



Bill would rein in NSA's bulk data collection

By: Adam Mazmanian - October 10, 2013

A bipartisan group of legislators representing the libertarian right and the liberal left are teaming up on a bill that would end the ability of the National Security Administration to collect bulk metadata on the phone calls and emails of American citizens.

Rep. James Sensenbrenner (R-Wis.), House Judiciary ranking Democrat John Conyers of Michigan and Senate Judiciary Chairman Patrick Leahy (D-Vt.) developed the legislation, dubbed the USA Freedom Act. The measure would rewrite Section 215 of the 2001 Patriot Act and relevant portions of the Foreign Intelligence Surveillance Act to require spy agencies to adhere to a well-defined standard of relevance before ordering the collection of information from private companies.

The new restrictions are expressly intended to cramp the NSA's avowed investigative practice of assembling as much communications information as possible and using advanced data analytics and human investigators to comb for possible links to detect hostile activity.

The metadata collection was first exposed by news sources reporting on documents leaked by former NSA contractor Edward Snowden. In a declassified court ruling, the government acknowledged the collection of "telephony metadata," including originating phone number, recipient numbers, routing information across networks, duration of call, and mobile device identification numbers. This practice runs contrary to the intent of Congress when it reauthorized the Patriot Act in 2006, Sensenbrenner said at an Oct. 9 event at the Cato Institute, a libertarian think tank in Washington, D.C.

"The government claims it needs the haystack to find the needle. But gathering the haystack and making it larger without knowledge that it contains the needle is precisely what the relevance standard was supposed to prevent," said Sensenbrenner, author of the original version of the Patriot Act.

The USA Freedom Act, which is short for the unwieldy title of "Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet Collection and Online Monitoring Act," takes a similar proposal by Rep. Justin Amash (R-Mich.) and Conyers a step further. The Amash amendment, which the House narrowly rejected in July, would have ended bulk collection only for the one year period governed by an appropriations bill. The Sensenbrenner bill would rewrite the underlying statute.

The new legislation would also change the way secret FISA courts go about approving requests for data collection by creating an Office of Special Advocate to address privacy concerns. Sensenbrenner said the

measure would throw "the rubber stamp the FISA court has given to what the NSA and Justice Department have requested into the trash heap of history."