

Obama to Propose Ending NSA's Phone Call Sweep

Eileen Sullivan, Associated Press

WASHINGTON (AP) — The White House wants the National Security Agency to get out of the business of sweeping up and storing vast amounts of data on Americans' phone calls.

The Obama administration this week is expected to propose that Congress overhaul the electronic surveillance program by having phone companies hold onto the call records as they do now, according to a government official briefed on the proposal. The New York Times first reported the details of the proposal Monday night. The official spoke on condition of anonymity because the official was not authorized to discuss the plan.

The White House proposal would end the government's practice of sweeping up the phone records of millions of Americans and holding onto those records for five years so the numbers can be searched for national security purposes. Instead, the White House is expected to propose that the phone records be kept for 18 months, as the phone companies are already required to do by federal regulation, and that it be able to preserve its ability to see certain records in specific circumstances approved by a judge.

According to a senior administration official, the president will present "a sound approach to ensuring the government no longer collects or holds this data, but still ensures that the government has access to the information it needs to meet the national security needs his team has identified." The administration official spoke late Monday on condition of anonymity because he was not authorized to publicly discuss the proposal before it was officially announced.

The president's plan, however, relies on Congress to pass legislation — something that has so far seemed unlikely.

Details of the government's secret phone records collection program were disclosed last year by former NSA systems analyst Edward Snowden. Privacy advocates were outraged to learn that the government was holding onto phone records of innocent Americans for up to five years. Obama promised to make changes to the program in an effort to win back public support.

In January, President Barack Obama tasked his administration with coming up with an alternative to the current counterterrorism program and suggested that the phone companies option was the most likely. However, he also said that option posed problems.

"This will not be simple," Obama said. An independent review panel suggested that

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the practice of the government collecting the phone records be replaced by a third party or the phone companies holding the records, and the government would access them as needed.

"Both of these options pose difficult problems," Obama said in January. "Relying solely on the records of multiple providers, for example, could require companies to alter their procedures in ways that raise new privacy concerns.

And the phone companies have been against this option, as well.

In several meetings with White House staff since December, phone company executives came out strongly opposed to proposals that would shift the custody of the records from the NSA to the telecoms. The executives said they would only accept such changes to the NSA program if they were legally required and if that requirement was spelled out in legislation.

The companies are concerned about the costs of retaining the records and potential liability, such as being sued by individuals whose phone data was provided to intelligence or law enforcement agencies, these people said. The discussions with the White House ceased earlier this year. Industry officials said they had not been in contact with the administration as new options were being considered. The executives have continued to discuss the issue with lawmakers, however.

The administration's proposed changes won't happen right away. The government plans to continue its bulk collection program for at least three months, the Times said.

But it's unlikely that Congress would pass legislation in the next three months, as the NSA surveillance has proved to be a divisive issue, even within political parties.

The chairwoman of the Senate Intelligence Committee, Dianne Feinstein, has advocated for the program to continue to operate as it does. The California Democrat said she would be open to other options if they met national security and privacy needs.

It is unclear whether the White House proposal will meet those needs.

Leaders of the House intelligence committee are expected to introduce legislation Tuesday that would call for a similar option to the Obama administration's.

Under the administration's pending legislative proposal, officials would have to obtain phone records by getting individual orders from the Foreign Intelligence Surveillance Court, the Times report said. The new court orders would require companies to provide those records swiftly and to make available continuing data related to the order when new calls are placed or received.

Associated Press writer Marcy Gordon contributed to this report.

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