

Crossing the Digital Divide (v92)

“X-Ray Vision”

By Joseph Feigon

For the Observer

Like Santa, the U.S. government also plans to know whether you've been good or bad. According to the Electronic Frontier Foundation (EFF), Congress is getting ready to pass new surveillance bills by the end of the year. Two of the bills relate to the FISA Section 702 reauthorization, while another one is a new border screening bill that will allow TSA agents to collect biometric and DNA information from both U.S. and foreign travelers.

Expanding Mass Surveillance With H.R. 4478 and S. 2010

Section 702 of the Foreign Intelligence Surveillance Act has been problematic from day one because it's one of the main programs that has allowed the NSA to collect not just all foreign internet data and phone call records that pass through the U.S., but also the same data belonging to Americans.

Programs such as PRISM and Upstream, which allow the NSA to tap into internet cables and capture and analyze every data packet, including your emails, chats, and browsing history, were created under Section 702.

Encrypted information is of course (relatively) safe from this type of collection, but the NSA has begun storing encrypted data indefinitely. The agency hopes that one day there will be a way to decrypt everything, such as with quantum computers. Then, things you said 10 years ago could potentially start being used against you if you ever land in a court, and judges may not even be aware of it.

The two bills that will expand the U.S. government's surveillance powers are H.R. 4478 and S. 2010. According to the EFF, the two bills would:

- Grant authority to restart “about” collection, an invasive type of surveillance that was heavily criticized by the Foreign Intelligence Surveillance Court for privacy violations.
- Fail to protect Americans from FBI agents reading their private communications without first obtaining a warrant.

Back in 2008 and 2012, few House or Senate members fought the expansion of surveillance powers. However, this time around there seem to be more members of Congress fighting both the reauthorization of FISA Section 702 and the expansion of surveillance powers.

There were at least two related bills introduced in the Senate and two in the House that were meant to either expand the surveillance powers or restrict them. The USA Rights Act, introduced by Senator Ron Wyden and a few other Senators from both parties, was the only one aimed squarely at reforming and restricting the government's mass spying capabilities.

Because there was no consensus, it seems that none of them are moving forward. However, those who would like to reauthorize and expand the mass surveillance programs are now trying to sneakily add the bills to the funding bills for next year. According to the EFF, this maneuver would rob surveillance reform of the little debate it was going to have in the first place. It would also rob it of a transparent vote, which could have been used by the American people in the next election to see how their representatives voted on the issue.

Biometric And DNA Collection At Border (S.2192)

If the NSA mass surveillance expansion was not enough, Sen. Charles Grassley (R-IA) introduced a bill that seems to contain 1984's list of things to do for oppressive governments: biometric screening, DNA collection, surveillance drones, social media snooping, license plate readers. Grassley's "the Secure ACT" (S.2192) seems to be an all you can you can spy-on authoritarian government buffet.

S.2192 borrows heavily from other House and Senate bills (H.R. 3548 and S. 1757) introduced earlier this year Rep. Michael McCaul (R-TX) and Sen. John Cornyn (R-TX) and opposed by the EFF.

Sen. Coryn's bill would require that the Department of Homeland Security (DHS):

- Collect biometric information from all people who exit the U.S., including U.S. and foreign citizens.
- Collect DNA and other biometric information from "any individual filing an application, petition, or other request for immigration benefit or status."

- Share biometric information about immigrants with the FBI, Defense Department, and State Department.
- Review social media accounts of visa applicants from “high-risk countries.”
- Deploy drones at the U.S. border.

The bill would apply to both foreigners as well as all Americans passing through U.S. airports. The EFF believes that border security should be balanced with essential civil rights that both citizens and foreigners should have in airports, and that these bills violate that principle.

Biometric Authentication, an Increased Risk

The increasing collection of biometric data, as well as governments everywhere becoming interested in installing highly-advanced facial recognition cameras in airports or anywhere in public, is also why biometric authentication for mobile devices may not have a long life after all.

Facial recognition seems to be the most vulnerable to this type of technology adoption from governments, because you already have your face plastered everywhere online. Now governments will be able to capture it from multiple angles everywhere you go, too. This is why smartphone OEMs should probably resist the urge to copy Apple and ditch the fingerprint sensor in favor of facial recognition, which even despite Apple’s advanced security measures, can’t seem to be secure enough.

Fingerprints are significantly harder to collect by governments in a passive manner compared to your face profile. However, as we’re seeing with these new bills, some governments are also trying to actively collect fingerprints, too, and build databases of them that can later be hacked by criminals and rival governments.

The EFF is urging everyone to call their Congressmen, as there are only hours left until some of these bills will start passing, unless action is taken.

Control those things you can, and keep the surprises to a minimum!