



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

January 28, 2008
(House)

STATEMENT OF ADMINISTRATION POLICY

H.R. 5104 – To extend the Protect America Act of 2007 for 30 days

(Rep. Conyers (D) MI and 1 cosponsor)

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. 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, just four days from now. Congress has had almost six months to pass new legislation that will ensure that our Intelligence Community retains the tools it needs to protect the country. H.R. 5104, however, is deficient and unacceptable. Rather than put in place a long-term foundation for our Intelligence Community to monitor terrorist communications under a modernized Foreign Intelligence Surveillance Act, H.R. 5104 would extend the PAA by thirty days, without providing retroactive liability protection for companies believed to have assisted our Nation following the attacks on 9/11. 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. By contrast, currently pending on the Senate floor is S. 2248, a good, bipartisan bill that would give our intelligence professionals certainty that these critical tools will be available for years to come. S. 2248 is not perfect and needs some changes, but it is a fundamentally sound bill that addresses the long-term threat posed by terrorism and provides the just liability protection to those electronic communication service providers who are believed to have assisted the Government in the aftermath of September 11th. H.R. 5104 fails to recognize that the threat posed by al Qaeda will no more expire in 34 days than it will in four days when the PAA expires. Accordingly, if H.R. 5104 were presented to the President, he would veto the bill. The time for Congress to act is now.

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