



Department of Justice
&
**THE OFFICE OF THE
DIRECTOR OF NATIONAL INTELLIGENCE**



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**STATEMENT BY THE DEPARTMENT OF JUSTICE AND THE
OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE REGARDING
COOPERATION WITH PRIVATE PARTNERS**

“As stated in the joint letter from the Attorney General and the Director of National Intelligence dated February 22, the Department of Justice and the Intelligence Community have been working assiduously to mitigate the effects of the uncertainty caused by the failure to enact long-term modernization of the Foreign Intelligence Surveillance Act of 1978. We learned last night after sending this letter that, as a result of these efforts, new surveillances under existing directives issued pursuant to the Protect America Act will resume, at least for now. We appreciate the willingness of our private partners to cooperate despite the uncertainty. Unfortunately, the delay resulting from this discussion impaired our ability to cover foreign intelligence targets, which resulted in missed intelligence information. In addition, although our private partners are cooperating for the time being, they have expressed understandable misgivings about doing so in light of the on-going uncertainty and have indicated that they may well discontinue cooperation if the uncertainty persists. Even with the cooperation of these private partners under existing directives, our ability to gather information concerning the intentions and planning of terrorists and other foreign intelligence targets will continue to degrade because we have lost tools provided by the Protect America Act that enable us to adjust to changing circumstances. Other intelligence tools simply cannot replace these Protect America Act authorities. The bipartisan Senate bill contains these authorities, as well as liability protection for those companies who answered their country’s call in the aftermath of September 11. We hope that the House will pass this bill soon and end the continuing problems the Intelligence Community faces in carrying out its mission to protect the country.”

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