



## No Senate deal in sight on spy law

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With just a handful of days remaining before a critical federal surveillance law expires, Senate lawmakers have yet to come up with an extension plan that can win enough support to clear Congress.

The Senate is set to cut their week-long recess short with an unusual Sunday session on May 31, which they will use to push ahead on some agreement to extend those authorities.

Senate Majority Leader Mitch McConnell, R-Ky., is working behind the scenes to come up with a way to prevent the law from expiring. But his options are as limited as his time, which could result in the law expiring, at least temporarily.

Julian Sanchez, a senior fellow at the Cato Institute, a libertarian think tank, said it's likely lawmakers will be forced to let the law expire.

"There is nothing they can do to avoid at least a temporary sunset, unless they pass USA Freedom," Sanchez told the *Washington Examiner*.

The White House also seems to be counting on the Senate to act. This week, spokesman Josh Earnest said [the White House has no "Plan B"](#) other than Congress acting to somehow extend the law past its June 1 expiration date.

But McConnell is still facing real opposition from senators like Rand Paul, a Kentucky Republican and presidential candidate who has no plans to drop his objection to any extension of the current surveillance law, according to his aides.

Paul's stand against the NSA law has become the central element of his presidential campaign. "We can stop the spy state on May 31st. But I need your help. Add your name & donate now," Paul tweeted this week.

Sen. Ron Wyden, D-Ore., who blocked a proposal to keep the current law valid until the first week of June, isn't likely back down either, aides said.

Both Wyden and Paul oppose the current surveillance law, mostly because it relies on bulk collection of domestic data and permits warrantless searches of the information.

Wyden wants the Senate to pass the USA Freedom Act, which renews the surveillance law but ends bulk collection and makes other reforms to bolster privacy rights.

The bill passed the House overwhelmingly earlier this month, but fell three votes short of the 60 needed to move ahead in the Senate, in part due to objections from McConnell, who believes it will gut federal anti-terrorism surveillance.

Paul believes the USA Freedom Act doesn't go far enough.

He's insisting that the Senate allow debate on two amendments that he said would go further to stop the bulk collection of data by the government and which would stop the government from obtaining data without a warrant.

Wyden and Paul have co-authored several amendments, including one that would prohibit warrantless "backdoor searches" for information contained in phone records or emails obtained under the surveillance law.

Paul has not indicated which two amendments he would introduce if he gets the green light from McConnell.

"Sen. Paul's amendments will be targeted to truly end bulk collection and use of a sub-constitutional standard," a Paul aide said.

McConnell supports the current law, although he showed a willingness to back a compromise measure by Sen. Richard Burr, R-N.C., who is chairman of the Senate Intelligence Committee. Burr's plan would have provided a two-year transition period for implementing the USA Freedom Act reforms.

But Burr's plan drew opposition in the Senate and is unlikely to go anywhere in the House, where most of the support leans in favor of cracking down on the NSA's bulk data collection, which was ruled illegal by a federal court earlier this month.

In the House, authors of the USA Freedom Act have rejected Paul's maneuvering and the Burr compromise and want the Senate to pass their NSA reform legislation.

"As with too many issues in the nation's Capitol, a handful of lawmakers are holding up a very good bill that solves a problem," said Rep. F. James Sensenbrenner, R-Wis, an author of the USA Freedom Act.

A watchdog group suing the Obama administration to end the NSA surveillance on Wednesday asked the U.S. Court of Appeals for the District of Columbia to issue an immediate decision on the case, which it has been mulling for 16 months.

Freedom Watch founder Larry Klayman, in a court filing, said a ruling should come now, in part because the Senate is deadlocked on what to do with the law.

"This court must rule on the case as it exists, not some speculative legislation that is not likely come to pass in any event," Klayman wrote.