

Opening Statement
of
Chairman Pete Hoekstra

“Reauthorization of the USA PATRIOT Act”

Permanent Select Committee on Intelligence
May 11, 2005

Good morning – welcome to our witnesses and our audience and thank you all for coming.

Today we will review issues related to reauthorization of provisions of the USA PATRIOT Act that fall within the jurisdiction of the House Permanent Select Committee on Intelligence. Primarily, those provisions deal with the Foreign Intelligence Surveillance Act, or “FISA”, and with the sharing of information between intelligence and law enforcement agencies. Because there has been so much public discussion and debate about the PATRIOT Act, I hope that today’s hearing will serve as a reminder that many of its provisions are fundamentally intelligence authorities intended to gather information to counter threats to our national security from acts of terrorism and espionage. These provisions are designed to protect the American people.

I think that it is important to point out that the House and Senate intelligence committees, as part of our oversight responsibilities, receive detailed reporting on how the FISA authorities of the PATRIOT Act are used in practice. Although we do not discuss this reporting publicly, I want to emphasize that we conduct close and continuing oversight of these many PATRIOT Act issues. I also want to state for the public record that, during our Committee's closed sessions, there has been strong bipartisan support for renewing the PATRIOT Act. In fact, we particularly appreciated the opportunity to discuss these issues in depth with Director Mueller as part of the Federal Bureau of Investigation's annual budget hearing.

Today's hearing is intended to discuss what the specific provisions of the PATRIOT Act are and what they are not. The Act provides enhanced but carefully tailored authorities to support intelligence and terrorism investigations, usually targeted against "foreign powers" and "agents of foreign powers." The PATRIOT Act also definitively breaks down the "wall" between intelligence and law enforcement agencies to allow them to share information, free of artificial stovepipes that reduce the nation's ability to thwart acts of terrorism. As I believe that we will hear today, the

PATRIOT Act actually provides more protections for American citizen than less – as some have claimed.

What the PATRIOT Act is not, either in intent or practice, is a license for the government to invade the privacy of ordinary citizens or to violate civil liberties. The Department of Justice Inspector General reported earlier this year that it had received 1,943 allegations of abuse of the PATRIOT Act. None of those complaints were found to have even alleged misconduct by Justice Department employees relating to use of any provision in the PATRIOT Act, and only 12 of those allegations warranted further investigation for civil liberties issues unrelated to the PATRIOT Act.

We will have two panels of witnesses today for the hearing. Our witnesses will be discussing why the PATRIOT Act should be renewed, and what, if any, modifications should be considered. For the first panel, we welcome the Deputy Attorney General of the United States, the Honorable Jim Comey. The second panel includes experts from outside the government. Professor Viet Dinh, who was one of the architects of the Act while serving as Assistant Attorney General for Legal Policy, and Professor Richard Seamon will provide legal expertise. From advocacy groups, we

will hear from Mr. James Dempsey of the Center for Democracy and Technology and Mr. Tim Edgar from the American Civil Liberties Union. We look forward to your testimony.

Again, thank you all for being with us today. And, I would like to recognize our Ranking Member, Ms. Harman for her opening statement.