



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 21, 2005
(House)

STATEMENT OF ADMINISTRATION POLICY
H.R. 3199 – USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005
(Rep. Sensenbrenner (R) Wisconsin)

The Administration strongly supports House passage of H.R. 3199. As the President has stated, the Administration is committed to the full reauthorization of the provisions of the USA PATRIOT Act that are set to expire at the end of this year. The USA PATRIOT Act has increased our ability to share intelligence information, updated the law to adapt to changes in technology, and provided federal law enforcement agencies critical tools to investigate terrorists and spies that have been used for years to investigate organized crime and drug dealers. The Act is a key component of our efforts to combat terrorism and protect the American people.

The Administration strongly supports those provisions of H.R. 3199 that would repeal the sunset provisions in the USA PATRIOT Act and in Title VI of the Intelligence Reform and Terrorism Prevention Act of 2004. The Administration also strongly supports extending the duration of Foreign Intelligence Surveillance Act (FISA) surveillance of non-United States persons (section 7), a recommendation of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction that we estimate will save the Department of Justice thousands of attorney hours per year.

The Administration believes that the sunset provision contained in section 3(b) of H.R. 3199 is unnecessary and detrimental, and therefore opposes such provision. The Department of Justice has demonstrated through 18 recent hearings before Congress that the provisions that would be subject to sunset – sections 206 and 215 of the USA PATRIOT Act – have been employed very effectively in the war on terror with no verified instance of abuse.

The Administration is concerned that certain language in H.R. 3199, such as that in section 6 relating to information sharing, is unnecessary and might be construed in a manner that would impair our efforts to combat terrorism. The Administration looks forward to working with Congress to resolve those concerns. In addition, the Administration will strongly oppose any amendment on the House floor that would weaken the USA PATRIOT Act and thereby undermine our ability to combat terrorism.

The Administration strongly opposes section 12 of H.R. 3199, which would authorize the Department of Justice's Inspector General to investigate the use of material witnesses. As it is written, this provision would entail wholesale violation of Rule 6(e) of the Federal Rules of Criminal Procedure, which protects the secrecy and sanctity of grand jury proceedings.

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