

## House of Representatives Sneaks Reauthorization of Patriot Act Into Continuing Resolution

Written by Steve Byas | November 21, 2019

In a tweet on Thursday, Representative Thomas Massie (R-Ky.) expressed his outrage that the House of Representatives had voted to sneak reauthorization of major provisions of the Patriot Act into a continuing resolution.

“Yesterday, the House voted for a funding bill with an extension of the Patriot Act hidden within it,” Massie said. “Instead of debating the merits of warrantless data collection, leadership used the threat of a shutdown to get members to vote for warrantless spying.”

The Patriot Act was passed in the aftermath of the 9/11 attacks, giving federal law enforcement sweeping powers to spy on millions of Americans — powers which many argue are violations of the U.S. Constitution. A continuing resolution is passed by Congress to enable the government to pay all of its bills, when Congress has failed to do its job of passing a budget earlier in the session. Often, controversial legislation is tucked away inside the massive spending bill.

This time the House used the fear of a government shutdown to sneak in reauthorization of the Patriot Act.

The practical effect is that surveillance-related provisions of the USA Patriot Act — set to expire on December 15 — will be extended for another three months.

In an interview with *The New American* magazine, Massie explained the duplicitous strategy: “They [the House leadership] like to kick the can down the road.” Massie said that where they want the can to end up is right before Christmas on December 20. At that point, Massie explained, the House leadership can use the “crisis” of members wanting to get out of town for the Christmas break to get members to pass the bill, without giving the bill its due consideration.



The House has a rule that members must get at least 72 hours to read the bill, but in this case members had less than 24 hours to look at the bill. Massie admitted that most members of

Congress would not read the bill if “given a year,” but if allowed 72 hours, then the issue could enter the news cycle, giving constituents an opportunity to alert their House members. Massie said that the reduced time “takes constituents out of the loop.”

To get around the rule, Massie said that House Speaker Nancy Pelosi backed a resolution to “waive all points of order,” which would, of course, include any points of order that the House is not following the 72-hour rule. “Today, while everyone is distracted by the impeachment drama, Congress will vote to extend warrantless data collection provisions of the Patriot Act, by hiding this language on page 25 of the Continuing Resolution (CR) that temporarily funds the government. To sneak this through, Congress will first vote to suspend the rule which otherwise gives us (and the people) 72 hours to consider a bill.”

Here Massie is alluding to the ability of concerned Americans to exercise their First Amendment-protected right to contact their members of the House and lobby for a vote against the liberty-killing provisions of the Patriot Act.

What is so bad about the provisions of the Patriot Act, which have been extended?

In the interview with *The New American*, Massie cited the “lone wolf” provision, the “roving wiretap” provision, and section 215, which allows the mass collection of data on American citizens. The “roving wiretap” provision allows the nation’s spies to get a warrant from the secret Foreign Intelligence Surveillance Court (FISA Court) without having to even identify a target. This gives the government the authority to tap a suspect’s line as he hops from one device to another. The “lone wolf” provision allows the government to obtain a warrant from the FISA Court to electronically monitor an individual — and the government does not even need to show that the suspect is an agent of a foreign power or linked in any way to terrorism.

With more recent events involving the spying by the Obama administration on the Trump 2016 presidential campaign, using the FISA Court, the 2015 remarks by then-FBI Director James Comey in support of a Patriot Act extension should be ominous: “I sure hope Congress figures out a way to make sure I don’t lose these essential tools.”

Massie allowed that, “It’s quite possible that your member of Congress doesn’t even know the Patriot Act reauthorization is in the CR.”

“The scam here is that Democrats are alleging abuse of presidential power,” Massie added, “while simultaneously reauthorizing warrantless power to spy on citizens that no president should have ... in a bill that continues to fund EVERYTHING the president does ... and waiving their own rules to do it.”

The Democrats, Massie said, are “in love with the police state and with spending.” But, Massie lamented, “When we get the majority back, we can stop doing the same crap,” but he recalled that former Republican speakers of the House John Boehner and Paul Ryan pretty much did the same thing.

And the game goes on.

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