

United States Senate

WASHINGTON, DC 20510

The Honorable Patrick J. Leahy
Chairman, Senate Committee
on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein
Chairman, Senate Select
Committee on Intelligence
211 Hart Senate Office Building
Washington, D.C. 20510

August 6, 2009

Dear Chairman Leahy and Chairman Feinstein:

As you know, several provisions of the USA PATRIOT Act will expire at the end of this year. We write to share our perspective as you consider the reauthorization process.

We believe that Congress should revise the USA PATRIOT Act and related surveillance authorities to better protect the constitutional rights of American citizens, while preserving the powers needed by our government to fight terrorism. We also believe that Congress's review this year of surveillance authorities should not be limited to the three expiring provisions. Indeed, the reauthorization debate is an opportunity to consider a range of surveillance issues, including not just those raised by the PATRIOT Act, but also the new Attorney General Guidelines and the FISA Amendments Act, Public Law 110-261. We are drafting legislative language to that end, and look forward to working with you on it.

In the meantime, we ask you to consider the Security and Freedom Enhancement or SAFE Act of 2005 (S. 737) and the National Security Letter Reform Act of 2007 (S. 2088), both narrowly tailored bipartisan bills that would have added important constitutional protections to several provisions of the PATRIOT Act. While a few provisions of the SAFE Act were included in the most recent reauthorization of the PATRIOT Act, most of the bill's key reforms were not. Additionally, we ask you to consider the views expressed in the attached letter of December 14, 2005, which identifies several important reforms from the 2005 Senate-passed version of the PATRIOT Act reauthorization bill that were not included in the final version of the bill.

Finally, we believe that the reauthorization process should be conducted in public. These laws are too important to the rights of Americans to be considered in closed session.

Thank you for considering our views on this important matter.

Sincerely,



Russell D. Feingold
United States Senator



Richard J. Durbin
United States Senator

Cc: Senator Jeff Sessions, Ranking Member, Senate Committee on the Judiciary
Senator Christopher S. Bond, Ranking Member, Senate Select Committee on Intelligence