Senate bill draft would prohibit unbreakable encryption

April 8 2016, by By Tami Abdollah

In this Feb. 9, 2016 file photo, Senate Intelligence Committee Vice Chair Sen. Dianne Feinstein, D-Calif., talks with committee chairman Sen. Richard Burr, R-N.C. on Capitol Hill in Washington. A draft version of a Senate bill would effectively prohibit unbreakable encryption and require companies to help the government get access to readable data on a device if there's a lawful search warrant. The draft is being finalized by Burr and Feinstein. (AP Photo/Alex Brandon, File)

A draft version of a Senate bill would effectively prohibit unbreakable

encryption and require companies to help the government access data on a computer or mobile device with a warrant.

The draft is being finalized by the chairman of the Senate Intelligence Committee, Sen. Richard Burr, R-N.C., and the top Democrat, Sen. Dianne Feinstein of California.

Their goal, they said in a statement, is to ensure adherence to any court order that requires helping law enforcement or providing decrypted information. "No individual or company is above the law."

It was not immediately clear when they would introduce the bill.

The draft language ran into opposition from another committee member, Sen. Ron Wyden, D-Ore., who said the proposal would require "American companies to build a backdoor" into devices.

"They would be required by federal law per this statute to decide how to weaken their products to make Americans less safe," he said. Wyden pledged to do "everything in my power" to prevent the plan from passing.

The emerging measure follows the Justice Department's battle with Apple Inc. over access to an encrypted and locked iPhone—a fight pitting digital privacy rights against national security concerns.

In this Feb. 17, 2016 file photos an iPhone is seen in Washington. A draft version of a Senate bill would effectively prohibit unbreakable encryption and require companies to help the government get access to readable data on a device if there's a lawful search warrant. The draft is being finalized by Republican Sen. Richard Burr of North Carolina, who chairs the Senate's Intelligence Committee, and his vice chair Sen. Dianne Feinstein, a Democrat from California. (AP Photo/Carolyn Kaster,File)

The Justice Department dropped its legal effort to compel Apple to provide it with specialized software that would allow the FBI to hack into an iPhone that was issued to San Bernardino County, California, health inspector Syed Farook. Farook and his wife, Tashfeen Malik, killed 14 people in December. The couple died in a shootout with authorities.

The iPhone was found in a vehicle the day after the shooting. Two

personal phones were found destroyed so completely the FBI could not recover information from them.

U.S. Magistrate Sheri Pym had ordered Apple to provide the FBI with software to help it hack into Farook's work-issued iPhone after the government said only Apple could help authorities access the encrypted and locked iPhone. But days before a hearing in the case an outside party showed the FBI an ultimately workable situation to hack the phone.

The government ultimately purchased that solution—which FBI Director James Comey said only works on an iPhone 5C running version 9 of the Apple operating system—and is keeping it secret for now.

Comey and Apple CEO Tim Cook have said that Congress, not the courts, should address issues raised in the case.

But the senators' draft bill was roundly criticized by technology groups and civil libertarians, many of who also backed Apple against the government.

Kevin Bankston, director of the Washington-based New America's Open Technology Institute, said in a statement that the bill would undermine American cybersecurity and technology products, give foreign competitors an economic edge and allow adversaries to obtain encrypted communications.

ACLU legislative counsel Neema Singh Guliani said the draft plan amounted to a "clear threat to everyone's privacy and security" and senators should "abandon their efforts to create a government backdoor."

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