



OFFICE OF SPEAKER NANCY PELOSI FACT SHEET

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THE FACTS ABOUT FISA:

Surveillance will continue should Protect America Act expire on February 15

The refusal by President Bush and House Republicans to support an extension of last summer's Protect America Act for twenty one days so that a House/Senate conference on a FISA modernization bill could be completed does not mean that surveillance activities will cease.

Richard Clarke, Former Chief National Security Council Counterterrorism Advisor

“On one issue in particular - FISA (Foreign Intelligence Surveillance Act) - the president misconstrued the truth and manipulated the facts... Simply put, it was wrong for the president to suggest that warrants issued in compliance with FISA would suddenly evaporate with congressional inaction.” [[Philadelphia Inquirer, February 1, 2008](#)]

Mort Halperin, Director of U.S. Advocacy for the Open Society Institute

“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.” [2/7/08]

“**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.” [[New York Times, 1/23/08](#)]

Kate Martin, Director of the Center for National Security Studies

“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.” [2/7/08]