

Phone surveillance power lapses as Congress debates its renewal

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President Barack Obama speaks to media as he meets with Attorney General Loretta Lynch in the Oval Office of the White House in Washington, May 29, 2015. The president said a "handful of senators" was the only thing standing in the way of an extension of key Patriot Act provisions before they expired at midnight Sunday. Photo: AP Photo/Carolyn Kaster

WASHINGTON — For at least a little while, you will not have to worry about the NSA listening in on your phone conversations.

The National Security Agency (NSA) is responsible for discovering and monitoring terrorist activities. As part of its surveillance program, it has been secretly collecting millions of phone calls for years. Many people think that practice goes too far and violates U.S. citizens' rights to privacy.

The NSA's right to collect Americans' phone records was established by the 2001 Patriot Act. On Monday, parts of that act expired after Congress failed to meet the deadline for their renewal. As a result, the NSA was forced to suspend its controversial practice.

Rand Paul Takes Credit, Seeks Donations

No solution is likely before Tuesday at the earliest. The Republican lawmaker who helped trigger the gridlock took credit in a message to supporters that also sought donations to his presidential campaign.

"Yesterday, I forced the expiration of the NSA's illegal spying program. Contribute \$5 now to show your support," tweeted Senator Rand Paul of Kentucky.

Legislation that would have renewed surveillance laws had already passed in the House of Representatives, but became stalled in the Senate, where Majority Leader Mitch McConnell and other leading Republicans sought changes. In a rare Sunday session, they abandoned their opposition to the House bill in the face of pressure from the president and senior intelligence officials to pass it quickly. However, Paul then blocked their attempt to extend current law.

Bill Allows Access To Phone Company Records

The House bill ends the NSA's collection of phone records, though it allows the agency to search the records held by phone companies. McConnell and other top Republicans would like to see three amendments added to the House bill. In its present form, the bill would dangerously limit the NSA's ability to keep Americans safe, McConnell said.

"We'll have a vote on that legislation as soon as we can," he said, without specifying a timeline.

McConnell said that the proposed changes to the House-approved legislation are modest.

A senior member of the House Republican leadership, Representative Kevin McCarthy of California, said the best course would be for the Senate to approve the measure as written. However, he pointedly did not rule out revisions. "I don't know what the Senate could do — they said a lot of things," he told reporters.

Terrorism Investigations Stalled

The legal lapse affects not only the NSA's ability to collect domestic phone records in bulk. It also means at least a temporary end to the FBI's authority to gather business records in terrorism and espionage investigations, and to more easily eavesdrop on a suspect who is discarding cellphones to avoid surveillance.

"We call on the Senate to ensure this irresponsible lapse in authorities is as short-lived as possible," White House spokesman Josh Earnest said.

McConnell's attempts to pass a short-term renewal of existing law failed late Sunday, thwarted by Paul.

"This is what we fought the Revolution over; are we going to so blithely give up our freedom? ... I'm not going to take it anymore," Paul said as the deadline for renewal approached. Supporters wearing red "Stand With Rand" T-shirts packed the Senate spectator gallery.

Paul's actions angered fellow Republicans, who watched helplessly as anti-terrorism authority lapsed only four months after they took control of the Senate.

Republican Senator John McCain of Arizona complained to reporters that Paul places "a higher priority on his fundraising and his ambitions than on the security of the nation."

Representative Adam Schiff of California, the senior Democrat on the House intelligence committee, issued a statement that said: "Having gone past the brink, the Senate must now embrace the necessity of acting responsibly."

Congress Drama Follows Snowden's Disclosures

The high-stakes drama played out as Congress debated significant changes to surveillance laws prompted by the disclosures of Edward Snowden. A former NSA contractor, Snowden revealed the NSA's phone records collection and other main surveillance programs.

While intelligence officials publicly warned of danger, they said they were not deeply concerned with a lapse of a few days or weeks, given that surveillance will still be permitted in ongoing investigations. What they most fear is a legislative deadlock that could doom the programs permanently.

Obama supports the USA Freedom Act, the revision of surveillance laws that passed the House overwhelmingly on May 13.

Senate Republicans blocked that legislation on May 23, arguing that it undercut the NSA's ability to quickly search phone records. It fell three votes short of the 60 needed to advance.

But with no other options, McConnell, in an about-face, reluctantly embraced the House-passed bill Sunday night.

"It's not ideal but, along with votes on some modest amendments that attempt to ensure the program can actually work as promised, it's now the only realistic way forward," McConnell said.