

Opening Statement
Of
Congressman Peter Hoekstra
Ranking Republican
Permanent Select Committee on Intelligence
Hearing on Foreign Intelligence Surveillance Act
September 18, 2007

Good morning, and thank you to the witnesses and to the audience for coming today.

Before the August congressional recess, the House passed and the President signed urgently needed legislation to close significant and alarming intelligence gaps arising under the Foreign Intelligence Surveillance Act, or FISA. Our intelligence agencies were missing a significant portion of what we should have been getting to detect potential foreign terrorists in foreign countries and to prevent potential attacks on Americans at a time of enhanced threat.

Since the President signed the bill, the Intelligence Community has been working intensely to implement the new authorities and to close the terrorist loophole, while also carefully examining how to

ensure appropriate protections for civil liberties and enhanced oversight. While a lot of work remains to be done, substantial progress has been made toward bridging the intelligence gap over the summer. Regardless of the specific authorities involved, the recent terrorism-related arrests in Germany and Denmark continued to demonstrate why timely intelligence collection is absolutely critical to our ability to thwart attacks. There should be no significant disagreement that the Protect America Act has improved our intelligence capabilities and made our country safer.

At the same time, however, I am concerned that a number of significantly inaccurate public accounts about the bill have circulated since it was passed. I am especially concerned that some of these accounts appear to be deliberate efforts to mislead and scare the American people. On this Committee, at least, we should know better. I hope that today's hearing will provide us with a full opportunity to explore these issues and to correct the many inaccuracies which have appeared in public.

One of the biggest myths that has circulated is the strained contention that the bill somehow is the product of a conspiracy to allow the government to conduct warrantless surveillance of

Americans under the cover of an effort to obtain foreign intelligence information about foreign persons. There have been repeated, clear, and explicit public statements that this is not the case.

My colleague, Congresswoman Wilson, expressly indicated her view in the Congressional Record that such “reverse targeting” is intended to be illegal under the bill. And just last week, the Justice Department firmly and publicly reiterated that FISA court orders are still required to target Americans in the United States, as they were before the new law.

It is ironic that the same people who say we have little to fear from the radical jihadists who attacked America imply that we should instead fear the hardworking, dedicated intelligence professionals we ask to defend us. Nothing could be further from the truth, and nothing in the bill reduces existing civil liberties protections, or the commitment of the civil servants in the intelligence community to be vigilant about those civil liberties.

As we consider these issues today, I hope that the Committee and the witnesses will be careful to separate facts from speculation. In the critical area of national security, we cannot set public policy based on what “might” be happening, or what “could” possibly occur.

We must be careful to understand the facts about what is happening, and intensive efforts are underway to do this across all three branches of government.

I also hope that we will continue to constructively consider the question of how to best empower the intelligence community to protect the nation. It is easy to criticize without bearing the serious and significant responsibility of protecting our nation and the American people. But this is not enough – we must also offer reasonable solutions that ensure continued vigilance while balancing civil liberties.

The Committee has already conducted extensive oversight over the implementation of the new law. Countless attorneys from throughout the Executive Branch as well as the Civil Liberties Protection Officer for the DNI have been involved in its implementation, and the procedures required by the law to protect Americans have already been submitted to the FISA Court for review well in advance of the required deadline.

Last night, I received a letter from the Civil Liberties Protection Officer for the Office of the Director of National Intelligence that details his efforts to oversee the implementation of the act and the

extensive work that is being done to protect civil liberties. I urge members to review the letter thoroughly, and I ask unanimous consent to enter the letter into the record.

So, there is certainly no shortage of lawyers involved in the consideration of these critical issues. Today's hearing, however, gives an opportunity to hear from a panel of public lawyers to hear and explore their views. I look forward to the testimony, Mr. Chairman, and to continuing the Committee's vital work to provide the Intelligence Community with all of the necessary tools to protect our nation.