



Written by [Warren Mass](#) on May 15, 2015

## McConnell Bill Would Extend PATRIOT Act Powers Through July

Senate Majority Leader Mitch McConnell (R-Ky.) on May 14 introduced a bill that would extend until July 31 — without changes — the expiring surveillance authorities of the PATRIOT Act. McConnell placed his bill on the Senate Legislative Counter, a procedure called “fast-track” (known as Rule 14) because it avoids the lengthy committee process and allows legislation to be brought to the floor for a vote quickly.



McConnell describes his legislation, S. 1357, as: “A bill to extend authority relating to roving surveillance, access to business records, and individual terrorists as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978 until July 31, 2015.”

The majority leader also used the fast-track procedure on H.R. 2048, the USA Freedom Act of 2015, which was passed by the House on May 13. Both bills will be eligible for consideration on the Senate floor next week.

On April 21, McConnell introduced a bill, S. 1035, that would have extended the government’s surveillance authority to the end of 2020. However, given the passage of the USA PATRIOT Act in the House and strong opposition to government surveillance from Senator Rand Paul (R-Ky.) and others, S. 1035 stood little chance of passage.

A bipartisan group of senators has expressed opposition to continuing the National Security Agency’s bulk surveillance programs that the NSA claimed were justified by Section 215 of the PATRIOT Act, and their position was bolstered after the U.S. Court of Appeals for the Second Circuit in New York ruled on May 7 that the NSA’s bulk collection of U.S. call records is illegal. Senators Patrick Leahy (D-Vt.) and Mike Lee (R-Utah) said a joint statement:

The dragnet collection of Americans’ phone records is unnecessary and ineffective, and now a federal appellate court has found that the program is illegal, Congress should not reauthorize a bulk collection program that the court has found to violate the law. We will not consent to any extension of this program.

McConnell has proposed just such an extension, first through 2020 and now temporarily, until he can negotiate a bill that will pass.

The *National Journal* noted on May 14: “By introducing a short-term clean reauthorization in addition to the House-passed reform measure known as the USA Freedom Act, McConnell may be seeking to forge some sort of compromise between the two measures.” By “clean authorization,” the report means extension of the complete PATRIOT Act powers without the restrictions imposed by the House bill.

The Obama administration issued a statement from the executive office of the president on May 12 (the day before the USA Freedom Act passed the House) stating, in part:

The Administration strongly supports House passage of H.R. 2048, the USA FREEDOM Act. The



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President has called on Congress to enact important changes to the Foreign Intelligence Surveillance Act (FISA) that enhance privacy and better safeguard our civil liberties, while keeping our Nation safe....

The bill would implement various reforms, including prohibiting bulk collection through the use of Section 215, FISA pen registers, and National Security Letters, while maintaining authorities to conduct more targeted collection....

The Administration supports swift House passage of the USA FREEDOM Act, and urges the Senate to follow suit.

The backing of the Obama administration is enough to make most constitutionalists wonder what is wrong with the USA Freedom Act, and their concern is not without cause. Though some constitutionalists, such as Senator Ted Cruz (R-Texas) have supported the USA Freedom Act (Cruz even cosponsored S. 1123), they likely have not considered all its ramifications and fail to recognize that the legislation gives away too much in order to accomplish too little.

When a version of the act was passed by the House in the last Congress, it ran into Republican-led filibuster in the then-Democrat-controlled Senate. When a vote came up to end the filibuster, only four Republicans — Ted Cruz of Texas, Dean Heller of Nevada, Mike Lee of Utah, and Lisa Murkowski of Alaska — voted “Yea” with 52 Democrats and two Independents. Because of the failure to reach the required 60 votes, the filibuster was maintained and the bill did not come up for a vote. That Rand Paul (R-Ky.) was not among them surprised many, given that his father, former Representative Ron Paul (R-Texas), has often expressed strident opposition to the type of government spying the bill supposedly would have curtailed.

However, Paul opposed the bill for different reasons from most other Republicans who denied it a vote on the floor. He explained that he was not against the parts of the USA Freedom Act that would have limited NSA surveillance, but was against those parts that would have extended parts of the PATRIOT Act until to 2017. This year’s USA Freedom Act would extend parts of the PATRIOT Act even longer, to 2019. While Paul has spoken out mostly about the opposing the entire PATRIOT Act, the extension of parts of it to 2019 in the USA Freedom Act should likely cause him to once again withhold support for that legislation as well.

During a visit to New Hampshire on May 11, Paul said in a statement to the *New Hampshire Union Leader*:

I’m going to lead the charge in the next couple of weeks as the Patriot Act comes forward. We will be filibustering. We will be trying to stop it. We are not going to let them run over us. And we are going to demand amendments and we are going to make sure the American people know that some of us at least are opposed to unlawful searches.

Paul’s father, though retired from Congress, is still outspoken on the matter of intrusive government surveillance and does not view the USA Freedom Act as a worthwhile antidote to the PATRIOT Act. He wrote in an article for the Ron Paul Institute for Peace and Prosperity that was [reposted on](#) *The New American’s* website on May 5, in which he observed,

A look at the USA FREEDOM Act’s details, as opposed to the press releases of its supporters, shows that the act leaves the government’s mass surveillance powers virtually untouched.

The USA FREEDOM Act has about as much to do with freedom as the PATRIOT Act had to do with



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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.

Fourteen years after the PATRIOT Act was rushed into law, it is clear that sacrificing liberty does little or nothing to preserve security. Instead of trying to fool the American people with phony reforms, Congress should repeal all laws that violate the Fourth Amendment, starting with the PATRIOT Act.

At present, senators have a choice among three pieces of legislation dealing with the expiration of some of the PATRIOT Act's provisions at the end of this month — the USA Freedom Act, McConnell's five-year clean extension, and McConnell's bill offering a clean extension until July 31. None of them offers an end to the surveillance state and all of them would extend it.

The best bill in Congress to end mass surveillance is the Surveillance State Repeal Act (H.R. 1466), which was introduced in the House on March 19 by Representative Mark Pocan (D-Wis.) It is in the House Subcommittee on Crime, Terrorism, Homeland Security, and Investigations and is worthy of the support of all who cherish freedom. (It currently has no related bill in the Senate.)

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