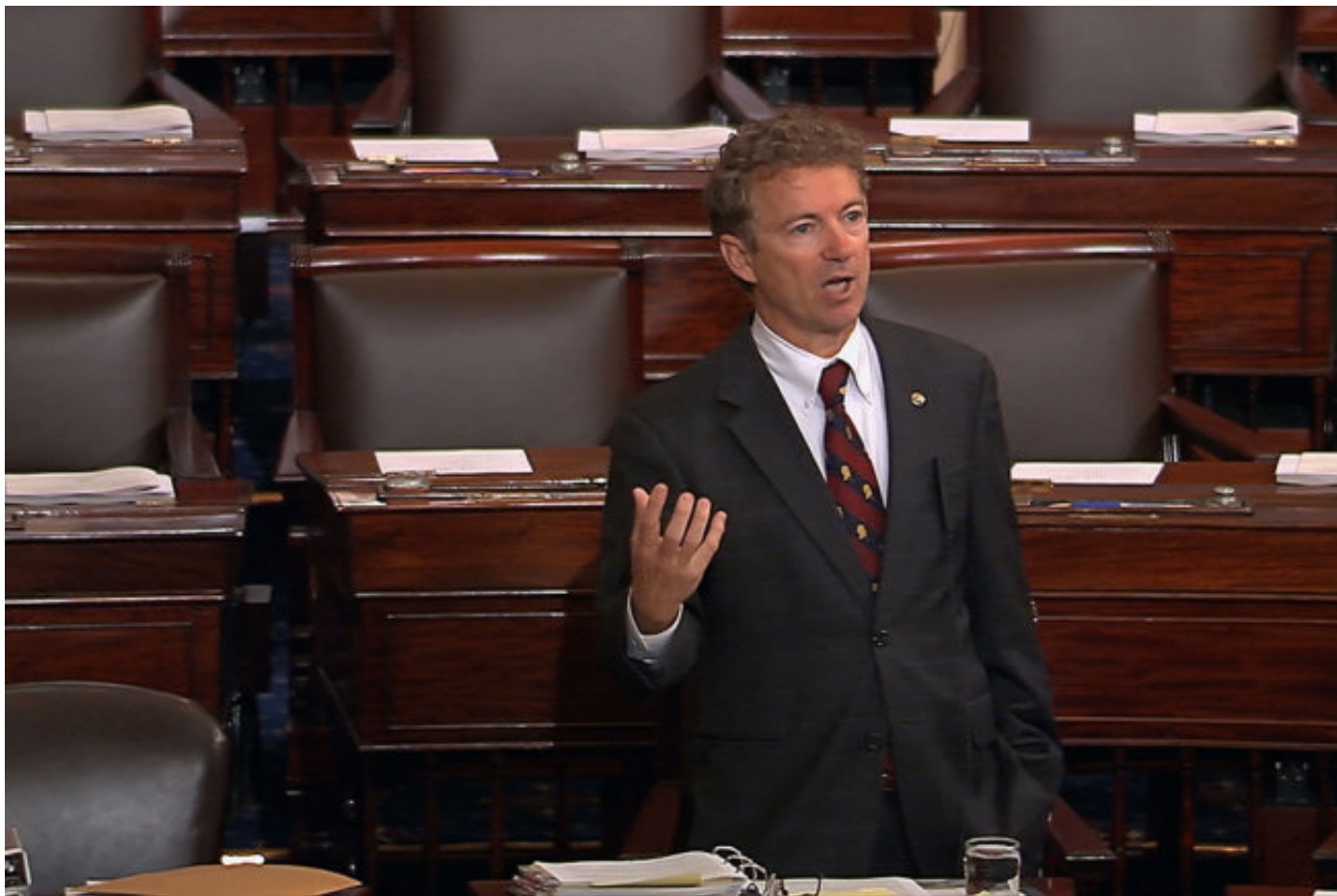


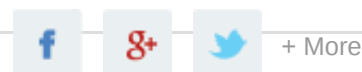
Senate Faces Limited Options Ahead of Patriot Act Expiration

The NSA will lose spying powers if a reform package called the Freedom Act is not passed on Sunday.



Sen. Rand Paul, R-Ky., speaks against the Patriot Act renewal on the Senate floor on May 20. The Senate is meeting Sunday to either reform or reauthorize the controversial legislation.

By [Tom Risen](#) | May 29, 2015 | 5:58 p.m. EDT



The Senate is meeting Sunday in a last-ditch attempt to either [reform or reauthorize the Patriot Act](#), but divided lawmakers appear to have limited options for preventing the sunset of key surveillance powers.

With the House out of session until Monday, after the law's midnight Sunday expiration, some post-9/11 information-collecting authorities appear likely to expire – at least temporarily – potentially placing security agencies in legal limbo.

Amid widespread opposition to either a long- or a short-term reauthorization of the entire Patriot Act, the Senate's only option to completely avoid the expiration of spying powers appears to be passage of the USA Freedom Act, which would end the bulk collection of phone records. The bill, co-authored by Rep. James Sensenbrenner, R-Wis., and Sen. Patrick Leahy, D-Vt., would [reauthorize the Patriot Act](#) while limiting the NSA's ability to collect data under Section 215 of the act and certain methods granted by the Foreign Intelligence Surveillance Act.



