



Written by [Joe Wolverton, II, J.D.](#) on July 13, 2016

## Amash and Liberty Caucus Defeat Bipartisan Attempt to Expand PATRIOT Act Power Over Banks

Score one for the Constitution, as the House of Representatives rejected a bill that would have expanded the government's police power under the PATRIOT Act.

The bill, HR 5606, would have required financial institutions to inform the federal government of any transactions bank officials suspect could be connected to the funding of terrorism.

While a majority of congressmen voted in favor of the bill — it was approved 229-177 — a procedural tactic deployed by opponents required a supermajority for passage of the measure — a bar it failed to clear.

Leading the coalition against the bill was Representative Justin Amash (R-Mich.), a consistent foe of the expansion of federal surveillance and a consistent friend of the Constitution.

In a statement posted on Facebook, Amash explained his position on the proposed PATRIOT Act expansion:

Contrary to the bill's title [Anti-Terrorism Information Sharing is Strength Act], H.R. 5606 is not about anti-terrorism. The bill improperly extends an anti-terrorism statute, the Patriot Act, to the investigation of domestic, non-terrorism crimes. Section 314 of the Patriot Act encourages the government to share information on terrorism and money laundering with financial institutions. It also encourages such information sharing among financial institutions. Treasury regulations, however, have flipped Section 314 on its head; the department has applied the section to require financial institutions to share information with the government. If H.R. 5606 becomes law, this section of the Patriot Act will become substantially more powerful and susceptible to abuse, because the Treasury may require financial institutions to share information on countless private transactions that have no connection to terrorism.

H.R. 5606 violates our Fourth Amendment-secured right against unreasonable searches and seizures. Under the Fourth Amendment to the Constitution, the government may not conduct unreasonable searches and seizures. With limited exception, a search or seizure is unreasonable if it occurs without probable cause and a warrant. Section 314 of the Patriot Act attempts to sidestep this constitutional protection by treating a domestic criminal investigation like a foreign terrorism investigation, and H.R. 5606 extends the applicability to a much wider range of criminal investigations. In short, if the regulations issued under the bill are consistent with current regulations, H.R. 5606 will permit the government to demand information on any American from any financial institution merely upon reasonable suspicion.

Fortunately, H.R. 5606 did not become the law, an accomplishment Amash says was "against all odds."





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Amash went on to thank his “amazing staff for their tireless work.”

Representative Robert Pittenger (R-N.C.), a cosponsor of the bill, likely would have preferred that Amash’s staff got a bit more sleep. “We must work to ensure that private financial institutions are not penalized for working with the federal government to combat terrorism financing,” Pittenger said during floor debate.

In light of the procedural technicality that prevented the bill’s passage despite a majority vote in its favor, it is unclear whether Pittenger and his co-author, Representative Maxine Waters (D-Calif.), will try again to expand the government’s control over the finances of all Americans.

What is certain, however, is that the members of the party of power — whether identified by an R or D after their name — will continue colluding with the executive and judiciary branches to protect the unconstitutional authority they have extorted from the people in the name of protecting them from terrorism.



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