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What Happens If The Patriot Act Expires? It's Not As Scary As The Government Might Have You Think

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The controversial Patriot Act is up for renewal once again, after stalling in the Senate on May 11. With three key provisions set to expire on June 1, including a measure under section 215 that allows intelligence officials to gather and hold private user data for an unspecified amount of time, debates over the effectiveness of the bill have cropped up on both sides of the political aisle. As the Senate gathered in an unusual Sunday session to vote on moving the bill or its amendment extension, the USA Freedom Act, forward, parties have splintered. But [if the Patriot Act provisions do expire](#), as the government has so keenly warned against, is that really such a bad thing?

The USA Freedom Act, which has been presented as a way to keep some of the current provisions in place, works as a bridge extension to the Patriot Act by allowing intelligence agencies to access metadata, but only by presenting specific warrants. Telecommunications companies like Verizon and AT&T would still be given responsibility for storing that data. The bill easily passed through the House of Representatives earlier this month, but it hit a wall when it reached the Senate, due to the ongoing efforts of Kentucky senator and 2016 candidate Rand Paul.

“I will force the expiration of the NSA illegal spy program,” said [Paul in a statement to Politico](#) on Sunday, pointing to a loophole in the Senate rulebook that would allow him to essentially filibuster the vote until the midnight deadline and prevent both the Patriot Act and the new amendments from passing.

He added,

Let me be clear: I acknowledge the need for a robust intelligence agency and for a vigilant national security. I believe we must fight terrorism, and I believe we must stand strong against our enemies. But we do not need to give up who we are to defeat them. In fact, we must not.

If Paul is successful, the data collection measures will die out at 12 a.m. June 1. But that doesn't mean the intelligence community will be out on its luck completely. In fact, if the USA Freedom

Act and the Patriot Act provisions fail to pass the Senate, not a whole lot will change on the government's end, aside from more paperwork, as [Vox pointed out on Sunday](#).

The NSA Still Has Access To Your Information (Sorry)

Whether you like it or not, the digital age is here to stay. That means that anything you put online, anything you publish on your Twitter or Facebook, or, in this case, any phone calls you make, can still be tracked. In other words, if the [Patriot Act's key section 215](#) flatlines, intelligence agencies will still be able to see that you called that yellow cake bakery that they've been eyeing suspiciously. They'll just have to request it specifically.

The expired provisions don't necessarily block the intelligence community from accessing your data — it just makes it that much more tedious for them. In order to pull telecommunications metadata (i.e. all the information surrounding a specific call or text message), they would be required to present a warrant for your personal information, rather than grabbing all of yours, your neighbor's, and your neighbor's-sister's-best friend's-brother's dog at once and storing it for years on their own systems.

“[If the provisions expire], it certainly doesn't mean they'll stop getting phone records,” [said senior Cato Institute fellow Julian Sanchez](#), in a comment to The Daily Dot on Wednesday. “As long as they're doing it in a more targeted way — that is to say, they're going to specific numbers rather than collecting in bulk — they can continue getting all the information they need about suspicious phone numbers without [section] 215.”

Roving Wiretaps And “Lone Wolf” Policing Will End

If the Senate fails to pass the data-collection measure on Sunday night, CNN reported, the provision that currently allows intelligence officials to listen in on a suspect's phone calls without having to present new warrants every time they change handsets [would be scrapped](#). Expiration of the measure would also can a provision which gives the Foreign Intelligence Surveillance Act court the ability to spy on individual suspected terrorists who are not affiliated with any overarching terror network or group.

Worried? You probably shouldn't be. According to the government's own Justice Department, the so-called “lone-wolf” provision has never actually been used. That's like trying to save that ratty old band tee with the aggressive graphic on it that's sitting in the back of your closet (which you never wear), simply because it scares your parents.

“Allowing the provisions of the Patriot Act to sunset wouldn't affect the government's ability to conduct targeted investigations or combat terrorism,” [wrote the ACLU in a statement](#) on Thursday. “The government has numerous other tools, including administrative and grand jury subpoenas, which would enable it to gather necessary information.”

We Won't Be In "Uncharted Waters," Despite What Some Government Officials Think

"We're in uncharted waters," a [senior Obama administration official](#) told *The New York Times* on Wednesday last week. "We have not had to confront addressing the terrorist threat without these authorities, and it's going to be fraught with unnecessary risk."

Except that's probably not the case. According to a [policy paper out of the nonprofit think tank New America](#) in January 2014, bulk-data collection, like the kind specified in the Patriot Act's section 215, has a pretty impressive record — of not doing anything, that is. The intelligence community's own numbers have proven that mass data scraping has never prevented or identified a credible terrorist attack in the last 14 years. [The one time they got close](#), reported Motherboard that same month, it turned out that the San Diego man they had been honed in on had sent money to support a shady overseas organization and was in no way planning any sort of attack in the United States.

"Fighting against unconditional, illegal powers that take away our rights, taken by previous Congresses and administrations is ... important," Paul told Politico on Saturday, speaking of the bill, which could potentially clock on at midnight on Sunday. "I do not do this to obstruct — I do it to build something better, more effective, more lasting, and more cognizant of who we are as Americans."