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House Passes Spy Bill; Senate Expected to Follow

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The House, in an overwhelming bipartisan vote, yesterday approved a sweeping new surveillance law that extends the government's eavesdropping capability and effectively would shield telecommunications companies from lawsuits for cooperating with the Bush administration's warrantless wiretapping program.

Ending a year-long battle with President Bush, the House passed, by a 293 to 129 vote, an overhaul of the 1978 Foreign Intelligence Surveillance Act (FISA). The bill provides a legal avenue for AT&T, Verizon Communications and other telecommunications firms to ward off about 40 lawsuits alleging that they violated customers' privacy by helping the government conduct a warrantless spying program after the Sept. 11, 2001, attacks.

Before the vote, Bush said the plan, which is expected to clear the Senate next week, would help thwart new terrorist attacks. "It's vital that our intelligence community has the ability to learn who the terrorists are talking to, what they're saying and what they are planning," he said.

Only one Republican opposed the bill, but Democrats were sharply divided. And the legislation presented a fresh foreign policy dilemma for [Sen. Barack Obama](#) (D-Ill.). The party's presumptive presidential nominee announced his support of the FISA bill despite active opposition to it from the liberal activist base that has financially fueled his campaign.

"Given the legitimate threats we face, providing effective intelligence collection tools with appropriate safeguards is too important to delay. So I support the compromise, but do so with a firm pledge that as President, I will carefully monitor the program," Obama said in a statement.

Obama had previously opposed a different Senate version, which passed on Feb. 12, because it gave "blanket immunity" to the telecommunications companies, according to a statement issued at the time.

[Sen. John McCain](#) (Ariz.), the presumptive Republican presidential nominee, supports the FISA legislation.

Democrats have resisted passing a new FISA law since last summer and implemented a temporary act that expired in August. They demanded more information about the warrantless wiretapping program that the administration pursued for years after the terrorist attacks. But after four months of negotiations, the bill gives intelligence agencies most of what they had been seeking.

The agreement gives telecom companies the ability to have privacy lawsuits thrown out if they demonstrate to a federal judge that they received written assurance from the Bush administration that the spying was legal. House GOP leaders and opponents of the legislation consider the new court review a formality that will lead to dismissal of the suits.

The bill requires approval by the secret FISA court of procedures for intercepting foreigners' e-mails and telephone calls. Spying on U.S. citizens, including those overseas, would require individual warrants from the same court.

[House Speaker Nancy Pelosi](#) (D-Calif.) said she supported the bill primarily because it rejects Bush's argument that a wartime chief executive has the "inherent authority" to conduct some surveillance activity he considers necessary to fight terrorism. It restores the legal notion that the FISA law is the exclusive rule on government spying.

"This is a democracy. It is not a monarchy," Pelosi said.

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