



Congress Poised To Jam Through Reauthorization Of Mass Surveillance

As the 'science of social engineering', Technocracy draws its life-force from data collected on all parts of society, where the word 'enough' is never heard. This mass vacuuming of data needs to be summarily stopped. □ TN Editor

Congress doesn't have much time left on the legislative calendar for the year, but there's still a lot on the agenda to get across the finish line. In the few remaining days, Republicans hope to pass a tax reform bill and either another short-term continuing resolution or an omnibus to fund the government.

Another item on the agenda is the reauthorization of Title VII of the Foreign Intelligence Surveillance Act (FISA), including the controversial Section 702.

The current authorization for Section 702 expires on December 31, and it's the first time Congress has faced this reauthorization since Edward Snowden's earth-shattering disclosures about the National Security Agency's mass surveillance apparatus. Committees in the Senate and House have competing proposals to reauthorize the program. But with the clock running out, Congress once again appears to be poised to jam through reauthorization.

Passed in 1978, FISA allows federal intelligence agencies to collect the electronic communications of foreign persons to surveil for certain illicit activities, including terrorism. But not all of the electronic communications collected by the National Security Agency (NSA) are those of foreign persons.

According to a 2014 Washington Post report, 90 percent of account holders whose communications were collected were not the intended targets. "Many of them were Americans," the Post explained. "Nearly half of the surveillance files, a strikingly high proportion, contained names, e-mail addresses or other details that the NSA marked as belonging to U.S. citizens or residents."

Civil libertarians have urged Congress to take this reauthorization as an opportunity to implement meaningful reforms to shield innocent Americans from mass surveillance while ensuring that federal intelligence agencies have the tools they need to protect the United States from foreign threats. Some in Congress, however, seem committed to running roughshod over the Fourth Amendment.

The Senate Select Committee on Intelligence has marked up the FISA Amendments Reauthorization Act, S. 2010. The bill, sponsored by Chairman Richard Burr (R-N.C.) is actually worse than existing law. It explicitly allows the attorney general to use information collected under Section 702 for domestic crimes that have nothing to do with national security and forbids judicial review of that decision.

Meanwhile, the House Judiciary Committee has marked up the USA Liberty Act, which, despite or because of painstaking deliberations, does not sufficiently protect innocent Americans from surveillance. The House

version of the USA Liberty Act, for instance, has a weak warrant requirement, which would allow the Federal Bureau of Investigation (FBI) to conduct backdoor searches of electronic communications collected by the NSA for domestic, non-terrorism investigations. Additionally, the proposed end of “about” collection, in which the government collects information that is neither to nor from a target, would sunset after six years.

The FISA Court forced the end of “about” collection earlier this year, finding the practice to be “a very serious Fourth Amendment issue.” The court also concluded that the NSA’s failure to disclose information represented “an institutional ‘lack of candor.’” These are just two of many red flags the secret judicial body has raised over intelligence agencies’ collection practices.

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