

Protect America Alert:

"It Is Vital That Congress Not Allow The Core Authorities Of The Protect America Act To Expire"

In Testimony Before Congress, Key Officials Say Congress Should Ensure That Our Intelligence Community Can Count On The Critical Tools Provided By The Protect America Act For Years To Come, Address Retroactive Liability Protection For The Private Sector

"Merely Extending The Protect America Act Without Addressing Retroactive Liability Protection For The Private Sector Will Have Far-Reaching Consequences"

Director of National Intelligence Mike McConnell: "Lack of liability protection would make it much more difficult to obtain the future cooperation of the private-sector partners whose help is so vital to our success." "[W]ithout ... retroactive liability protection, [companies'] general counsels, as an obligation ... would tell them not to cooperate with us. ... The tragedy is it would slow our efforts; it would make us less effective. And I would make one other point. American industry ... particularly in this field, leads the world. And so not only is it what they've alleged to have been – to help us in the aftermath of 9/11, but since they lead the world, their insight and abilities and know-how and understanding of technology is what we depend on to be effective on a global scale." (Select Committee On Intelligence, U.S. Senate, Hearing, 2/5/08)

FBI Director Robert Mueller: "My concern is that if we do not have this immunity, we will not have that willing support of the communication carriers." "[I]n protecting the homeland ... it's absolutely essential we have the support, willing support of communication carriers. In this day and age, our ability to gain intelligence on the plans, the plots of those who wish to attack us is dependent upon us obtaining information relating to cell phones, the Internet, e-mail, wire transfers, all of these areas." (Select Committee On Intelligence, U.S. Senate, Hearing, 2/5/08)

CIA Director Michael Hayden: "These are very fragile relationships." "We lost industrial cooperation, at CIA, with partners on the mere revelation of the SWIFT program in public discourse. Not because they were doing anything related to that program whatsoever but just the fear that the vulnerability they would have to their smooth functioning of their business had caused people, who are otherwise patriotic and committed, to back away from their totally lawful cooperation with our agency." (Select Committee On Intelligence, U.S. Senate, Hearing, 2/5/08)

"In The Face Of Continued Threats To Our Nation ... It Is Vital That Congress Not Allow The Core Authorities Of The Protect America Act To Expire"

DNI McConnell: "Expiration of the act would lead to the loss of important tools the intelligence community relies on to discover the plans of those who wish us harm." "The authorities granted by ... the Protect America Act, which temporarily close some gaps in our ability to conduct foreign intelligence, are critical to our intelligence efforts to protect the nation from current threats." (Select Committee On Intelligence, U.S. Senate, Hearing, 2/5/08)

- **"Briefly, some of the most important benefits in the bill that was signed last August include:**
 - "Better understanding of international al Qaeda networks;
 - "More extensive knowledge of individual networks, including personalities and planning for suicide bombers; and
 - "Most importantly, greater insight into terrorist planning that has allowed us to disrupt attacks that intended to target U.S. interests."

"With The Inclusion Of The Proposed Manager's Amendment, Which Would Make Necessary Technical Changes To The Bill, We Strongly Support Passage Of S. 2248"

Attorney General Michael Mukasey and Director of National Intelligence Mike McConnell: "Although it is not perfect, [the Senate Select Committee on Intelligence's bill] contains many important provisions." "First, it would establish a firm, long-term foundation for our intelligence community's efforts to track terrorists and other foreign intelligence targets located overseas. Second, S. 2248 would afford retroactive liability protection to communication service providers that are believed to have assisted the Government with intelligence activities in the aftermath of September 11th." (Attorney General Michael Mukasey and Director of National Intelligence Mike McConnell, Letter To Sen. Harry Reid (D-NV), 2/5/08)

- **The SSCI bill "was developed through a thoughtful process that resulted in a bill that helps ensure that both the lives and the civil liberties of Americans will be safeguarded."**

Attorney General Mukasey and DNI McConnell: "If the President is sent a bill that does not provide the U.S. intelligence agencies the tools they need to protect the nation, the President will veto the bill." "Certain ... amendments have been offered to S. 2248 ... that would undermine significantly the core authorities and immunity provisions of that bill. After careful study, we have determined that those amendments would result in a final bill that would not provide the intelligence community with the tools it needs to collect effectively foreign intelligence information vital for the security of our Nation."