

# Congress Punting on Patriot Act Reform

By [David Kravets](#) 

Those wanting Patriot Act reforms should probably stop applauding the House's inability Tuesday to block three key spy provisions in the law from expiring at month's end.

That's because the House took procedural steps Wednesday that virtually guarantee those provisions would be extended in an upcoming vote.

The reauthorization bill [failed by seven votes Tuesday](#) because it needed two-thirds backing.

But not any more.

It required two-thirds Tuesday because it was considered [emergency legislation](#) and did not go through the [House Rules Committee](#) ahead of the vote. But on Wednesday, the legislation was sent to that committee, where [it was approved 7-2](#). That means only a majority vote of the House is necessary for passage, and to extend the spy measure to Dec. 8.

That vote will likely take place Thursday.

That doesn't mean reform is out of the question — although it is unlikely. There are a few Patriot Act measures before the Senate — with [one bill offering slight reform](#).

But there probably isn't enough time for any of them to be approved and debated by both legislative chambers. The surveillance powers at issue expire Feb. 28 if an extension isn't approved.

If history is our guide, before the month ends both chambers are likely to agree on the spy extensions and haggle over Americans' civil liberties later. And when that later date nears, Congress is likely to punt again.

"This perpetual sense of emergency, it's insane," Cato Institute scholar [Julian Sanchez](#) said in a telephone interview.

The expiring provisions at issue were set to sunset in December of 2009. Congress extended the deadline until the end of February 2010 in a bid to work out compromise legislation. When that failed, lawmakers punted for a year, declaring that those measures would expire at the end of this month unless new action is taken.

"I think the biggest question is how long the reauthorization will be, not whether there will be one," Michelle Richardson, an American Civil Liberties Union attorney, said in a telephone interview.

Here's are the expiring provisions.

- The "roving wiretap" provision allows the FBI to obtain wiretaps from a secret intelligence court, known as the FISA court, without identifying what method of communication is to be tapped.
- The "lone wolf" measure allows FISA court warrants for the electronic monitoring of a person for whatever reason — even without showing that the suspect is an agent of a foreign power or a terrorist. The government has said it has never invoked that provision, but the Obama administration said it wanted to retain the authority to do so.

- The “business records” provision allows FISA court warrants for any type of record, from banking to library to medical, without the government having to declare that the information sought is connected to a terrorism or espionage investigation.