

DIFI FAKE FISA FIX EXPLICITLY ALLOWS CONTRACTORS TO CONDUCT SUSPICIONLESS SEARCHES ON US PERSON DATA

The Senate Intelligence Committee has released its report on DiFi's Fake FISA Fix. The report makes it clearer than ever that this is not at all an improvement, but rather an attempt to use the Snowden leaks as an opportunity to make the spying programs explicitly worse, which I'll explain at more length later.

Just as an example, however, take a look at what they do with back door searches. As I explained here, the bill describes new reporting for a tiny fraction of back door searches, those that search on a US identifier as content, presumably to trick people in thinking that does anything for the vast majority of back door searches on US identifiers as metadata (DiFi's staffers all but admitted that, anonymously, here). Thus, it provides new reports for a tiny fraction of this practice, while endorsing the vast majority of such searches – and the far more intrusive ones – to go on with no reporting requirements. And since I laid that out, NSA General Counsel Raj De and DNI General Counsel Robert Litt made it clear that NSA does not currently require even Reasonable Articulate Suspicion to search any content collected incidentally.

Here's what the report adds to that, explicitly.

The Committee believes that, to the greatest extent practicable, all queries conducted to the authorities established under this section should be performed by Federal employees. Nonetheless, the

Committee acknowledges that it may be necessary in some cases to use contractors to perform such queries. By using the term “government personnel” the Committee does not intend to prohibit such contractor use.

The NSA just had a contractor walk off with unbelievable amounts of data.

And the Senate Intelligence Committee’s response to that is to explicitly give contractors the authority to conduct suspicionless searches through vast quantity of data to access and read the content of US person data, with no reporting requirements.

I guess when they named this the “intelligence” committee they were just making an elaborate joke.

(Note: Snoopdidoo had some more observations on the report in comments to this thread.)