

A policy brief of nsa reform essay

Countries, United States



The USA Freedom directly addresses issues that are included in the USA Patriot Act, an act that was created to combat and to create protection against the threat of terrorism, which was a fear that heightened in response to the 2001 September 11 attacks (Savage). While this bill proved necessary at the time, in the act, are provisions that overstep constitutional boundaries that go beyond the intention and framework of the original plan. This is an issue that requires your continued participation. I am aware that this is an issue that you have become directly involved with and have worked to purport the enactment Of the LASS Freedom Act.

As a senator currently working with and recently “opposite” to Rand Paul, who has garnered much support by big tech companies in silicon valley, I believe that with the same stance, the both of you can work with the support of big tech companies to work to pass the enactment of the USA Freedom Act (Savage). While the act still currently includes controversial aspects left over from the original Patriot Act that allows for bulk surveillance practices, it is important that either the bill is passed and addressed from the inside as you have suggested along tit Senator Senselessness, or that new provisions are made under a new act that addresses this issue. II.

Background Information: (a) Existing Law: As a result of great concern regarding the attacks of September 11 in 2001, terrorism became a prioritize issue that the US Government felt necessary to begin taking immediate action against. In an attempt to address this issue, President George W. Bush signed into law the USA Patriot Act on October 26, 2001(Vole). The purpose of the Patriot Act was to be able to counter terrorist activity through

provisions that addressed enhanced security of the country as well as its people.

Some of the provisions made in the act included the allowance of investigators to use the tools previously used against terrorism to investigate organized crime as well as the facilitation of information sharing and cooperation among government agencies. The act also updated the law to reflect new threats and technologies as well as increased penalties for those committing terrorist crimes. While the act addressed procedural protocols associated with terrorism, the controversy that surrounds the issue today are three key provisions included in the act under Section 215, which allows for increased oversight control on surveillance which inhibits the collection of information through a variety of means such as wire tapping, direct surveillance of individuals suspected of terrorism as well as attainment of business records and records of communication. Another provision included in the three key provisions is the " Lone Wolf" provision, which allows surveillance of individuals that may not be associated with terrorism (Vole). The issue with this policy is that it directly transgresses against the civil liberty of privacy granted to US citizens as well as the privacy of companies from which the NSA is collecting information. Since its enactment, three bills have reauthorized the Patriot Act.

On March 6, 2006, President Bush reauthorized the Patriot Act, making much of the law permanent but these key provisions were left open to further sunsets. On February 25, 2010, President Obama temporarily extended these three key provisions for one year with no changes (Sullivan). On May

26, 2011, Congress approved a four-year authorization extension of the Patriot Act. Currently, the bill that is in question in the senate regarding this issue of NSA surveillance is the USA Freedom Act, which puts a halt to the collection of phone records of millions of unsuspected American citizens by the NSA. (b) Legislative History: Within recent years, the passing of the USA Freedom Act has been up for debate in the senate. Originally, the bill was introduced in both houses of the U.

S. Congress on October 29, 2011 (Sullivan). On January 9, 2014, Representative Jim Sensenbrenner introduced a House version of the bill, which was then referred to the “ United States House Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations. Meanwhile, Senator Patrick Leahy, drafter of the bill, referred the bill to the Senate Committee on the Judiciary. After much consideration, the bill was defeated November 18, 2014 (Sullivan).

The purpose of the USA Freedom Act is to limit government control in order to protect the privacy of American citizens. It also seeks to create government transparency in order to protect tech industries that feel the need to disclose information about government agencies seeking out information about private records. Recently, many members of congress have expressed the need to end the bulk collection of data by the NSA, including Senator Sensenbrenner who has expressed the abuse of power by the NSA (Forenoon). This abuse of power was made clear on June 5, 2013 when “ The Guardian”, a British national daily newspaper, published documents from Edward Snowden, a former NSA contractor, which revealed how government had

covertly collected private information (Forenoon). In this specific case, records were brought to light that displayed a HAS court order requiring Verizon to provide data over a period of three months. Since the government's transgressions have been brought to light it has become the goal of many members of congress as well as affected entities to pass legislation to put an end to the collection of private records for surveillance purposes. III.

Policy: (a) Description: This policy is best described as a regulatory policy as it pushes for the government to be limited in its authority to transgress against the civil liberty of privacy by taking measures to collect private information on American citizens(Forenoon). In this particular case, the government is taking measures against itself in order to adhere to the regulations of the bill. The specific regulations that are included in the bill that addresses what the government can and cannot do include the bulk collection of metadata of American citizens as well as end secret laws and overt practices by the HAS court that has allowed for the mass systematic misrepresentations by the NSA(Forenoon). Other regulations include the limitation of control by PRISM which is a surveillance program that incidentally collects internet data of American citizens as well as the creation of a level of public transparency so that big tech companies that are sought out by the NSA or other government surveillance programs for the purpose of collecting personal data, can make those requirements publicly acknowledged (Page). (b) Involved Parties: The policy at hand is a policy that involves many parties. Most directly, it is a policy that involves the federal government and its surveillance agencies as well as the American people.

Third parties that are involved in the policy that benefit from the policy include big tech companies such as Apple, Google and Facebook.

The policy is an important issue for these companies because as a result in their "assistance" in providing private records to the government, these companies feel that they are betraying the American people and their trust. This policy allows these companies to show proof of requests by the government so as to appear as voluntarily aiding. Earlier this year, these tech companies along with 86 Civil Liberties Groups expressed their sentiments in an open letter to the NSA and members of Congress, which made demands for changes in their surveillance policies. In terms of parties who are not benefiting that are affected by the policy includes groups and individuals such as citizens and congress members that feel that reform of the patriot act and the limitations of NSA surveillance will aid in weakening the protection against terrorism, putting the US in a vulnerable state. One of the biggest users in the policy is the government itself as it is being limited in its power (Page).

