



Written by [Raven Clabough](#) on February 10, 2011

## **PATRIOT Act Faces Difficulties in House of Representatives**

In a surprising turn of events on Tuesday, the U.S. House of Representatives failed to extend a number of provisions to the PATRIOT Act as a result of dissonance within the Republican Party. Unfortunately for constitutionalists, the victory was short-lived as the House has now changed the rules for passage, opting instead for a simple majority instead of the original two-thirds majority that was required.



*The Blaze* writes of the vote,

The House voted 277-148 to keep the three provisions of the USA Patriot Act on the books until Dec. 8. But Republicans brought up the bill under a special expedited procedure requiring a two-thirds majority, and the vote was seven short of reaching that level.

The failed bill would have extended the authority for court-approved roving wiretaps, and would have renewed the authority of the FBI to maintain access to library records or “any tangible thing” relevant to a terrorism investigation. It also focused on the “lone-wolf” provision of a 2004 law that allows secret intelligence surveillance of non-Americans who may not even be connected to a specific terrorist organization.

Those who voted in favor of the legislation assert that it is necessary to prevent another terrorist attack, while [opposition](#) contends that the provisions violate individual civil liberties and indicate that it has stripped the Fourth Amendment of its authority.

The bill would not have failed had it not been for those Republicans who willingly broke from their Party's leadership. According to [The Hill](#), “More than two dozen Republicans bucked their leadership in the vote, by far the biggest defection for the House GOP since it took over the lower chamber. Until tonight’s vote, Republicans voted together in all but two votes this year, and in those two votes, only one Republican voted with Democrats.”

Republicans who voted against the provisions were: Reps. Justin Amash (Mich.), Roscoe Bartlett (Md.), Rob Bishop (Utah), Paul Broun (Ga., photo above), John Campbell (Calif.), John Duncan (Tenn.), Mike Fitzpatrick (Pa.), Chris Gibson (N.Y.), Tom Graves (Ga.), Dean Heller (Nev.), Randy Hultgren (Ill.), Tim Johnson (Ill.), Walter Jones (N.C.), Jack Kingston (Ga.), Raul Labrador (Idaho), Connie Mack (Fla.), Kenny Marchant (Texas), Tom McClintock (Calif.), Ron Paul (Texas), Denny Rehberg (Mont.), Phil Roe (Tenn.), Dana Rohrabacher (Calif.), Bobby Schilling (Ill.), David Schweikert (Ariz.), Rob Woodall (Ga.), and Don Young (Alaska).



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Sixty-seven Democrats voted alongside the majority of the GOP, with 122 voting against extending a number of provisions of the PATRIOT Act.

Michelle Richardson of the American Civil Liberties Union — an organization that has steadfastly opposed the Patriot Act as a measure that violates fundamental privacy rights — asserts that she was “glad to see there is bipartisan opposition to the Patriot Act 10 years later.”

Likewise, Democrats celebrated the bill’s failure, including Democratic Representative Barney Frank of Massachusetts, who said, “They didn’t have the votes! They kept trying to get them to switch, but couldn’t get them.”

Perhaps more surprising than those who voted against the bill are those who voted in its favor — those who have purported to maintain Tea Party and constitutionally conservative ideals, like Representative Michele Bachmann, who until now has appeared to be relatively consistent. Others who tout constitutional conservative values but continually defy them — including in the vote on the Patriot Act provisions-include House Speaker John Boehner, Majority Leader Eric Cantor, and Majority Whip Kevin McCarthy.

Representative James Sensenbrenner (R-Wis.) the former Judiciary Committee chairman who wrote the 2001 Patriot Act, encouraged members of the House to support the measure extending the Patriot Act provisions by attempting to indicate that they were merely temporary solutions that would be unnecessary once permanent statutes could be reached. The House was hoping for a nine-month extension that would have permitted lawmakers more time to settle on more permanent measures. The Senate is already in the process of considering a number of long-term ideas.

For example, the Senate Judiciary Committee Chairman Patrick Leahy of Vermont introduced legislation that would extend the three provisions of the Patriot Act through 2013 while improvements were made in oversight and intelligence gathering. Another bill is being prepared for introduction by Senator Dianne Feinstein, D-Calif., that would extend the same measures through 2013 and a Republican proposal that would then make them permanent.

In the meantime, however, Sensenbrenner told his colleagues, “The terrorist threat has not subsided and will not expire, and neither should our national security laws.”

Ohio Democrat Dennis Kucinich countered Sensenbrenner’s approach by urging Republican supporters of the Tea Party movement to show their opposition to such big government intrusiveness by rejecting the bill.

“How about the Patriot Act, which has the broadest reach and the deepest reach of government to our daily lives?” remarked Kucinich. “The Patriot Act is a destructive undermining of the Constitution. How about today we take a stand for the Constitution to say that all Americans should be free from unreasonable search and seizure, and to make certain that the attempt to reauthorize the Patriot Act is beat down.”

Despite the bill’s failure on Tuesday, the provisions will likely be extended once new rules are adopted. The Blaze explains, “The defeat means that Republicans may have to bring the bill back to the floor under regular procedures that only require a majority for passage but allow for amendments. Time is of the essence: The three provisions will expire on Feb. 28 if the House and Senate can’t agree on how to proceed.”

The White House has indicated that it “would strongly prefer” extending the provisions through 2013,



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rather than for nine months, as it “provides the necessary certainty and predictability that our nation’s intelligence and law enforcement agencies require.”

At the same time, the Justice Department has assured the White House that it is currently implementing oversight and civil liberties measures. The Blaze notes that those measures “included requirements that the government show relevance to an authorized investigation when seeking library or bookseller records, and similarly that the FBI show that information it is seeking with a national security letter is relevant to an investigation.”

Democratic Representative Lacy Clay, though celebratory that the bill failed, contends that Republicans will likely take the route of taking up the measure under a rule, a process that is slower but would allow the bill to pass under a simple majority.

*Photo: Rep. Paul Broun (R-Ga.),*



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