

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
Vermont  
February 17, 2011

Opening Statement Of Senator Patrick Leahy (D-Vt.),  
Chairman, Senate Judiciary Committee,  
Executive Business Meeting  
February 17, 2011

At our last meeting, I welcomed Senator Lee. Today I am delighted to welcome Senator Blumenthal, who has already become an active member of the Committee. Senator Blumenthal is a distinguished public servant and was an outstanding Attorney General for Connecticut.

It was a Senator from Connecticut that led to the creation of this Committee--although a Vermonter, Senator Dudley Chase, was its first chair. Senator Oliver Ellsworth of Connecticut was a key participant at the constitutional convention. He was the lead Senate supporter of the Bill of Rights, and was the author of the Judiciary Act of 1789, Senate Bill No. 1, which created the Federal courts and the office of the Attorney General of the United States, and ultimately led to the creation of this Committee of the Senate.

More than a dozen Connecticut Senators have served on this Committee, but we have not had a member from Connecticut since Chris Dodd's father some 40 years ago. Welcome Senator Blumenthal. We look forward to your insight and expertise. On Tuesday night, the Senate approved another short-term extension of three expiring authorities in the USA PATRIOT Act. We on this Committee should not delay in completing our work to consider and again report commonsense legislation that adds important oversight and accountability provisions to the law.

We can do this while providing law enforcement and the intelligence community with the tools and certainty they need to protect national security. We should not play politics with our national security or delay our work on this Committee. We need to consider and report our bill so that the Senate can consider it and Congress can complete its task before the May 27 deadline for legislative action. Today we have the opportunity to make real progress by voting on the USA PATRIOT Act Sunset Extension Act of 2011. The bill we consider today makes important reforms to the USA PATRIOT Act, and I want to thank Senator Feinstein for her leadership and her role in helping to craft this bill. Just this week she arranged for Director Mueller and others to be available to brief Senators. I know that Senator Whitehouse and Senator Lee availed themselves of that opportunity.

The bill we consider today is virtually identical to the bill we considered and passed with a bipartisan majority last Congress. I also want to thank Senator Kyl and Senator Cornyn for working with me and for supporting that bill. Indeed, this bill incorporates a number of

additional adjustments we made at Senator Kyl's suggestion after our markup in 2009. This package was strongly endorsed by the Attorney General and the Director of National Intelligence when we reported it in 2009, and when we were prepared for Senate consideration in early 2010. They specifically praised the enhanced statutory protections for civil liberties and privacy. I, too, think those important. The official administration views letter stated that the bill would "facilitate the collection of vital foreign intelligence and counterintelligence information" and would not sacrifice "operational effectiveness."

I wish the Senate had taken up our work and together the House and Senate had completed this work last year. Instead, the current law without reforms or improvements was extended. I urge us to pass the improvements and get the job done.

I believe that the sunsets suggested by Dick Armev back in 2001 have been a good thing. I have tried to conduct aggressive oversight of USA PATRIOT Act surveillance authorities since the bill was originally enacted in 2001. The sunsets have been helpful in that process. I do not support permanent extension of these surveillance authorities.

Nor do I support undercutting important oversight and government accountability with respect to these intelligence gathering tools. Instead, I support strengthening oversight and providing the intelligence community the certainty it needs to protect national security. The bill we consider today would give the intelligence community the certainty it needs by extending these expiring authorities through 2013, while also strengthening congressional and judicial oversight. This legislation is the result of bipartisan negotiations two years ago. It had the bipartisan support of this Committee and the strong support of the administration.

# # # # #