



NSA Reform That Passed House Reportedly Cut From 'CRomnibus'

A landslide vote to end 'backdoor' surveillance appears to have been scuttled by backroom deal.

By [Steven Nelson](#)

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An [amendment to prevent "backdoor" surveillance](#) of Americans by the National Security Agency was embraced by more than 70 percent of voting House members on June 19.

But the veto-proof [293-123](#) win for the Lofgren-Massie amendment apparently was not large enough to convince congressional leaders to include it in the so-called "CRomnibus" spending bill that will be considered in the remaining days of Congress' lame-duck session.

Congressional leaders have not finalized wording for the package of 11 spending bills – including the Defense Appropriations Act, to which the amendment was attached – but it's widely expected the privacy reforms will be dropped.

Peter Whippy, a spokesman for outspoken privacy advocate and amendment co-sponsor Rep. Zoe Lofgren, D-Calif., says "it's not included in the CRomnibus."

Jennifer Hing, a spokeswoman for the House Appropriations Committee, says lawmakers expect to unveil the package early next week.

Though the House Rules Committee has not officially decided, the "CRomnibus" likely will be considered under a closed rule, meaning members of Congress won't be able to propose amendments on the floor.

The House debated the National Defense Authorization Act on Thursday under a closed rule, denying reform advocates a separate opportunity to make the amendment law.

"We know this amendment has been targeted for removal," Cato Institute policy analyst Patrick Eddington says of the Lofgren-Massie measure. He says reliable sources informed him Wednesday that congressional leadership plans to remove the language.

"That being said, I know there are a large number of civil liberties and privacy groups who are going to weigh in on this before the day is out," Eddington says.

The Lofgren-Massie amendment was a rare victory for reform-minded members over House leaders who often seek to weaken or kill privacy reforms.

The amendment would block the NSA and the CIA from foisting surveillance-facilitating product redesigns on tech companies and would require a warrant for access to American Internet records collected under Section 702 of the Foreign Intelligence Surveillance Act.

After the surprisingly broad win, Rep. Thomas Massie, R-Ky., [told U.S. News](#) he believed amendment opponents lacked the time to twist arms. “We had just enough time to rally the outside groups and constituents, and they lacked just enough time to counteract that,” he said.

Massie spoke on the House floor Thursday against the apparent plans to delete the amendment, pleading for reconsideration.

“Some of those who did not vote for the amendment told me they thought the proper place for this amendment was in the [National Defense Authorization Act],” Massie said. “But our only opportunity was to put it in the appropriations bill.”

The death of the Massie-Lofgren amendment would cap a bad year for legislative NSA reform. The USA Freedom Act, which would have ended the NSA's automatic dragnet collection of U.S. phone records, passed the House in May after being weakened at the behest of hawkish members and the Obama administration, but then fell two votes short of the 60 votes needed for consideration in the Senate.