After a closed-door strategy session at the White House on Friday with Attorney General Loretta Lynch, President Barack Obama called on the Senate to pass the Freedom Act, claiming that the spying authorities it would maintain could help prevent a terrorist attack.

"I don't want us to be in a situation in which, for a certain period of time, those authorities go away," he said.

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[are needed](#) to counter terrorist threats.

The House has already passed the Freedom Act, so that bill is the fastest path that would allow the government to retain spying powers while taking steps to address concerns about privacy and due-process gaps in surveillance programs.

Privacy advocates are divided on whether the legislation contains enough protections to limit broad surveillance. The American Civil Liberties Union is neutral on the bill, but the Center for Democracy & Technology supports it as a compromise to balance security tools with privacy safeguards. Letting the bill lapse after Sunday's Senate session would likely mean the spying powers would vanish for longer than a day or two, says Harley Geiger, senior counsel with the CDT.

"It's a big risk to assume the House will rush to reinstate Section 215 of the Patriot Act after a sunset," Geiger says. "The law will become much narrower post-sunset, and then the House will be faced with expanding the law rather than extending existing law."

McConnell's Republican colleague from Kentucky, Sen. Rand Paul, also opposes the Freedom Act, but unlike the majority leader he wants the Patriot Act powers to expire completely. Paul, a presidential candidate who voted against allowing debate on the Freedom Act during the last Congress, [spoke on the Senate floor](#) for 10 1/2 hours last week, saying the bill does not go far enough to protect privacy rights.

Paul and Sen. Ron Wyden, D-Oregon, are pushing for reforms to the Freedom Act, but "Paul will oppose reauthorization and any short-term extension of the Patriot Act," said his spokeswoman, Jillian Lane.

The Senate on Sunday may debate alternatives to the Freedom Act, but privacy advocates, including the CDT, [opposed those legislative options](#) in a letter to lawmakers on Thursday. The alternative bills are the FISA Improvements Act proposed by Sen. Richard Burr, R-N.C., and the FISA Reform Act introduced by Sen. Dianne Feinstein, D-Calif.

Certain spying powers will likely become inactive at least temporarily after the June 1 deadline. These include requests for business records that Section 215 enables the government to seek through a court order without collecting information in bulk. Those requests are made "sparingly, about 200 times last year," but when that ability "matters tremendously," a senior White House official tells U.S. News.

The June 1 deadline would also sunset the roving wiretaps authority, which in certain cases allows the government to monitor a target when they switch phones without having to find probable cause with a court review to monitor the new phone, he says. Another power that will expire is the so-called "lone wolf provision," which allows the government "to conduct surveillance of individuals who are engaged in international terrorism but who are not linked to an identified terrorist group," the official says.

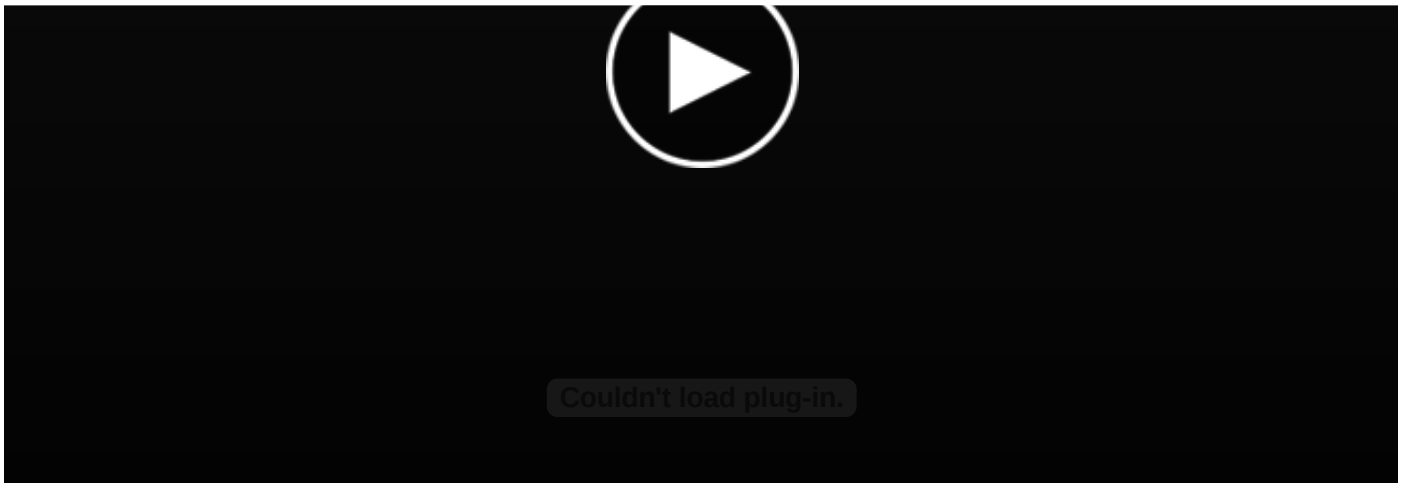


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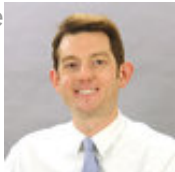
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