

# Obama outlines plan for NSA phone-data changes

By Siobhan Gorman

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WASHINGTON--The White House outlined broad changes to end the government's mass collection of telephone records, saying Thursday that Congress must pass legislation to allow intelligence agencies to have speedy access to information held at telephone companies.

"I have decided that the best path forward is that the government should not collect or hold this data in bulk," President Barack Obama said in a written statement, expressing confidence his approach would "provide our intelligence and law enforcement professionals the information they need to keep us safe while addressing the legitimate privacy concerns that have been raised."

Under the president's proposal, details of which were revealed earlier this week, the government will no longer store such telephone records in bulk. Instead those records would remain at phone companies, to be searched when officials obtain a court order, or without a court order in cases of emergencies.

Once a judge has approved such a query for a specific target, the searches could continue for a specified time period without further court approvals, meaning the NSA could run daily searches to see what new numbers have been called by the target and the target's contacts.

Such searches would also be limited to only two "hops" from the suspect phone number. One hop would be access to all the incoming and outgoing calls on a suspected number, while the other hop would be the call logs of any phone linked to the original number.

Under the proposal, the phone companies would be "compelled" to provide technical support to ensure the records are in a format that can be searched and quickly transmitted to the government.

As the White House has acknowledged, the president's proposal must be passed into law by Congress. Legislation similar to the president's bill has been proposed in Congress, but its future is uncertain. Until Congress adopts changes, the administration will continue to seek reauthorization of the current program every 90 days.

But without congressional action, the current phone-records-surveillance program will expire in mid-2015.

Verizon Communications Inc. approached the White House plan and other legislative proposals to shift the searches of phone data to companies cautiously, praising the end to bulk records collection but wary of implementation details.

"Companies should not be required to create, analyze or retain records for reasons other than business purposes," said Randal Milch, Verizon's executive vice president for public policy and general counsel.

Reaction was mixed among critics of U.S. surveillance practices. Sen. Patrick Leahy (D., Vt.), chairman of the Senate Judiciary committee, said the president's plan wasn't sufficient.

"The President's proposal is promising, but true reform must be comprehensive," he said. "We must end the bulk collection of phone records, but we also must ensure that other authorities are not used for similar types of bulk collection."

Mr. Leahy is sponsoring a bill that would outlaw all types of so-called bulk collection of American records. He said other government-surveillance practices also need to be reformed as well, such as the Federal Bureau of Investigation's national security letters, which it uses to obtain without judicial oversight.

Privacy groups reacted tepidly to Mr. Obama's plan, saying it only addresses some of their concerns.

"Although we appreciate the president's efforts and look forward to working with the White House to end the bulk collection of telephone records, the time has passed for half-measures that only address a small sliver of the NSA problem, and the time has come for leaders in Congress to stop waiting to see what the President will do," said Kevin Bankston, policy director the New America Foundation's Open Technology Institute.

He said he prefers a bill sponsored by Rep. James Sensenbrenner (R., Wis.) and Mr. Leahy, which more narrowly limits the type of searches NSA can request of phone companies, and bans all types of bulk collection of American records.

The White House plan wouldn't outright ban any type of bulk-record collection; it just ends the bulk collection done under NSA's phone program.

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WASHINGTON--Phone companies would shoulder much of the workload under a revamped version of the National Security Agency's U.S. phone-data surveillance program, as detailed Thursday by the White House.

Under the proposal--much of which was revealed earlier this week--the government would no longer store phone records in bulk. Instead, those would remain at telecom companies, to be searched when officials obtain a court order or, in emergencies, without such an order.

"I have decided that the best path forward is that the government should not collect or hold this data in bulk," President Barack Obama said in a written statement, saying his approach would provide authorities "the information they need to keep us safe while addressing the legitimate privacy concerns that have been raised."

The changes would require congressional approval at a time when competing proposals already are being debated.

Some lawmakers and privacy advocates, however, said the plan addressed few of their concerns, and called for an across-the-board ban on so-called bulk collection of Americans' records.

"The president's proposal is promising, but true reform must be comprehensive," said Sen. Patrick Leahy (D., Vt.), chairman of the Senate Judiciary committee. "We must end the bulk collection of phone records, but we also must ensure that other authorities are not used for similar types of bulk collection."

The president's plan would, in effect, outsource database searches to the companies. But phone companies were wary about implementation details. Randal Milch, Verizon's executive vice president for public policy and general counsel, applauded ending bulk collection but warned about placing greater demands on the companies. "Companies should not be required to create, analyze or retain records for reasons other than business purposes," he said.

One concern companies have is whether the government would impose strict requirements on things like data formatting and how fast data must be provided--steps that could compel companies to establish new databases to hold the data, said one telco executive.

Obama administration officials said that under the plan, a judge would "compel" phone companies to "format the data and produce it in a way that's useful and can be quickly analyzed" by spy and law-enforcement agencies. That may prove to be a stumbling block for phone companies. An administration official acknowledged the requirement is one the companies are "interested in."

Legislation similar to the president's bill has been proposed in Congress, but its future there is uncertain. Among sticking points is whether judicial review of data queries should come before or after a search is conducted. A House intelligence committee bill would do it after, while the president's plan requires it beforehand.

Among other issues, the Obama plan doesn't include a ban on all bulk collection. The House bill includes a ban on bulk collection of some types of data, including phone, Internet, email and certain other types of personal data. Mr. Leahy's bill would ban all types of bulk collection. The CIA, for example, has a program collects in bulk data on international money transfers, The Wall Street Journal reported last year.

Until Congress adopts changes, the administration will continue to seek reauthorization of the current program every 90 days. But without congressional action, the current surveillance program will expire in mid-2015.

Privacy groups backed the White House proposal, but said it is far too limited and only addresses some of their concerns.

"Although we appreciate the president's efforts and look forward to working with the White House to end the bulk collection of telephone records, t[T]he time has passed for half-measures that only address a small sliver of the NSA problem," said Kevin Bankston, policy director the New America Foundation's Open Technology Institute.

One effect of the proposed change is that it would allow the program to expand, a U.S. official said. The current program doesn't cover most cellphone calls and collects an estimated 20%-30% of U.S. phone records. The new arrangement could allow searches of data sets reaching beyond the current program.

Julian Sanchez, a research fellow at the libertarian Cato Institute who studies privacy and technology policy, said that with proper judicial oversight, he wasn't worried about wider searches. "That's not particularly of concern to me...if you have a process you're comfortable with," he said.

But Michelle Richardson, a legislative counsel with the American Civil Liberties Union, said the impact on the scope isn't clear, and that the administration needed to publicly explain how data-coverage issues would be handled under the new regime.