting to protect our country."

The Protect America Act Modernizes FISA In Four Important Ways

1. **The Act Permits Our Intelligence Professionals To More Effectively Collect Foreign Intelligence Information On Targets In Foreign Lands Without First Receiving Court Approval.** The Act clarifies that the definition of electronic surveillance in FISA shall not be construed to encompass surveillance directed at a person reasonably believed to be located outside the U.S. This clarification restores FISA to its original intent and means intelligence professionals will not have to go to court in order to collect foreign intelligence on an overseas target who may be planning to attack the U.S.
2. **The Act Provides A Role For The FISA Court In Reviewing The Procedures The Intelligence Community Uses To Ensure That Surveillance Efforts Target Persons Located Overseas.** The Attorney General is required to submit to the FISA court the procedures by which intelligence professionals will determine that the authorized acquisitions of foreign intelligence do not constitute electronic surveillance that is, the procedures by which the government determines that the acquisitions are directed at persons reasonably believed to be outside the United States.
3. **The Act Provides For The FISA Court To Direct Third Parties To Assist The Intelligence Community In Its Collection Efforts.** The Act permits the Director of National Intelligence and the Attorney General to direct third parties to provide the information, facilities, and assistance necessary to conduct surveillance of foreign intelligence targets located overseas.
4. **The Act Protects Third Parties From Private Lawsuits Arising From Assistance They Provide The Government.** No cause of action may be brought in any court against any person for complying with a directive to provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition of foreign intelligence information.

Our Work Is Not Done — This Act Is A Temporary, Narrowly Focused Statute To Deal With The Most Immediate Needs Of The Intelligence Community To Protect The Country. When Congress returns in September, the Intelligence Committees and leaders in both parties will need to complete work on the comprehensive reforms requested by Director of National Intelligence Mike McConnell, including the important issues of providing meaningful liability protection to those who are alleged to have assisted our Nation following the attacks of September 11, 2001.

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