



CRITICAL: VOTE NO ON MOTION TO INVOKE CLOTURE ON H.R. 6172, THE USA FREEDOM REAUTHORIZATION ACT OF 2020, WHICH WOULD REVIVE PATRIOT ACT AUTHORITIES, ON BOTH SUBSTANCE AND PROCESS

March 16, 2020

Senate Minority Leader Schumer and Democratic Senators:

Later today, Majority Leader McConnell and Senate Select Committee on Intelligence Chairman Burr will seek 58 other Senators to join them in silencing a bipartisan group of your colleagues calling for the consideration of meaningful reforms to the Foreign Intelligence Surveillance Act (FISA), including the notoriously abused Section 215 of the USA PATRIOT Act. In an effort to stop the Senate from even considering serious FISA reform, despite **years** of massive abuse disclosures, Senators Burr and McConnell have forced the three expiring FISA authorities to lapse rather than permit Senators Daines, Leahy, Lee, Wyden, and others to offer amendments on the floor.

IF THESE AUTHORITIES CAN LAPSE TO STOP THE CONSIDERATION OF ANY AMENDMENTS, THEY CAN STAY LAPSED TO PROVIDE FOR THE CONSIDERATION OF CRITICAL AMENDMENTS.

In 2015, these authorities also sunset, without catastrophe.

If Senators Burr and McConnell succeed, it will be the capstone to a successful campaign to stop **any** members of Congress from having **any** chance to vote on **any** serious FISA reform, which, to be clear, **is not** present in the base bill, the USA FREEDOM Reauthorization Act. It would follow the cancellation of a markup in the House Judiciary Committee, just two days after the bill was first released, after the committee's senior, subject-matter expert decided to offer amendments. It would follow House leadership prohibiting amendments on the floor, sparking significant bipartisan backlash. And it would follow Senator Burr personally stopping your colleagues from extending these authorities for 45 days so that amendments could be considered without a lapse. **No committee has marked up or passed the USA FREEDOM Reauthorization Act of 2020.**

Meanwhile, Senator Burr, one of the principal overseers of executive branch surveillance, on Thursday shockingly claimed on the Senate floor that President Trump "can do all of this, without Congress's permission," an alarming assertion of unchecked executive power in desperate need of Congressional oversight.

This is a horrifying assertion that endorses a radical, pro-surveillance legal theory, shared by Attorney General William Barr, which would allow DONALD TRUMP to warrantlessly acquire billions of data points on every person in the United States: their faces, their calls, their purchases, their visits to mosques, their attendance of protests.

It also proves the urgent need for Congress to consider serious FISA reform.

Accordingly, we urge all Senators, IN PARTICULAR DEMOCRATS, to VOTE NO on the motion to invoke cloture on H.R. 6172, the USA FREEDOM Reauthorization Act of 2020.