



House Members Move To Repeal The Patriot Act With Strongest Anti-Surveillance Bill To Date

By Lauren C. Williams

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Overshadowed by congressional budget talks, Reps. Mark Pocan (D-WI) and Thomas Massie (R-KY) quietly introduced the strongest anti-surveillance bill to date that would strip the government of much of its spying power.

“This isn’t just tinkering around the edges, it’s a meaningful overhaul that makes sure the meaningless surveillance of emails and cell phones are done away with,” Pocan said in a briefing for congressional staffers Tuesday.

The Surveillance State Repeal Act, or HR 1466, aims to repeal the Patriot Act, including the controversial telephony metadata collection program, and strip many of the surveillance permissions granted under the Foreign Intelligence Surveillance Act amendments passed under President George W. Bush in 2008.

Reps. Alan Grayson (D-FL), James McGovern (D-MA), and Lloyd Doggett (D-TX) are original [co-sponsors](#) on the bill, which was ushered in March 19.

Surveillance has been a prominent in public debate since former National Security Agency contractor Edward Snowden’s massive document leak exposed several government intelligence programs, namely the NSA’s dragnet telephone metadata collection.

But despite public outrage over [civil liberties violations](#) and calls for immediate reform, [little has been done](#) since Snowden’s 2013 revelations.

The controversial phone metadata surveillance program was reauthorized for the fifth time under Section 215 of the Patriot Act [extended until June](#). Other sections of the Patriot Act are also expected to sunset this summer.

In 2014, President Barack Obama [announced](#) a scaled-back surveillance program that would permit intelligence agencies to collect phone records without storing them, and agencies could

only query the data stored by a third party after getting a warrant except in true emergencies. Those queries were limited to people who have called or been called by suspected terrorists.

Revised versions of the USA Freedom Act, a counter bill to the Patriot Act introduced after the Snowden leaks, have [stalled](#), and only offered smaller changes.

But with continued bipartisan support, HR 1466 could rekindle hope for sweeping changes in surveillance laws.

“All mass surveillance does is violate the rights and put a chilling effect on the American people,” causing people to change their behavior because they’re afraid of government spying, said Patrick Eddington, national security and civil liberties policy analyst for the libertarian think tank CATO Institute, at Tuesday’s meeting.

The Patriot Act, as written, is [heavily contingent](#) on Executive Order 12333, signed by President Ronald Reagan more than 30 years ago. The order has been since used as the [legal justification](#) for some of the NSA’s surveillance programs including backdoor access to internet companies’ data centers.

If passed, the Surveillance State Repeal Act would ban the use of order 12333 and close those data access [loopholes](#) built in to software and devices’ encryption. It would also extend greater protections to whistleblowers, such as making it illegal to fire or retaliate against them.

“This is not about Edward Snowden. If you want to talk about Edward Snowden, we need better whistleblower protections so it doesn’t happen again,” Massie said, indicating the contractor turned whistleblower couldn’t legally have disclosed problems with the agency to him or other Congress members.”

Pocan and Massie’s bill would upend that justification by repealing the programs under FISA and the Patriot Act that allow indiscriminate collection and access to Americans’ communications. For example, HR 1466 would repeal the amendment that permits email harvesting, with few exceptions, and make it illegal to survey individuals without a warrant and probable cause. The bill also mandates domestic surveillance programs be monitored for compliance by the Government Accountability Office.

The bill, however, does retain key elements important to counter-terrorism efforts by intelligence agencies and law enforcement, such as the ability to target specific individuals, foreign or domestic, through various communication channels. It also allows the government to gather intelligence that involved weapons of mass destruction.