

PRESIDENT, REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

“Let me be clear: Our ability to track and monitor terrorists overseas would not cease should the Protect America Act expire. If this were true, the president would not threaten to terminate any temporary extension with his veto pen. All surveillance currently occurring would continue even after legislative provisions lapsed because authorizations issued under the act are in effect up to a full year.”

*- Richard Clarke, Former Chief NSC Counterterrorism Advisor
under Presidents Bill Clinton and George W. Bush, 2/1/08*

PRESIDENT, REPUBLICANS SLOW DOWN FISA REFORM...

After **slowing down the process by withholding key documents and stonewalling in the Senate**, President Bush and Congressional Republicans are demanding the House take immediate action on a Senate Foreign Intelligence Surveillance Act (FISA) reform **bill that just passed the Senate Tuesday**. The House passed its own bill modernizing FISA, the RESTORE Act, in November 2007.

...THEN REFUSE TO EXTEND THEIR OWN LAW...

Democratic leaders yesterday offered to temporarily extend the Protect America Act – a law drafted by the White House – and to complete action on bipartisan legislation to modernize FISA. Rather than working with Democrats in a bipartisan manner on an issue of national security, **the President played politics by threatening to veto any extension of his own law**.

...WHILE CLAIMING THAT IF THEIR LAW IS NOT IN PLACE, THE COUNTRY IS IN DANGER...

At the same time, President Bush and Republicans claim that anything short of a long-term fix would put the nation in danger. **Clearly, if they believed their own rhetoric, President Bush and Republicans would support an extension of their own law and work to produce a long-term fix**.

...IN FACT, WITHOUT AN EXTENSION, SURVEILLANCE OF TERRORISTS WILL CONTINUE UNHINDERED.

Without extending the Protect America Act, the intelligence community will still have all the tools it needs to continue current surveillance and begin new surveillance on any terrorist threat.

- **The intelligence community has expansive authorizations for wide ranging surveillance that will still be in effect for at least another six months.**

“Even if the President permits the PAA to temporarily lapse, the intelligence community will have the authority not only to continue on-going surveillances for a year but to add other surveillances as long as they are consistent with the existing procedures.”

*- Mort Halperin, Director of U.S. Advocacy for the Open Society Institute, 2/7/08
Prepared by the Office of Majority Leader Steny Hoyer, 2/14/08*

“Kenneth L. Wainstein, assistant attorney general for national security, said in an interview that if the August bill was allowed to expire in 10 days, intelligence officials would still be able to continue eavesdropping on already approved targets for another year under the law.”

- NY Times, 1/23/08

- **The NSA has the authority to conduct surveillance against all known terrorist groups and targets under the PAA.**
- **In the remote chance that a previously unknown terrorist group must be surveilled, we can use FISA. Under FISA, the Attorney General can approve surveillance in minutes. Surveillance can begin immediately and approval of the FISA Court can be obtained within three days.**

“It can happen extremely quickly. We have done it in a very short time, minutes sometimes.”

- James Baker, former Counsel to the Justice Department’s Office of Intelligence Policy and Review under President George W. Bush, 9/18/07, referring to how fast DOJ can approve an emergency FISA application

“If the government learns of new individuals apparently plotting terrorist activities, it can immediately surveil such individuals -- whether they are here or calling here from abroad -- by obtaining a FISA court order... As officials have confirmed to the Congress, the court can issue an order within literally minutes of being asked and such order can be implemented within minutes. Or the government can start surveillance without a court order under the always existing FISA emergency authority.”

- Kate Martin, Director of the Center for National Security Studies, 2/7/08

- **Unlike last summer, there is no backlog of cases to slow down getting surveillance approvals from the FISA court.**

“We’re caught up to all of it now.”

- Mike McConnell, Director of National Intelligence, 2/7/08

- **Under FISA, telecommunications companies want, and can be compelled by the Administration, to help with surveillance.**

Democrats will continue to work on legislation to modernize the Foreign Intelligence Surveillance Act – giving our intelligence community the tools it needs to protect our country while respecting the fundamental rights of American citizens.