

Roll Call

Conservatives Push for Patriot Act Limits as June 1 Expiration Date Nears

By Shawn Zeller

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With key provisions of the Patriot Act set to expire on June 1, conservative advocacy groups are telling Republican lawmakers they should make significant changes to the government's authority to collect data about Americans.

The groups feel emboldened because of a vote the House took last June on an amendment to the annual Defense Department appropriations bill. It would have barred the National Security Agency from sweeping up Americans' emails, Web-browsing data and online chats without a warrant. The amendment was adopted 293-123 with a majority of members from both parties in support.

Former NSA contractor Edward Snowden sparked concerns among conservatives two years ago, when he revealed the agency's broad collection of Americans' call records, which are then searched for links to known terrorists.

The difficulty in convincing Congress to make changes to the program is getting party leaders to go along. Leaders ultimately removed the amendment, sponsored by Kentucky Republican [Thomas Massie](#) and California Democrat [Zoe Lofgren](#), when the defense bill was wrapped into omnibus spending legislation in December.

"They're going to say, 'Pass this or people are going to die,'" Patrick Eddington, a policy analyst at the libertarian Cato Institute, said at a recent briefing for congressional staffers, referring to party leaders opposed to overhauling the law. Eddington urged the aides to go to their bosses and advise them to begin making the case to leaders for limits on the surveillance programs.

Advocates at the briefing said they want Congress to ban mass surveillance of Americans without a warrant, destroy previously collected data about them and subject the government's surveillance programs to regular audits. They said if Congress reauthorizes the expiring Patriot Act (PL 107-56) provisions, it also should bar the government from mandating that technology companies add "back doors" to their encryption products that allow the government access.

Lawmakers also should increase protections for whistleblowers to avert future incidents such as the one involving Snowden, they said.

The expiring Patriot Act provisions allow the government to collect personal information on people it says are the subject of a terrorism investigation and to track their communications, the underpinnings for the NSA surveillance program.

To make their case, they went beyond the typical civil liberties arguments against warrantless surveillance. Most prominent was the claim that the government's surveillance programs hurt the American economy by prompting companies seeking to protect their data to store it with European data storage providers.

"It's driving business away from us in a way that hurts the economy," said Wayne Brough, chief economist of FreedomWorks, a conservative advocacy group.

Second was the case that the surveillance programs are not effective. Eddington, a former CIA agent and aide to former Democratic Rep. [Rush D. Holt](#) of New Jersey, said he would never ask any lawmaker "to support a solution to the problem we are discussing here today that would increase the risk to the lives of people here at home or our deployed troops abroad."

Eddington said lawmakers should seek to review classified inspector general reports evaluating the success of the NSA surveillance. "We're spending a huge amount of money to store data that's totally worthless," he said.

Indeed, the advocates also argued that storing the data was expensive — they pointed to the NSA's construction of a massive new data center in Utah — and said it might also weaken U.S. spy agencies by focusing time and attention on surveillance that hasn't led to terrorists.

Eddington even made the case that the surveillance should worry gun owners, since the government can now theoretically pick up information about people who own guns in its sweeps of calls and emails. He noted the National Rifle Association in 2013 filed a brief supporting an American Civil Liberties Union suit challenging the NSA's collection of Americans' phone records.

House Republicans are the key to making any changes in the surveillance authorities, not only because they control the chamber, but because they voted overwhelmingly in favor of reauthorizing the provisions when they last came up for renewal in 2011. Then, 196 Republicans voted in favor of reauthorization, compared to 56 opposed. House Democrats, by contrast, were overwhelmingly opposed.

Senators historically have been more willing to give the executive branch broad surveillance authority. In 2011, 41 of 45 Republicans voted yes. Thirty of 48 Democrats who voted also backed the extension.

Congress will likely have to make a decision by May 21 on reauthorization, when lawmakers plan to depart for a Memorial Day recess.