

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
Vermont  
March 10, 2011

Opening Statement Of Senator Patrick Leahy (D-Vt.),  
Chairman, Senate Judiciary Committee,  
Executive Business Meeting  
March 10, 2011

This week, the Senate passed the America Invents Act with support from an overwhelming, bipartisan majority. Every member of this Committee supported it. That bipartisan effort can go a long way toward modernizing our patent laws, promoting innovation, helping create jobs and energizing our economy as we continue our recovery.

I hope that we can work together again today to complete action on a number of items that have been on our agenda for some time. We have the opportunity to vote on seven judicial nominations and the President's nomination of the Deputy Attorney General, the second highest official at the Justice Department. In addition, we should complete Committee action on the USA PATRIOT Sunset Extension Act. This bill has been on our agenda awaiting Committee action since our meeting on February 3rd. That was five weeks ago. It was delayed at Republican request and then, again, to provide Members with the briefing that Senator Grassley requested. It is time for us to act.

On February 15, the Senate passed a short extension of these expiring authorities, but it expires in May. The bill needs to be considered by the Senate and the House, and any differences need to be reconciled. We have a lot to do and little time to do it. It is already the middle of March. April will soon be upon us. In addition, there are at least three weeks during the next few months when the Senate is not in session. That 90-day extension leaves us little time for extended Committee consideration.

Further, in this regard, I hope that we can take a lesson from the manner in which we were able successfully to complete action on the America Invents Act. We worked very hard to keep it free from extraneous issues. I urge Senators to stay focused on that which we need to do in connection with the PATRIOT Act authorities. The bill that is before us is one that we have considered before and is familiar to us. Let us not get embroiled in debates about new crimes or aggravating sentences or other matters.

I believe that the administration's previous public statements remain accurate, and that there were not operational concerns raised by our bill. The administration's previously-stated support for the provisions of the bill remains the administration's position. The language in the bill was carefully negotiated with the FBI and the intelligence community in 2009, and it has not changed.

I was particularly pleased that Attorney General Holder reaffirmed his support for the bill at a House hearing last week, where he described the administration's support for extending the USA PATRIOT Act authorities and increased civil liberties protections, and described our Senate bill as striking "a good balance" in that it extends those authorities "but also dials in civil liberties protections."

I am concerned that some have sought to use the delay occasioned by the briefing Senator Grassley requested to file more and more amendments to the bill - the majority of which have absolutely nothing to do with the surveillance authorities addressed in the USA PATRIOT Act. This is an important matter and should not be filibustered by amendment. I have urged Senators to raise today only those amendments that they believe necessary for our consideration. We should report the bill to the Senate for its consideration without further delay.

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