



Written by [Warren Mass](#) on June 1, 2015

Rand Paul Blocks Renewal of PATRIOT Act's Expiring Powers; Battle Continues

The Senate battle for and against renewing expired parts of the PATRIOT Act — which the National Security Agency (NSA) has used to justify the collection of phone records — continued on June 1, after Sen. Rand Paul (R-Ky.; shown) blocked extension of those powers during a special session of the upper house the previous day.



Paul was supported in his efforts to stop renewal of the NSA's snooping authority by two Democrats, Ron Wyden of Oregon and Martin Heinrich of New Mexico.

"Tonight, we stopped the illegal NSA bulk-data collection," Paul said in a statement after the Senate recessed without renewing the provisions that were set to expire at midnight. "This is a victory no matter how you look at it. It might be short lived, but I hope that it provides a road for a robust debate, which will strengthen our intelligence community, while also respecting our Constitution."

The *New York Times* reported on June 1 that the expiration of three sections of the PATRIOT Act means that, at least for now, the NSA may no longer legally collect newly created logs of Americans' phone calls in bulk.

Additionally, noted the *Times*, the FBI cannot cite the PATRIOT Act as authorization to obtain wiretap orders for new investigations that monitor a suspect who changes phones, wiretap orders for a "lone wolf" terrorism suspect not linked to a group, or court orders to obtain business records relevant to an investigation.

The expiring portions include Sections 206 (Roving surveillance authority under the Foreign Intelligence Surveillance Act of 1978 [FISA]), 215 (Access to records and other items under the Foreign Intelligence Surveillance Act), and 6001 (the "Lone wolf" provision). Other portions of the PATRIOT Act either have expired previously or are permanent provisions that never expire.

Sunday's showdown represented a failed effort on the part of Senate Majority Leader Mitch McConnell (R-Ky.) to salvage the surveillance powers used by the NSA. Back on April 21 McConnell introduced a bill (S. 1035) — a "clean" extension (that is, without amendments) would have extended the government's surveillance authority to the end of 2020. Realizing that there was little support for this bill, and hoping to buy more time, on May 14 McConnell introduced another bill (S. 1357) that basically did the same thing as S. 1035, but only until July 31. Senator Paul then took to the Senate floor for 10-and-a-half hours on May 20 to hold up McConnell's bill.

Concurrent with the fight over these Senate bills, the House passed the USA Freedom Act (H.R. 2048) on May 13 in a 338-88 vote. While Its supporters claimed that it strikes the right balance between reining in the NSA's powers and protecting national security, the bill — while eliminating the NSA's bulk collection of phone records — also allows data gathering from specific individuals or groups, and



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extends other PATRIOT Act powers through 2019. Because it gave away more than it accomplished, Paul and others opposed it. McConnell also opposed the USA Freedom Act, initially, but unlike Paul, because he was against limiting the NSA's powers.

McConnell then took a gamble and sent senators on a week-long vacation to prevent consideration of the USA PATRIOT Act, while hoping that a sense of urgency would impel the Senate to renew the expiring PATRIOT Act powers on the eve of their expiration. He did not count on Paul's unrelenting opposition, though.

Failing to get what he wanted, McConnell, decided to go for "half a loaf" and support a vote on the USA Freedom Act (H.R. 2048). That legislation is supported by the Obama administration.

"[The USA Freedom Act] is not ideal but, along with votes on some modest amendments that attempt to ensure the program can actually work as promised, it's now the only realistic way forward," McConnell said.

The Senate voted 77-17 to move forward on considering the act this week. However, as a Fox News report noted: "the question is whether they will amend that legislation — and if they do, whether the House would accept those changes."

The *Huffington Post* reported that House Majority Leader Kevin McCarthy urged the Senate on Monday to pass the legislation.

"My only advice is just to get USA Freedom Act done — as soon as possible," McCarthy told reporters Monday. "I think the best thing for the Senate to do is just take up the House bill and pass it to the president."

Senator Paul's father, former Rep. Ron Paul (R-Texas), has publicly criticized the USA Freedom Act. [He stated in a column](#) published early last month:

The USA FREEDOM Act has about as much to do with freedom as the PATRIOT Act had to do with patriotism. If Congress truly wanted to protect our liberties it would pass the Surveillance State Repeal Act, which repeals the PATRIOT Act. Congress should also reverse the interventionist foreign policy that increases the risk of terrorism by fostering resentment and hatred of Americans.

Representatives Thomas Massie (R-Ky.) and Mark Pocan (D-Wis.) introduced the Surveillance State Repeal Act (H.R. 1466) on March 24.

The Surveillance State Repeal Act would completely repeal of the 2001 PATRIOT Act. Additionally, the bill would repeal the FISA Amendments Act, which contains provisions for e-mail data harvesting, would also make retaliation against federal national security whistleblowers illegal, and requires that any FISA collection against a U.S. person takes place only pursuant to a valid warrant based on probable cause.

Photo of Sen. Rand Paul: AP Images

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