

STATEMENT OF CHAIRMAN F. JAMES SENSENBRENNER, JR.,
HOUSE-SENATE CONFERENCE
THE "USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005"

November 10, 2005

On September 11, 2001, foreign terrorists maliciously and without provocation murdered thousands of Americans in a failed effort to affront the spirit of our free people. As congressional and independent investigations made clear, these terrorists exploited statutory weaknesses and historic divisions between America's law enforcement and intelligence communities that increased our vulnerability to catastrophic attack by limiting the dissemination of timely threat information.

In the wake of the 9/11 atrocities, broad bipartisan majorities in both Houses passed the PATRIOT Act to lower the wall of separation between the law enforcement and intelligence communities and to enhance investigatory tools necessary to assess, detect, and prevent future terrorist attacks. U.S. law enforcement and intelligence authorities have utilized these vital tools to gain critical knowledge of the intentions of foreign-based terrorists *before* they occur, while preempting gathering terrorist threats at home.

As we convene today's House-Senate conference on the USA PATRIOT Act, there is broad agreement that while the legislation and other antiterrorism

initiatives have helped avert additional attacks on our soil, the terrorist threat remains a clear and present danger to the United States and to the security of free people everywhere.

In April 2002, terrorists killed 21 in Tunisia and in October 2002, terrorists murdered 202 people in Bali, Indonesia. In November 2002, terrorists killed 13 in Kenya. In 2003, terrorists murdered 26 people in an attack on American contractors in Riyadh, Saudi Arabia. In two attacks in Istanbul that year, terrorists killed 57 people. Last year, the Madrid train bombings brought unprecedented terror to the people of Spain, killing 191 and maiming 1500. Last July, coordinated terrorist teams killed 52 and injured another 700 in the London subway bombings. In October of this year, terrorists killed 20 people in a second Bali attack. In July, 2005, terrorists murdered 90 people in Egypt, and 33 lost their lives in an October attack in India. Over the last few days, large scale terrorist plans were thwarted in Australia, but over 50 were murdered in Amman, Jordan.

When the House Judiciary Committee unanimously reported the PATRIOT Act in October of 2001, I pledged to rigorously examine its implementation and the conduct of the war against terrorism. By including sunset provisions in the

legislation, I sought to ensure that key provisions in the legislation would be subject to affirmative congressional reauthorization. In my words and actions as Committee Chairman, I have maintained this commitment and emphasized the importance of better protecting Americans from terrorism while preserving the values and liberties that distinguish us as Americans. H.R. 3199, which passed the House by a vote of 257-171, reflects this careful balance.

H.R. 3199 is the product of comprehensive, bipartisan oversight consisting of hearing testimony, Inspector General reports, briefings, and oversight letters. Since April of this year alone, the House Judiciary Committee has received testimony from 35 witnesses during 12 hearings on the PATRIOT Act, and conducted a 12-hour markup of the legislation.

This extensive record, a chronology of which I ask unanimous consent to submit for the record, has demonstrated that the PATRIOT Act has been an effective tool against terrorists and other criminals. Of no less importance and contrary to generalized assertions, the record also shows that there is no evidence that the PATRIOT Act has been abused to violate Americans' civil liberties. However, to allay the concerns expressed by some, the House-passed legislation

contains important amendments and revisions.

The House bill modifies Section 206 by requiring all new surveillance to be reported to the court issuing the wiretap within 15 days. The legislation also establishes clear procedures for recipients to challenge National Security Letters without risking national security. In addition, the House bill modifies Section 215 to codify the ability of recipients to challenge Section 215 orders and requires the Director of the FBI to personally approve orders requesting library, bookstore, and gun shop records. The House legislation also places firm deadlines on the time for which notice of execution of a search can be delayed, and requires that information likely to be obtained through a FISA warrant relate to *foreign* intelligence information *not* concerning a U.S. person.

While the PATRIOT Act has occasioned spirited debate in both bodies, it is critical to emphasize that there is core agreement on the vast majority of provisions contained in House and Senate-passed PATRIOT reauthorization legislation. However, over the last several weeks, our staffs have been conducting intensive bipartisan and multi-committee discussions in an effort to bridge these differences, but more work remains to be done.

The margin by which the House and Senate passed legislation to reauthorize

the PATRIOT Act demonstrates the widespread recognition of Members of both bodies that the legislation is an indispensable tool in America's antiterrorism arsenal. While House and Senate-passed legislation differs with respect to the length of additional sunsets on expiring provisions, overwhelming bipartisan votes in both chambers underline our common commitment to extend provisions set to expire at the end of this year. I urge the conference to work in a constructive and bipartisan manner to resolve remaining differences and send a conference report to the President that reflects the concerns of both bodies while not compromising the law enforcement and intelligence tools necessary to fight and win the war against terrorism.