

# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

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## With Rejection of Surveillance Reform, Patriot Act Provisions Set to Expire

WASHINGTON, D.C. -- Virginia Sloan, president of The Constitution Project, a bipartisan legal watchdog group, offered the following comment on the Senate's vote earlier today against proceeding with the USA Freedom Act:

"Sadly, the Senate has rejected, at least temporarily, legislation that would begin to restore some of the privacy rights and civil liberties lost in the aftermath of 9/11, while still providing the intelligence community and law enforcement with the ability to gather targeted information to help keep us safe. Despite overwhelming bipartisan support for the bill in the House, the all-or-nothing attitude of a minority of the Senate will keep the American people more in the dark about the secretive Foreign Intelligence Surveillance Court, while also letting a frequently used investigative tool expire."

The USA Freedom Act would have ended the bulk collection of Americans' records - including records collected under Section 215 of the Patriot Act, the FISA pen register statute, or National Security Letters - but would have provided an alternative way for intelligence agencies to acquire more

narrowly tailored information from communication providers if the FISA court found a reasonable suspicion that the data would contribute to a terrorism investigation. It would have also increased transparency by allowing communications providers to disclose in more detail the number of surveillance orders they receive.

In addition, the legislation would have required the FISC to appoint a panel of security-cleared lawyers to advise the Court in cases involving novel or significant interpretations of law. Such an advocate could be appointed in such cases to advise the court regarding privacy and civil liberties concerns. The legislation also would have required the FISC to declassify significant opinions, or prepare a summary for the public if declassification is not possible.

The Constitution Project [released a report](#) in May, 2014 urging the appointment of special advocate by the FISC to represent the public in certain cases, and setting forth requirements for making the advocate effective.

The House adopted the legislation on a vote of 338 to 88. A majority of the Senate voted to consider the legislation, but not enough to clear a procedural hurdle.

Section 215 of the Patriot Act expires at the end of the month. Sponsors of the legislation have [indicated](#) the House will not support a short-term extension or a watered-down version of the bill. The Department of Justice said government agencies needed to begin [shutting down](#) collection programs immediately to meet the expiration deadline. The Senate is scheduled to return on May 31.

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#### [About The Constitution Project](#)

*Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.*