

**Chairman John Conyers, Jr.**  
**Opening Statement before the**  
**House Judiciary Committee Markup of**  
**H.R. 3845, "The USA PATRIOT Amendments Act of 2009"**  
**2141 Rayburn House Office Building**  
**12:30 p.m., November 4, 2009**

We begin today with the USA PATRIOT Amendments Act of 2009.

The USA PATRIOT Act has now been law for eight years. And the record of government surveillance during those eight years should give great pause to anyone who believes in our Bill of Rights.

We have seen secret wiretaps of thousands of Americans – abuses so grave that at one point over 20 top officials of the Bush Justice Department threatened to resign. We have seen hundreds of thousands of national security letters issued, many of them regarding law-abiding Americans with no connection to terrorism or foreign agents at all.

We have seen repeated inspector general reports criticizing the use of these national security letters. We expect a new report soon describing the extensive use of even more abusive procedures to collect information on Americans called "exigent letters."

And we have seen the executive shield its actions behind an unprecedented veil of secrecy and over-classification. While it is important to preserve the secrecy of sensitive operations, it is equally important that the power to classify not be used to hide government abuses.

With several provisions of the PATRIOT Act expiring at the end of this year, we have a real opportunity before us to fix some of the most extreme provisions of that law and bring a better balance. The PATRIOT bill before us does just that – it preserves government surveillance power where it is needed most, but reins in some of the most problematic aspects of existing law. In particular, this bill makes three critical changes to the law:

First, it fixes the overly broad standards that currently apply to national security letters and so-called "business records" orders from the FISA court. Under our bill, the government will no longer be able to demand information merely by claiming it is "relevant" to national security. Instead, the government must have concrete facts showing that the information is connected to a terrorist or foreign agent before issuing a national security letter to get it. If the government lacks such concrete evidence, it can still seek a business records order for information needed to protect national security under a broader standard, but only under the supervision of a judge. These are critical changes that will protect the privacy and civil liberties of every American.

Second, it allows the overbroad and unnecessary “lone wolf” provision to expire. This provision has never been used. We heard expert testimony from the bipartisan Constitution Project and from a former staff director of our Intelligence Committee that it was not needed, and that anyone who could be targeted for surveillance as a lone wolf terrorist could also be surveilled under our regular criminal laws. These experts also warned that the “lone wolf” provision was so broad that a court might conclude it was unconstitutional, and might call into question other aspects of our surveillance laws. So it is well time to let it expire.

Third, this bill includes important new reporting, audit, and oversight provisions that will ensure we continue to get the information we need for real congressional oversight of the executive’s surveillance operations. While these provisions do not get as much attention as other changes in the bill, they are a major step forward in our ability to carry out our legislative responsibilities.

The bill before us is not perfect. No bill ever is. But it greatly protects the privacy and freedom of Americans, while preserving critical surveillance powers and operations.

I urge all members to join me in favorably reporting this important legislation today.