IV. Political Analysis: In terms of Congress, it seems that opinions in favor and opinions that are not in favor of a bill draw almost an even split down the middle. In the senate, all but one democrat and four republicans are in favor of the bill. Democrats in the senate such as Patrick Leahy and Richard Blumenthal have promoted the bill as a result of democrat sentiments that have revealed the view of unconstitutionality that the Patriot Act entails (Raritan). Along with democrat support, Republicans such as Senators Jim Sensenbrenner, Mike Lee, and Dan Claitor have held views in opposition

of the Patriot Act and have supported the USA Freedom Act as they believe that the standard of surveillance of US citizens goes far beyond the intended measure and that it transgresses against the rights of citizens. Senators in congress that oppose the bill include Republican Senators such as Mitch McConnell, Dan Coates, Susan Collins and Marc Rubin. In this arena of debate, McConnell has acted as an opposition leader to the Republican Party. The source of these sentiments by McConnell comes from the perceived stickiest for increased surveillance for protection against terrorist activity.

On the senate floor McConnell stated that the passage of the bill would “ help the Islamic State and associated groups avoid US detection. ” Other remarks made on the floor include remarks from Coates who expressed a desire to not “ have another repeat of 9/11” as well as remarks by Rubin stating, “ God forbid tomorrow we wake up to the news that a member of SAIL is in the united States” which he feels can be made possible without the presence of NSA call tracking program(Raritan). Despite these strong sentiments within he senate by Republican members, Obama administration has revealed strong support of the NSA reform bill, stating that “ This legislation will help strengthen Americans’ confidence in the Government’s use of these important national security authorities. While Obama administration have shown approval to the bill it is important to note that as of November 4, 2014, Republicans have won enough seats in order to retake control Of the senate for the first time in eight years(Sportsman). This means that Republicans not only make up the majority of the House but they also make up the majority of the senate. As a result, the bill has a small chance of clearing congress even if there is a chance that it is cleared by the senate

(Sportsman). Senator John Thun made this evident when he stated that the House leaders support a different version of the bill, which safeguards some of the surveillance capabilities and have signaled they would not take up the Senate legislation, even if it did clear the chamber (Sportsman). However, as a Republican, with the help of other Republicans such as Jim Sensenbrenner, Den Heeler, and Mike Lee, and Rand Paul, there is a possibility to win over fellow Republicans or not only get the bill passed in the Senate but also approved within the House (Sportsman).

When addressing this policy, it is also imperative that the opinions and views of constituents are considered. In 2012, the constituents in the state of Texas supported Republican Mitt Romney who gained 57% of the votes while Obama gained 40% while the remaining votes were split between the libertarian, green and the constitution (write-in) parties. With Texas being a strong red state, it is likely that Texas will continue to support the Republican Party and the views shared with the Republican party (Sportsman).

Additionally, in the 2012 elections, during your run against Lieutenant Governor David Dewhurst, you won the runoff for the Republican nomination with a 14-point margin. Furthermore, in the general election against Paul Sadler, you won with 4.5 million votes with a majority of 56% of the votes while Sadler garnered 30. Million votes with only 40% of the vote.

According to your polls, after only six weeks after the general election, it was noted that you had already received 40% of the Hispanic vote, which was slightly above that of Mitt Romney(The Stream Team). With such strong backing and support, it is fair to say that not only does your district strongly

favor the Republican Party, but also individually as a candidate, you in particular have a strong following. Taking note of the groups by which you were endorsed, Republican Senators Mike Lee and Rand Paul, proponents of the bill or a bill to limit the surveillance authority of the NSA have been strong backers for your service in the senate (The Stream Team). Another important factor that should guide your decision in the support of this bill is your top donors. From 2011 to 2014, one of your top donors included the Senate Conservatives Fund who has donated \$315, 991. In January of 2014, it was reported by the SF itself that they decided not to back Congressman James Landlord in the special election to replace Senator Tom Cobber as a result of their belief that the conservatives cannot count on him to fight their principles.

Among their disagreeing views on the raising of the debt and the funding of Beamer, one of the biggest issues that they found in his platform was his vote to allow the NSA to continue its bulk collection of phone record data. With that being said, it is likely that they will continue to support oh as well as increase their support as a result of your action in the passing of this bill (Sledge). Besides doing away with it altogether, some policy alternatives to NSA phone data collection that have been mentioned by President Obama include to put phone metadata collection “ under purview of US telecommunications companies so that the NSA must go through these companies and inform them of their intent. Also, Obama has suggested that the data could be held by another government agency such as the FBI or another agency putting them under the control of another nongovernmental agency (Sledge). When looking at the conflict surrounded with the passing of

this bill, the issues that have stood in the way and can continue to stand in the way of the success of the bill, are the partisan considerations. As mentioned previously, the the LASS Freedom Act is a bill championed by Democrats (Sledge). This is due to the belief that the collection of private records is unconstitutional as it is a violation of rights.

On the other hand, the overall Republican attitude towards the bill is that it will allow vulnerability within the US, making the threat of terrorism more likely to happen (Sledge). V. Recommendations: I strongly advise that you keep steady in your support of the passing of the bill. Although it has made clear that the Republican party has shown little favor to the bill, it is clear that there are Republican Senators who support the bill and who have strong support and following as well. Based on your constituents, there is a strong Republican identity, which means there is a chance that their views on the bill may swing with the majority attitude so it is important to keep that in mind. As for your donors, it would be recommended that you continue to support the passing of the bill s one of your biggest donors, a United States political action committee that supports Republican Party politicians, primarily in the united States Senate, is a strong proponent of the bill.

With this in mind, there are likely to be other Republican organizations and committees that will back you in this decision.