

TECH COMPANIES: HURRY UP AND GIVE US IMMUNITY AND COMPENSATION

The tech industry has issued a letter urging the Senate to hurry up and ~~give them immunity and compensation~~ pass USA Freedom Act.

The letter is actually pretty funny. The letter claims:

The revelations about the U.S. government's surveillance programs that began in June of 2013 have led to an erosion of public trust in the U.S. government and the U.S. technology sector. In an effort to begin restoring that trust, the USA FREEDOM Act will prevent the bulk collection of Internet metadata, call detail records, and other tangible things in a manner that both enhances privacy and protects national security.

I mean, it's not funny that the NSA has fucked with the tech companies' business model. The funny part is the bill doesn't do what the tech companies say it does!

It only limits the bulk collection of Internet metadata – to the extent it does do that – via the use of Pen Register or Section 215 authorities. It doesn't do anything about the bulky collection of Internet metadata (and content) through PRISM. And it definitely doesn't do anything to end the biggest part of bulk Internet metadata collection, which happens overseas. Hell, this doesn't even give the Internet companies any more assurances they won't have their data stolen overseas (though some at least are making that more difficult by encrypting their data).

Then the letter makes this claim.

As a result of the surveillance program revelations, U.S. technology companies have experienced negative economic implications in overseas markets. In addition, other countries are considering proposals that would limit data flows between countries, which would have a negative impact on the efficiencies upon which the borderless Internet relies. The transparency measures in the USA FREEDOM Act are designed to alleviate some of the concerns behind such actions by allowing companies to be more transparent about the orders they receive from the government to its surveillance authorities.

Now, it is true that the law tweaks the agreement the government previously made with the Internet companies so they can show more about what they do. That's a good thing.

But the "transparency" provisions in the bill are actually designed to obscure key details about surveillance. They hide how many Americans will be exposed to most Section 215 orders (though will reveal the total people exposed) because FBI, which will get most of the orders, is exempted from that reporting. They hide the FBI's use of "back door searches" of Internet metadata collected under PRISM. And it may (though I'm less sure about this) hide requests for PRISM metadata searches executed by the CIA for foreign governments.

All hidden right there in the "transparency" procedures.

Finally, I'm not sure why the tech companies think their foreign customers will be impressed with deceptive "transparency" provisions that leave the bulk (in all senses of the word) of the collection the US is doing against foreigners still hidden.

But hey! I can imagine why the tech companies want their absurdly broad immunity and compensation for spying, which this bill does give them.

Oddly, the letter doesn't emphasize that part of it.