

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
October 8, 2009

Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Opening Statement
Executive Business Meeting
October 8, 2009

Last Thursday, we began debate on the USA PATRIOT Act Sunset Extension Act. I hope that as we discussed last week, today we can proceed efficiently and report the bill to the Senate for prompt action. I appreciate the cooperation of all members in recognizing the impending deadline for action and the need to move forward.

This week the President extended the thanks of a grateful Nation to our intelligence community and spoke about the progress we are making in disrupting, dismantling and defeating al Qaeda and other extremist networks that continue to plot against the United States and our allies. He talked about our renewed leadership around the world, and al Qaeda's lost operational capacities, as well as its lost credibility and legitimacy. In the words of President Obama, we are "drawing strength from the values that we hold dear" while we "redouble our efforts in the face of a threat that persists." He spoke, as I did last week, about the arrests in Denver and New York, and in Illinois and Texas.

I arranged for the classified briefing that Republican Members had requested in addition to those briefings previously provided to the Ranking Republican's staff. I hope it was helpful, and will bring us closer to a shared understanding and a shared commitment to send to the Senate this bill. At our recent hearings, the Assistant Attorney General for National Security and the FBI Director told this Committee about the need for prompt action on tools they consider important to our counterterrorism efforts.

I, again, thank Senator Kaufman and Senator Cardin, the Chairman of our Terrorism and Homeland Security Subcommittee, who are original cosponsors of this measure. I thank Senator Feinstein, Senator Whitehouse and Senator Klobuchar for working with us and supporting the substitute amendment and joining as cosponsors. Senator Feinstein, the chair of the Select Committee on Intelligence, asked for the accommodations she thought were needed and I agreed. I thank her for her support and look forward to our moving forward together.

As Senator Feinstein and I explained last week, our bill increases judicial and congressional oversight of the use of the Government powers that capture information on U.S. citizens. We have taken the administration up on its offer to work with us to "provide additional protection for

the privacy of law abiding Americans" and have done so without undermining the operational effectiveness of the counterterrorism tools provided in the Patriot Act. On that last point, there can be no dispute following the classified briefing for Members yesterday.

In our debate last week Senator Cardin and Senator Coburn were especially forceful in support of the use of sunsets as accountability measures that help us do our job on behalf of the American people. I agree.

Director Mueller acknowledged the value of oversight, and has recently reiterated his support for "periodic outside review" of their utilization of these authorities. The Assistant Attorney General for National Security, David Kris, testified about the "interlocking methods" we can use to protect against abuses, including oversight by the Office of Inspector General and oversight by Congress, including this Committee, as effective checks. He noted how sunsets can "fuel" that oversight and compliance. House Majority Leader Arney and I knew that when we worked together to include sunsets in the Patriot Act. It brings us to this day in which we strengthen the Patriot Act through the course of another periodic outside review of how authorities can be improved and abuses prevented.

I remain mindful of our responsibility to ensure both security and liberty as we proceed. All of us know that the threats to Americans' safety are real and continuing. Our bill will provide the tools that are being used to protect us, while increasing the protections of our vital constitutional rights, as well. The bill we consider today will serve to extend the authorization of the three expiring Patriot Act provisions requested by the administration. We also provide for increased Government accountability requiring audits and reviews of how these vast authorities are being used. I will include in the record an outline of the accountability measures we include in the Sunset Extension Act.

Last week, those members of this Committee who have amendments to offer agreed to work with me to complete our consideration this morning so that the bill may be reported to the Senate without delay. I appreciate the cooperation of all members. Those amendments that Senators feel need to be offered today should be down to a handful. Debate on each need not be extended.

I will continue to work with Senators on issues of interest to them but strongly urge that amendments seeking to add contentious issues to the bill not be proposed. I will work with Senator Cardin and Senator Kyl, the chairman and ranking Republican on the Terrorism Subcommittee, to provide opportunities to work on such complex and time consuming issues as redefining the crime of providing "material support." With that matter currently pending before the United States Supreme Court, we should proceed carefully. We run the added risk that a hasty amendment will have the effect of undercutting current prosecutions.

Working in good faith we can produce today a bill that can be supported by most members of this Committee and most members of the Senate. It can extend the needed authorities while providing increased accountability and allow both the congressional and judicial branches to contribute to practices that protect Americans' safety and freedoms.

#####