

Patriot Act extension concealed in funding bill passed by House Democrats

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On Tuesday, House Democrats overwhelmingly voted for a stop-gap government funding bill that includes an unannounced provision, buried in the legislation, averting the expiration of the police state surveillance Patriot Act.

Coming in the midst of the Democrats' impeachment inquiry, based entirely on differences over US foreign policy toward Ukraine and Russia, the extension of the Patriot Act underscores the absence of any democratic content in the Democrats' opposition to the Trump administration.

The Patriot Act, passed by a lopsided bipartisan vote in both houses of Congress in October, 2001, following the 9/11 attacks on New York and Washington DC, empowers the National Security Agency (NSA), the FBI and other intelligence agencies to engage in mass surveillance of the population in violation of the Bill of Rights.

The act was scheduled to expire on December 15 of this year. The renewal in the House spending bill extends the law for an additional three months, until March 15, 2020. It includes Section 215, which allows the government to collect metadata without court authorization.

Section 215 authorizes the NSA to access and analyze bulk logs of Americans' domestic phone calls. The agency collected 534 million records in 2018, according to an inspector general report.

The legal sanction for that particular spying system actually expired earlier this year. The Democrats' short-term spending bill reauthorizes the mass surveillance program for 90 days.

The same section of the funding bill also extends expiring FBI surveillance powers, including one that permits agents involved in national security cases to get court orders to obtain business records and to follow a

wiretapping target who changes phones.

“Congress should have ended this beleaguered spying program and enacted meaningful surveillance reform a long time ago,” said Neema Singh Guliani, a legislative counsel for the American Civil Liberties Union. “It is disappointing that Congress is instead extending spying powers that have repeatedly been used to violate Americans' privacy rights, and trying to bury this extension in must-pass funding legislation.”

The so-called “continuing resolution” maintains current federal funding levels through December 20, with the aim of averting a government shutdown at 12:01 a.m. Friday, when a previous continuing resolution passed in September expires. Senate Majority Leader Mitch McConnell has said the Republican-led chamber will pass the measure on Thursday, and various administration officials have stated that Trump will sign it before the midnight deadline.

The bill passed by a near-party line vote of 231 to 192. Republican opposition—only 12 GOP representatives voted for it—was based not on the extension of the Patriot Act, which has broad bipartisan support, but on the bill's failure to include an additional \$5 billion demanded by the White House for construction of Trump's border wall with Mexico.

The Democrats' claim to oppose money for the wall is fraudulent. The funding measure passed Tuesday places no restriction on ongoing construction and maintains current spending on the reactionary project. Nor does it restrict any other aspects of Trump's fascistic assault on immigrants, including mass incarceration in concentration camps and record levels of child detention.

Trump engineered a partial government shutdown last winter over the border wall issue. It ended after 35 days

with the passage of a funding bill that failed to grant the level of wall money he demanded. Then, in February, Trump declared a national emergency at the border in order to circumvent Congress and unilaterally shift some \$6.1 billion in Pentagon funds from military construction to the border wall. This was in flagrant violation of the Constitution, which reserves the “power of the purse” to Congress.

The Democrats refused to mount any serious opposition to this assertion of quasi-dictatorial powers. In June, the Democratic-controlled House voted for a Senate bill allocating \$4.6 billion to fund Trump’s Gestapo-like war on immigrants. In that vote, the so-called “progressive” block led by New York Representative Alexandria Ocasio-Cortez played a critical role.

After meeting privately with House Speaker Nancy Pelosi, Cortez announced that she might vote for a bill based on the Senate measure. She made no attempt to rally public opposition to the bill and, along with Rashida Tlaib, Ilhan Omar and Ayanna Pressley, cast a critical vote in support of a procedural motion to bring the Senate measure to the floor of the House, ensuring its passage. In an empty and cynical gesture, she and her fellow “progressives” voted “no” in the final ballot.

The following month, the Democrats voted for a bipartisan two-year budget bill authorizing an additional \$320 billion in spending, equally divided between the military and domestic programs. The bill included a record \$738 billion for the military in the current fiscal year, which began on October 1. It also authorized funds for Pentagon construction projects to replace the sums diverted by Trump to the border wall, effectively sanctioning Trump’s emergency declaration.

The money authorized in the budget deal can be allocated only if Congress passes 12 separate spending bills covering various departments and agencies. Since only a few of these bills have been passed to date, stop-gap spending measures are required simply to continue federal spending at current levels.

In voting on Tuesday’s continuing resolution in the House, the so-called “squad”—Ocasio-Cortez, Tlaib, Omar and Pressley—were among 10 Democrats who voted “no.” Their show of opposition to the Patriot Act was, however, yet another empty gesture. They know full well that the Democratic Party will join with the

Republicans to extend indefinitely the legal fig leaf for mass spying.

As for Trump’s demand for additional border wall funds, the White House has made clear that if Congress does not approve all the money he wants, he will once again circumvent Congress to divert money from other accounts and direct it to expanding the barrier.



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