

## House Committee Considers PATRIOT Reform

by via the EFF

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**Wednesday, November 4, 2009** : The House Judiciary Committee has recessed its meeting to "mark-up" Chairman Conyers' PATRIOT renewal and reform bill, the USA Patriot Amendments Act of 2009 (HR 3845), so that the committee members can attend a vote on the House floor. We don't know when they'll be back — we'll try to tweet via @EFF if and when they do return — but in the meantime, here are the major developments that you missed if you weren't watching the live webcast. Julian Sanchez of the Cato Institute also has a great blow-by-blow with characteristic snark via @Normative.

The mark-up got off to a somewhat worrisome start when Chairman Conyers introduced a "manager's amendment" making numerous changes to the bill to address concerns raised by the Obama Administration about some of the bill's reforms. We have a copy of the amendment and a description of the changes it makes to the bill. Based on a very quick review, most of the changes seem relatively minor, but they are definitely not an improvement from a civil liberties perspective. So, once again, the Obama Administration is quietly working to stop reforms to the PATRIOT Act even though Senator Obama was one of the PATRIOT Act's staunchest critics.

On a brighter note, the first and only vote of the morning went very well. That vote was on an amendment offered by Representative Gallegly (R-CA) to eliminate the bill's special protections for library and bookseller records. The original Conyers bill would have flatly prohibited the government from using PATRIOT Section 215 orders to obtain library and bookseller records. Unfortunately, at the behest of the Administration, Conyers' manager's amendment weakened that provision to allow Section 215 orders for such records, but only where the government can show specific and articulable facts linking the records suspected terrorists or spies. Gallegly's amendment would have removed even that protection, allowing the government to use PATRIOT Section 215 to obtain the library and book records of Americans without any link to terrorism or foreign intelligence. After spirited debate, the amendment from Gallegly failed on what appeared to be a party line vote, with 21 committee members voting "no" and 13 voting "yes."

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