

For the First Time in 14 Years, the NSA Can't Get Your Phone Records

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As of midnight on Sunday, for the first time since 2001, the NSA lost its legal authority to collect Americans phone records in bulk.

The Senate let three provisions of the Patriot Act expire on Sunday, including the controversial Section 215, which allows the spy agency to collect all phone records from telephone companies every three months, a practice that [was ruled ruled illegal](#) by a judge less than a month ago.

Two other provisions of the Patriot Act also expired. One of them allowed the government to obtain warrants from the secretive Foreign Intelligence Surveillance Court to spy on suspected “lone wolf” terrorists; and the other, known as the “roving wiretap,” allowed investigators to obtain permission to spy on multiple phones owned by one suspect with just one application.

While this might seem like a victory for anti-surveillance advocates, the truth is that most of the Patriot Act stands, and even this victory is going to be a short lived one.

Senators are expected to reconvene on Tuesday or Wednesday to vote to pass the USA Freedom Act, a surveillance reform bill that curtails some spying powers, although it doesn't go as far as some civil liberties advocates were hoping. This time, Rand Paul and other staunch anti-surveillance senators won't be able to block it, as the bill will only need a simple majority of 51 votes to pass.

The bill has the support of President Barack Obama, who [asked](#) the Senate to pass it on Saturday, saying that it would be “irresponsible” and “reckless” to lose “important” surveillance powers.

Even vocal critics of NSA surveillance like Julian Sanchez, a senior fellow at the Cato Institute, [advocated against](#) simply letting some provisions of the Patriot Act expire. Sanchez argued that in any case, most of the law is permanent, and that while letting those provisions sunset made for a great “slogan,” it didn't make for good, comprehensive surveillance reform.

Civil liberties advocates celebrated—although very mildly—the news.

“This is a historic baby step,” Electronic Frontier Foundation Mark Jaycox and Nadia Kayyali [wrote](#).

Human Rights Watch general counsel Dinah PoKempner seemed to agree, calling the expiration of Section 215, even if it might be temporary, “a little victory for our privacy, and for the principle that the government shouldn’t invade it without showing it truly needs to and will narrowly tailor any intrusion accordingly.”