

PROGRESS?

I'll withhold judgment until I see the text of the bill, but from this story, it appears the Progressive Caucus made some progress—though not on all counts—in their efforts to ensure the permanent FISA amendment safeguards privacy and civil liberties.

House Democrats plan to introduce a bill this week that would let a secret court issue one-year "umbrella" warrants to allow the government to intercept e-mails and phone calls of foreign targets and would not require that surveillance of each person be approved individually.

[snip]

The bill would require the Justice Department inspector general to audit the use of the umbrella warrant and issue quarterly reports to a special FISA court and to Congress, according to congressional aides involved in drafting the legislation. It would clarify that no court order is required for intercepting communications between people overseas that are routed through the United States. It would specify that the collections of e-mails and phone calls could come only from communications service providers – as opposed to hospitals, libraries or advocacy groups. And it would require a court order when the government is seeking communications of a person inside the United States, but only if that person is the target.

[snip]

The bill would not include a key administrative objective: immunity for telecommunications firms facing lawsuits in connection with the administration's post-Sept. 11

surveillance program.

That is, this bill appears to have regular oversight of the program (IG reports to both FISC and Congress). And it refuses to give immunity to telecoms without first knowing what those telecoms did. These account for several of the eight demands issued by the Progressive Caucus. But the bill only requires a FISA warrant if the surveillance targets someone in the US, not if it touches on someone in the US (though this is better than the "related to" language in the amended FISA act).

There are several other important details in this story.