

## **Statement of J. Patrick Rowan**

### **Nominee for Assistant Attorney General for National Security**

#### **United States Department of Justice**

**September 25, 2008**

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Chairman Rockefeller, Vice Chairman Bond, Members of the Committee:

It is my pleasure to appear before you today as the President's nominee to be the second Assistant Attorney General for National Security. As a federal prosecutor, Special Counsel for the Office of General Counsel of the Federal Bureau of Investigation, Associate Deputy Attorney General, Principal Deputy Assistant Attorney General in the National Security Division, and Acting Assistant Attorney General for National Security, I have devoted much of my career to protecting the security of this nation and its citizens and defending our civil liberties. I hope to have the opportunity to continue this service as the Assistant Attorney General for National Security.

At the outset, I would like to thank the Chairman, Vice Chairman, and the Members of the Committee for holding this hearing knowing the many pressing demands you face at the end of this Congress and in this period of financial crisis. I appreciate your support for the critical mission of the National Security Division.

Since the attacks of September 11, 2001, the first priority of the Department of Justice has been combating terrorism and other threats to our national security. The Department worked hard in the years immediately following September 11th to fulfill this mission, but it became clear that a restructuring of the Department was needed. The President and Congress authorized the creation of the National Security Division. The Division has been up and running now for almost two years and we have made significant strides in realizing the benefits of bringing together the Department's prosecutors in its Counterterrorism and Counterespionage Sections with its intelligence lawyers in the Office of Intelligence Policy and Review to form a new, streamlined national security organization. I am proud to report that the transition has gone well and the National Security Division now consists of the fully integrated Office of Intelligence

(OI) (formerly the Office of Intelligence Policy and Review), the Counterterrorism and Counterespionage Sections, and a new Office of Law and Policy devoted to national security issues. Our new structure enables us to provide quick, imaginative, and agile responses to national security threats. Of particular importance to this Committee, the creation of the Division makes the Department more responsive to the needs of the Intelligence Community by having the Assistant Attorney General for National Security provide a single Justice Department point of coordination and contact for our colleagues in the Intelligence Community

The Attorney General expects that the National Security Division will continue to pursue the following primary objectives that led to the creation of this new division: the centralization of the management of the Department's national security program; the coordination of operations and policy across the national security spectrum; the implementation of comprehensive national security oversight; and the further development of national security training and expertise. If confirmed, I will act also as the primary liaison to the Director of National Intelligence (DNI) and I look forward to developing further the already strong relationship between our offices. In addition, the Attorney General expects that if confirmed I will help ensure that our national security responsibilities are met during the first transition of government following September 11, 2001.

I recognize that congressional oversight plays an important role in promoting accountability and improving government operations, especially those of the Intelligence Community and, if confirmed as the Assistant Attorney General for National Security plan to actively participate in the congressional oversight process. In my previous positions at the National Security Division I have participated directly in the oversight process by testifying at hearings before House Committees and by briefing numerous members of the Senate and House, as well as the staff of their committees. I am committed to ensuring that we provide information responsive to Congress's oversight needs, consistent with our law enforcement and national security responsibilities, in a thorough and expedited manner.

Specifically, I look forward to discussing national security issues of significant interest to this Committee, including what the National Security Division has done and is

planning to do to implement the FISA Amendments Act (FAA). I would like to pause here to thank this Committee for its invaluable and tireless efforts in pursuing the modernization of FISA. It was an historic achievement, and I am proud that the NSD was a part of it. It will always serve as a reminder of what we can achieve when we work together.

In conjunction with the DNI and the agencies of the Intelligence Community, the NSD has made significant strides in implementing the FISA Amendments Act. In particular, consistent with Section 702 of the FAA, the NSD has taken appropriate steps to ensure there is an efficient and effective transition from the Protect America Act to the newly enacted authority. The specific details of the certifications and related procedures are necessarily classified and must remain so. Staff members of this Committee have been fully briefed on these certifications and related procedures and any court action on them. In addition, the NSD has implemented other provisions of the FAA including provisions that streamline applications under FISA.

In closing, I want to thank the President and the Attorney General for the trust they have placed in me. I want to assure this Committee that if I am confirmed, I will continue to devote all my energies to the mission of protecting our national security and defending the civil liberties and the freedoms that give meaning to our security.

I look forward to working with this Committee should I be confirmed as the Assistant Attorney General for National Security and I welcome any questions the members of this Committee may have.