House aide: NSA has shut down phone call record surveillance



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The most controversial National Security Agency surveillance program, originally exposed by documents leaked by former NSA contractor Edward Snowden, has apparently ended quietly, according to the National Security Advisor to Republican House Minority Leader Kevin McCarthy. In a discussion recorded for the Lawfare Podcast released on March 2, Luke Murry said that the NSA was no longer collecting call detail records—the metadata associated with phone calls and text messages—and

that the Trump administration had not used the program for over six months.

The program, launched under authority claimed by the George W. Bush administration under the USA PATRIOT Act of 2001, originally collected all call records from telecommunications providers to search for patterns of connections between persons of interest. But bulk collection was ended under the Obama Administration in 2015, and a new process—targeted collection under Foreign Intelligence Surveillance Court warrants from records retained by telecommunications companies—was codified by Title V of the Foreign Intelligence Surveillance Act (FISA) of 2015 and the USA Freedom Act of 2015

However, the new program had some technical problems. In June of 2018, the NSA announced that the agency was deleting all call-detail records it had acquired from telecommunications providers since 2015 because analysts discovered "technical irregularities" in the data being provided by the telecommunications companies. Those irregularities "also resulted in the production to NSA of some (call data records) that NSA was not authorized to receive," an NSA spokesperson said in an official release. Those records were of US citizens and residents not covered by FISA warrants.

At the time, the agency said that the problem had been addressed and that future call data record collection would comply with FISA. But based on Murry's comments, the program never really restarted. "I'm actually not certain that the administration will want to start that back up," he told Margaret Taylor of Lawfare.

Authorization for the call data record-collection program expires in December, and Murry said that Congress is unlikely to reauthorize the program. Matt Sparks, a spokesperson for Rep. McCarthy, told the New York Times that Murry "was not speaking on behalf of administration policy or what Congress

intends to do on this issue.”

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