

Renewing an old law gets *covered* like *brand-new* legislation

One mechanism of federal lawmaking, examined in depth — how expiring provisions and reauthorizations get reported as if each is a wholly new law.

BEFORE YOU BEGIN

How This Guide Works

This is part of **Incognati Civics**, applying the field-guide format to the mechanics of federal lawmaking — the parliamentary process most people never see explained. Each specimen goes deep on one mechanism, with the heavier sourcing a legal or procedural claim actually requires: official records, primary-source rules, and peer-reviewed or nonpartisan scholarship, listed in full on the references page.

INCOGNATI CIVICS – HOW FEDERAL LAWS ACTUALLY GET CREATED

- | | |
|---|--|
| 01 Executive Order Mistaken for Legislation | 02 Bill Title vs. Bill Content |
| 03 Procedural Vote Misread as Substantive | 04 “Died in Committee” ≠ Suppression |
| 05 Rider / Omnibus Attachment | 06 Poison-Pill “No” Votes |
| 07 Markup vs. Floor Vote Confusion | 08 Filibuster / Cloture Threshold Misunderstood |
| 09 Budget Reconciliation Framed as “Bypassing” Process | 10 Sunset & Reauthorization Confusion |
| 11 “Advice and Consent” / Judicial Confirmation Mechanics | 12 Anonymous Holds |

Sunset & Reauthorization Confusion

Occasus Legis

Governing precedent / case 2001–2015 **Status** Recurring pattern across many federal statutes

OBSERVED SPECIMEN

USA PATRIOT ACT SUNSET PROVISIONS, 2001–2015

*Several surveillance authorities in the original 2001 USA PATRIOT Act, including **Section 215**, were written with sunset clauses requiring Congress to actively renew them. They were reauthorized in 2005, 2006, and 2011, expired briefly in 2015, and were then replaced by the USA FREEDOM Act's modified authorities — each cycle covered in the press as a fresh legislative fight over a "new" surveillance law, when the underlying authority traced back 14 years.*

THE HOOK

A reauthorization vote generates the same kind of headlines as brand-new legislation — “Congress passes surveillance law” reads identically whether the authority is new or 14 years old.

THE MECHANISM

A sunset clause forces a law (or a specific provision within it) to expire on a set date unless Congress affirmatively acts — so “new legislation” in the headline may really mean “the same authority, renewed or modified.”

Field mark: when a law is reported as newly passed, check whether it's a genuinely new statute or a reauthorization of an existing one with a sunset clause — the legislative history will show which.

See the full references page for complete citations.

References

every source checkable at the link provided; DOIs given where the source has one

PRIMARY SOURCE · PUBLIC LAW

USA FREEDOM Act of 2015, Pub. L. No. 114-23, 129 Stat. 268.

<https://www.congress.gov/bill/114th-congress/house-bill/2048>

Official text and legislative history, including its relationship to the expiring 2001 provisions.

REFERENCE SOURCE

Congressional Research Service, "USA PATRIOT Act Sunset: Provisions That Expire on December 31, 2005" and successor reports.

<https://crsreports.congress.gov/>

Search the CRS Reports database for the sunset-tracking reports covering each reauthorization cycle.

CONTEMPORANEOUS REPORTING

"Senate Passes N.S.A. Bill, Ending Fight Over Surveillance," The New York Times, June 2, 2015.

<https://www.nytimes.com/2015/06/03/us/politics/senate-surveillance-bill-passes-nsa.html>

Reports on the brief 2015 lapse and the USA FREEDOM Act's passage as a modified reauthorization.

Reading This Mechanism: A Gut Check

four questions before a headline changes what you think happened in Congress

1 Check for a sunset clause

Does the original law include an expiration date requiring future action?

2 Trace the statute's age

A “new” law in a headline may be a modification of a decades-old authority.

3 Compare reauthorization to reform

Renewing a law unchanged is different from substantially rewriting it — check which happened.

4 Watch for lapse coverage

A brief lapse between expiration and reauthorization often gets covered as more dramatic than the underlying continuity.

INCOGNATI CIVICS

The Series Continues

This is Specimen No. 10 of Incognati Civics. The full queue of twelve specimens on federal lawmaking is listed on the cover, and four further Civics subprojects — local government, elections, official data reporting, and institutional communications — are planned beyond this one. The Incognati Atlas catalogs the underlying patterns across all of it.

Civics Field Edition · Specimen No. 10

All specimens independently sourced