

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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Contact: Larry Akey, Director of Communications, (202)580-6922 [o] or (202)580-9313 [c], lakey@constitutionproject.org

TCP Backs Bill to Curb Bulk Collection of Private Data *Sloan: Legislation provides "good balance" between protecting civil liberties, ability of intelligence community to gather targeted info*

WASHINGTON, D.C. -- The Constitution Project endorses legislation to curb bulk collection of American's telephone and internet records by the National Security Agency and to provide greater transparency of policies underlying government surveillance programs, according to Virginia Sloan, president of the bipartisan legal watchdog group.

Called the USA Freedom Act, the bipartisan legislation was introduced earlier today by Rep. James Sensenbrenner (R-WI) and Sen. Patrick Leahy (D-VT). The bill has more than 70 cosponsors in the House and 17 in the Senate. In 2001, Sensenbrenner and Leahy were the principal authors of the PATRIOT Act, the law which the government says gives it the authority to collect domestic communication records even when there is no established connection to terrorism.

"We applaud this effort to pass comprehensive intelligence reform that prohibits the government's massive and suspicionless spying on the American people and that gives them the information they need to determine whether government surveillance has gone too far," Sloan said.

Sloan said the new bill provides "a good balance between protecting the American people's fundamental civil liberties and privacy rights, while still preserving the ability of the intelligence community to gather the targeted information it needs to help keep America safe."

The USA Freedom Act would:

- end the bulk collection of Americans' records, including the call records collected under Section 215 of the Patriot Act;
- close loopholes in Section 702 of the 2008 FISA Amendments Act that permit reverse targeting and warrantless searches of domestic communications content;
- require the government to more aggressively filter and discard information about Americans it accidentally collects;
- increase transparency by allowing communications providers to disclose the number of surveillance orders they receive, mandate that the government publish how many people are subject to surveillance orders, and make public to the fullest extent possible significant opinions issued by the Foreign Intelligence Surveillance Court (FISC) since July 2003; and
- create an Office of the Special Advocate tasked with promoting privacy interests before the FISC's closed proceedings.

In a guest editorial published in *Politico*, Sensenbrenner and Leahy said their bill will curtail the government's ability to "employ a carte-blanche approach to records collection or enact secret laws," but will still allow the intelligence community to gather information "in a more focused way, as was the original intent of the PATRIOT Act."

The Senate Intelligence Committee is also expected to vote on legislation brought by committee Chairwoman Dianne Feinstein (D-CA) and Vice Chairman Saxby Chambliss (R-GA) addressing some of the same issues. Sloan said that, because their legislation will leave the bulk collection programs intact, TCP could not support it.

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Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.



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