



Senator Feinstein Urges Attorney General to Engage in Good Faith Negotiations for Patriot Act Reauthorization

January 10, 2006

Washington, DC – Senator Dianne Feinstein is urging Attorney General Alberto Gonzales and the Administration to avoid partisan politics and engage in good faith negotiations to reach a bipartisan consensus on the reauthorization of the USA-Patriot Act.

“This law is extremely important to the safety of America, and its effectiveness depends in large part on ordinary Americans believing it is a product not of partisan politics, but of reasoned debate and compromise,” Senator Feinstein said. **“I am confident that good-faith discussion, honest debate, and careful drafting can reduce, perhaps even eliminate, some of the points of disagreement. It is critical that the Congress and the Administration demonstrate our ability to work towards consensus and agreement. I hope you will work with me to that end.”**

Last month, the Senate decided to continue debate on the USA-Patriot Act Reauthorization and Improvement Act conference report, and extended the sixteen provisions of the USA-Patriot Act until February 3, 2006. The extension was designed to provide additional time to reach consensus on the three most contentious provisions of the bill—involving the involving the sneak and peak, national security letters and the so-called library provisions.

Following is the text of the letter Senator Feinstein sent to Attorney General Gonzalez:

January 9, 2006

The Honorable Alberto Gonzales
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Attorney General,

Last month the Senate decided to continue debate on the USA-Patriot Act Reauthorization and Improvement Act conference report, and extended the sixteen provisions of

the USA-Patriot Act until February 3, 2006. Although I am the original Democratic co-sponsor of the unanimously-passed Senate bill, I voted to continue debate. I explained my reasons at length on the floor, but in summary they are simple.

It was clear to me that Senate and House negotiators had come very close to reaching agreement on the Conference Report. I believe this was critical, because only through such a consensus approach can we ensure that the Patriot Act does not continue to be polluted with partisan rancor. This law is extremely important to the safety of America, and its effectiveness depends in large part on ordinary Americans believing it is a product not of partisan politics, but of reasoned debate and compromise. Because I believed consensus was so close at hand, and so important, I voted to provide Congress additional time to resolve the last points of disagreement.

Thus I was disheartened to hear that the Administration has determined not to encourage further discussion on improving and refining the Conference Report – rather, to stand fast, and urge Senators to change their votes. I hope that this is not the case.

With that hope, I ask that you direct your staff to work with both Republicans and Democrats to address the few remaining issues. I am confident that good-faith discussion, honest debate, and careful drafting can reduce, perhaps even eliminate, some of the points of disagreement.

As I understand it, the key remaining points involve: (1) the standard to be applied by courts in determining whether to issue a so-called “gag order” in the context of National Security Letters; (2) the time limitations applicable to delayed-notice search warrants; and (3) the legal standard applicable to orders to permit seizure of physical items pursuant to the Foreign Intelligence Surveillance Act (Section 215).

Although I am not an appointed conferee, I have asked my staff to work with representatives from the Department of Justice (including the Federal Bureau of Investigation) and the Office of the Director of National Intelligence. I ask you to facilitate that work.

It is critical that the Congress and the Administration demonstrate our ability to work towards consensus and agreement. I hope you will work with me to that end.

Yours truly,

Dianne Feinstein
United States Senator

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