

Obama administration submits formal plan for NSA “reforms”

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The Obama administration released an official statement Thursday on its proposals to modify the US National Security Agency’s telephone-based surveillance and data collection efforts.

The “Fact Sheet” document, titled “The Administration’s Proposal for Ending the Section 215 Bulk Telephony Metadata Program,” details proposed changes to the bulk phone record surveillance, and is intended as a framework for new legislation to legitimize and further institutionalize the mass spying program.

Under the Obama proposal, the NSA would no longer engage in direct collection of telephone metadata. The government would instead submit requests to the Foreign Intelligence Surveillance Court (FISC). Once authorized, the surveillance agencies would be allowed to gather telephone data from telecommunications on targets and anyone within “two hops” (or degrees of separation) from a target.

The document specifies that authorization from the FISC would not be required in “an emergency situation.” In other words, when the state deems it necessary, it will override even the cosmetic protections laid out in the proposed legislation. In non-emergency situations, surveillance would be based on the FISC’s determination that the numbers relate to “national security concerns.”

Once FISC approval is granted, records would have to be provided by telecommunications companies on an “ongoing and prospective” basis. Moreover, “the companies would be compelled by court order to provide technical assistance to ensure that the records can be queried and that results are transmitted to the government in a usable format and in a timely manner.”

While it does not say so explicitly, this stipulation is at least in part aimed at ensuring that

telecommunications companies turn over cell phone records, which is presently not the case. It is estimated that the NSA has access to only 30 percent of all phone call records because it has not had access to cell phone records. That is, the Obama administration is seeking to cement a legislative framework which effectively extends the surveillance powers granted by the Patriotic Act, under the guise of “reform.”

The reform proposals come as existing authorization of the program is set to expire. The administration has pledged to seek from the FISC a 90-day extension of the program as it presently exists, along with further extensions until some legislation has passed.

US Representatives Mike Rogers and Dutch Ruppersberger have advanced their own variant of the administration’s proposal, which would not even require the government to pass its data requests through the FISC. Instead, the court would only have authority to “expunge” data if it is determined, after the fact, to be irrelevant to any discernible “suspicious activity.”

The Rogers/Ruppersberger legislation will likely form the basis for any final bill. On Thursday, a senior administration official said that the White House was “very pleased” with the proposals put forward by the House Intelligence Committee.

The legislation is set to be processed by the House Intelligence Committee, rather than the Judiciary Committee, to give Rogers and Ruppersberger—both with close ties to the NSA—greater control of the process. If anything is passed by Congress, it will be thoroughly vetted and pre-approved by the intelligence agencies.

The surveillance “reforms” relate to only one small patch of the sprawling complex of surveillance activities being carried out by US intelligence agencies. Currently active surveillance programs analyze reams

of data from virtually every source imaginable, gathered through indiscriminate dragnet methods including tapping directly into the trans-oceanic fiber-optic cables. In effect, the entire Internet is being recorded in real time and stored for analysis and use by the repressive agencies of the state.



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