WASHINGTON, Jan. 24 — The U.S. Senate on Thursday voted unanimously to slap restrictions on a controversial Pentagon data-mining program that critics say would amount to a domestic spying apparatus. By unanimous consent, the Senate inserted a moratorium on the program into a massive spending bill, which was approved by a 69-29 vote late Thursday.
THE VOTE REPRESENTS AN unusual triumph of privacy concerns over the Bush administration’s arguments that the Pentagon’s Total Information Awareness (TIA) program would be useful for national security. If fully implemented, TIA would link databases from sources such as credit card companies, medical insurers and motor vehicle agencies in hopes of snaring terrorists.

Final passage of the moratorium is not certain, however. Because the House of Representatives’ version of the omnibus appropriations bill does not include any limits on TIA, a conference committee will have the final say.

“There’s the potential for some minor changes,” a representative for Sen. Ron Wyden, D-Ore., the amendment’s author, said Thursday.

Wyden’s proposal prevailed over a more modest plan championed by Sen. Chuck Grassley, R-Iowa. Grassley’s proposed amendment said only that TIA must not be used for “domestic intelligence or law enforcement purposes.”

On the other hand, the Wyden amendment — co-sponsored by Democrats including Dianne Feinstein of California and Patrick Leahy of Vermont — bans TIA after two months unless Congress receives a detailed report or President George W. Bush decides that a halt would “endanger the national security of the United States.”

Thereafter, if the Defense Department or any other executive branch agency wishes to release TIA to be used on American citizens, it must seek “specific authorization” from Congress. Exceptions are “lawful” military activities conducted overseas, or intelligence operations that target non-Americans inside or outside the United States.

Wyden said in a statement that “as originally proposed, the Total Information Awareness program is the most far-reaching government surveillance plan in history. The Senate has now said that this program will not be allowed to grow without tough congressional oversight and accountability, and that there will be checks on the government’s ability to snoop on law-abiding Americans.”

MORE LEGISLATION LIKELY

Privacy worries about the Pentagon system, funded by the Defense Advanced Research Projects Agency (DARPA), came to a head this week after the FBI indicated it wanted to use TIA domestically
against U.S. citizens. In a letter to Grassley, Defense Department Inspector General Joseph Schmitz said the FBI is considering “possible experimentation with TIA technology in the future.”

Sen. Russ Feingold, D-Wisc., said after the vote that he would continue to pursue a standalone bill that would also place restrictions on TIA.

In a statement posted last month on the TIA Web site, the Defense Department defended the project as privacy neutral.

“The DoD recognizes American citizens’ concerns about privacy invasions,” the statement said. “To ensure the TIA project will not violate the privacy of American citizens, the department has safeguards in place. In addition, (we) will research and develop technologies to protect the system from internal abuses and external threats. The goal is to achieve a quantum leap in privacy technology to ensure data is protected and used only for lawful purposes.”

The TIA project became public in early 2002 when Bush chose Adm. John Poindexter, who was embroiled in the Iran-Contra scandal, to run DARPA’s Information Awareness Office. But criticism of the project from privacy advocates and newspaper editorial pages has spiked in the last two months, with politicians becoming increasingly interested in TIA’s details after the 108th Congress convened this month.

Groups like the U.S. Association for Computing Machinery, the professional association for computer scientists, had urged Congress to place limits on TIA. In a letter to the Senate on Thursday, ACM warned: “Because of serious security, privacy, economic and personal risks associated with the development of a vast database surveillance system, we recommend a rigorous, independent review of these aspects of TIA.”

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Senate limits Pentagon 'data-mining'