

Protect America Alert:

Three Key Reasons Retroactive Liability Protection Is Critical To Our National Security

House Leaders' Continued Failure To Pass Liability Protection For Companies Believed To Have Assisted The Government After The 9/11 Attacks Will Undermine Our Partnership With The Private Sector; Without The Cooperation Of The Private Sector, We Cannot Protect The Country From Terrorist Attack

There Are Three Key Reasons The Retroactive Liability Protection Provided In The Bipartisan Senate Foreign Surveillance Bill Is Vital To Our Efforts To Protect National Security:

1. **Without this protection, private sector companies will become less willing to cooperate with our Intelligence Community's efforts to protect the country.**
 - By an overwhelming bipartisan vote of 13-2, the Senate Intelligence Committee passed the Rockefeller-Bond bill providing retroactive liability protection to companies that helped defend the Nation after the 9/11 attacks. This Committee, chaired by Sen. Rockefeller (D-WV), carefully studied the issue and found that "without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government requests in the future without unnecessary court involvement and protracted litigation." According to their report, this could result in a "possible reduction in intelligence" that is "unacceptable for the safety of our Nation." The Senate Intelligence Committee's good and responsible work on the Rockefeller-Bond bill paved the way for passage of the bipartisan Senate bill.
 - The Attorney General and Director of National Intelligence have reported that "even prior to the expiration of the Protect America Act, we experienced significant difficulties in working with the private sector because of the continued failure to provide liability protection for such companies."
 - The bipartisan Senate bill, which contains fair and just retroactive liability protection, passed the Senate by a supermajority vote of 68-29. The House should now pass this bill to reassure our private-sector partners that they will not be punished by class-action trial lawyers only for providing essential cooperation in the Intelligence Community's efforts to protect America from foreign terrorist threats.
2. **Allowing these lawsuits to proceed risks disclosure of highly classified information regarding the methods used by our Intelligence Community to protect the country from terrorist attack.**
 - It makes absolutely no sense to give the enemy more knowledge about what the United States is doing to protect the American people. But this is what could happen if Congress allows massive and costly class-action lawsuits to proceed, which increases the risk of revealing the methods used by our Intelligence Community to monitor foreign terrorist communications.
3. **It is unfair and unjust to threaten companies with financial ruin because they are believed to have done the right thing and helped their country.**

- The bipartisan Senate bill would protect companies believed to have helped defend America after the 9/11 attacks from abusive lawsuits. More than 40 of these lawsuits have been filed, seeking hundreds of billions of dollars in damages from these companies.
- Those in the private sector who stand by us in times of national security emergencies deserve thanks, not class-action lawsuits that will serve no purpose other than to line the pockets of trial lawyers.