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# Early Version of New Patriot Act Gives Administration Everything It Asks for, GOP Aides Say

By Mark Sherman Associated Press Writer  
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WASHINGTON (AP) - The chairman of the Senate Intelligence Committee is working on a bill that would renew the Patriot Act and expand government powers in the name of fighting terrorism, letting the FBI subpoena records without permission from a judge or grand jury.

Much of the debate in Congress has concerned possibly limiting some of the powers in the anti-terrorism law passed 45 days after the attacks of Sept. 11, 2001.

But the measure being written by Sen. Pat Roberts, R-Kan., would give the FBI new power to issue administrative subpoenas, which are not reviewed by a judge or grand jury, for quickly obtaining records, electronic data or other evidence in terrorism investigations, according to aides for the GOP majority on the committee who briefed reporters Wednesday.

Recipients could challenge the subpoenas in court and the Bush administration would have to report to Congress twice a year exactly how it was using this investigatory power, the aides said.

The administration has sought this power for two years, but so far been rebuffed by lawmakers. It is far from certain that Congress will give the administration everything it wants this year.

Roberts' planned bill also would make it easier for prosecutors to use special court-approved warrants for secret wiretaps and searches of suspected terrorists and spies in criminal cases, the committee aides said.

Eight expiring sections of the law that deal with foreign intelligence investigations would become permanent, they said.

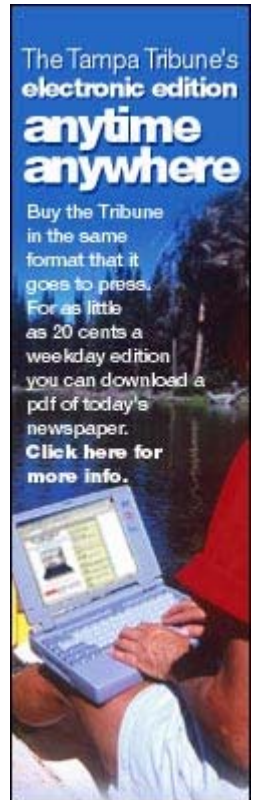
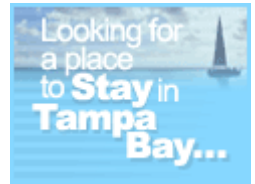
So, too, would a provision that authorizes wiretapping of suspected terrorists who operate without clear ties to a particular terrorist network.

The aides spoke on condition of anonymity because Roberts has yet to make public the bill's contents.

Opponents of expanding the Patriot Act said Roberts' proposal would amount to an expansive wish list for the administration.



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"While we're fighting to bring provisions ... back into balance with the Bill of Rights, here we have the intelligence committee moving to give the government more power outside the judicial system to gain access to records of Americans," said former GOP Rep. Bob Barr of Georgia, a critic of the law.

Lisa Graves, the American Civil Liberties Union's senior counsel for legislative strategy, said the new subpoena power would "be a dramatic expansion of secret search powers."

Attorney General Alberto Gonzales and other administration officials have been adamant that the expiring provisions become permanent, with few changes.

They also have pushed for the administrative subpoena power, which they say prosecutors already are using in health care fraud and other criminal cases.

Justice Department officials have been consulted on the legislation and offered technical advice, department spokesman Kevin Madden said.

"The Department of Justice appreciates that the Senate Intelligence Committee has signaled their intention to support provisions that enhance law enforcement's ability to combat terrorism effectively," Madden said.

Committee aides said the committee planned to meet in private when it considers the bill because the discussions would involve intelligence operations.

Barr said he was distressed that the committee "would do something like this in secret."

Sen. Jay Rockefeller, D-W.Va., the panel's senior Democrat, has not said publicly whether he would support the entire bill that Roberts was working on or seek changes.

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On the Net:

Administration's Patriot Act Web site: <http://www.lifeandliberty.gov>

American Civil Liberties Union: <http://www.aclu.org>

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