



Free Press Action Vote Recommendation Opposing Motion to Invoke Cloture on H.R. 6172, the USA FREEDOM Reauthorization Act of 2020

Free Press Action opposes the motion to invoke cloture on The USA FREEDOM Reauthorization Act of 2020. We oppose this bill on both substantive and procedural grounds. This bill makes some minor reforms, but they are insufficient on the whole. The bill fails to put in place stronger reforms favored by privacy, racial-justice and civil-liberty advocates, most of whom support an alternative bill, the Safeguarding Americans' Private Records Act (S. 3242, SAPRA), introduced earlier this year with bipartisan support.

The USA FREEDOM Reauthorization Act of 2020 fails to put in place meaningful reforms, and where reforms are incorporated, they are primarily half-measures that leave huge loopholes that can be easily exploited by spying agencies. While the bill includes symbolic provisions specifically tailored to address issues raised by the surveillance of Trump aide, Carter Page, it bizarrely fails to extend those protections to everyone else living in America. It also fails to include a proper notice requirement for defendants, while SAPRA includes strong language as well as an express ban on parallel construction. And while the bill prevents the government from collecting location information without a warrant, it leaves other highly sensitive information, like internet browsing and search history, vulnerable to invasive government spying without a warrant.

Members of both Chambers and on both sides of the aisle have made efforts to strengthen the bill and protect the rights of their constituents by offering privacy-protecting amendments. These efforts have been entirely blocked by leadership in both chambers. When it was moving through the House, senior Members of the Judiciary Committee announced that they would offer strengthening amendments. In response, Chairman Nadler pulled the bill from the committee markup instead of allowing a public debate on the suggested reforms. He then bypassed the committee

entirely and rushed the bill through the Rules Committee, guaranteeing no further amendments could be offered and debated. The bill passed the House but with strong bi-partisan opposition by more than 130 Representatives, almost evenly divided between Democrats and Republicans, who did not believe that the bill went far enough in protecting privacy.

When the bill arrived on the Senate floor Thursday, Senator Mike Lee (R-UT), with the support of Senators Wyden (D-OR), Daines (R-MT), and Leahy (D-VT), and others again asked to offer and debate privacy-protecting amendments. They were again refused. Because leadership had arranged for a floor vote right up against the sunset deadline, and while the country is rightfully focused on a national health crisis, the delay has allowed for Section 215 to sunset.

Congress has had almost five years to prepare for this debate, yet once again leadership attempted instead to rush something through, this time amidst a national health emergency. The PATRIOT Act has been misused and abused time and time again and The USA FREEDOM Reauthorization Act of 2020 does not do enough to rein in government abuse. Senators concerned with the civil liberties of their constituents deserve the opportunity to challenge the legitimacy of such massive spying programs. They should not be forced to vote on a bill that is little more than a rubber-stamp renewal of these dangerous provisions, and certainly not without a necessary public debate.