Congress Votes to Renew Patriot Act, With Changes

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Congress voted yesterday to renew a four-year-old anti-terrorism law that makes it easier for federal agents to secretly obtain Americans' records and communications, even as some lawmakers warned that voters are growing increasingly concerned about protecting civil liberties during the fight against terrorism.

The vote to renew the USA Patriot Act marks a victory for President Bush at a time when he is defending a program of warrantless domestic eavesdropping conducted by the National Security Agency. Congress has scheduled several hearings on the NSA program, and the Senate intelligence committee created a subcommittee yesterday to scrutinize it.

The House voted 280 to 138 to approve a Senate-passed measure that would make several changes to the Patriot Act, which was enacted shortly after the 2001 terrorist attacks. Both chambers earlier approved another bill to extend the act's provisions that are scheduled to expire, and Bush is expected to sign the measures as a package.

The law makes it easier for federal agents to secretly tap phones, obtain library and bank records, and search homes of terrorism suspects. Bush has called it a vital tool in protecting the country. But numerous civil libertarians and lawmakers said it allows abuse of innocent Americans' privacy, and lawmakers agreed last year to add several safeguards before renewing provisions that are scheduled to expire.

One change involves National
Security Letters, which are subpoenas for financial and electronic records that do not require a judge's approval. Libraries functioning in their "traditional capacity" would no longer be subject to such letters. Also modified are "Section 215 subpoenas," which are granted by the Foreign Intelligence Surveillance Act Court. Recipients would have the explicit right to challenge the subpoenas' nondisclosure or "gag order" requirements.

The reauthorization would make permanent all but two of the Patriot Act's provisions. The Senate, in which four Republicans joined most Democrats in pushing for greater safeguards, insisted on four-year sunsets of the FBI's authority to conduct "roving wiretaps" of targets with multiple phones or e-mail devices, and of the government's powers to seize business records with the FISA court's approval.

House Judiciary Committee Chairman F. James Sensenbrenner Jr. (R-Wis.) told colleagues that the Patriot Act has been an effective anti-terrorism tool, and that critics have "not produced a single substantiated claim" that it "has been misused to violate Americans' civil liberties." Still, he said, Congress agreed to several changes "to further mitigate the potential for misuse."

Rep. Jane Harman (Calif.), the House intelligence committee's ranking Democrat, praised the new measure for "barring the government from using National Security Letters to obtain records from libraries functioning in their traditional roles. Only libraries that also function as Internet service providers are now covered."

However, Harman said, "we need to do more," and some Republicans agree. Senate Judiciary Committee Chairman Arlen Specter (R-Pa.) has introduced a bill that, among other things, would allow federal officials seven days to act on a "delayed-notice search warrant" before informing its target. The revised measure would allow 30 days.
Several lawmakers said Americans are still feeling their way along the political landscape that pits privacy and some liberties against law enforcement efforts to prevent terrorist acts.

"There's no question that the politics of terror is something new to our country," said Sen. Larry E. Craig (Idaho), one of four Republicans who helped block Senate passage until more safeguards were added. When he describes how the government can secretly eavesdrop and seize records, Craig said, audiences generally temper their anti-terrorism enthusiasm with expressions of concern for civil liberties.

Many House Democrats said the safeguards in the reauthorization bill fall short. But Rep. Robert C. "Bobby" Scott (Va.) said the Patriot Act may prove to "be irrelevant" because the administration seems to be "wiretapping at will" through the NSA. He and the House's two other Virginia Democrats, Reps. James P. Moran Jr. and Rick Boucher, voted against renewing the act. Reps. Elijah E. Cummings (D) and Roscoe G. Bartlett (R) of Maryland joined them.

The reauthorized Patriot Act includes new tools to combat the manufacture and distribution of methamphetamine. It will require retailers to place cold medicines with pseudoephedrine -- a key ingredient of the illegal drug -- behind counters, and would set limits on each person's monthly and daily purchases. Buyers would have to identify themselves and sign for their purchases.