

SECTION 702 REFORM: A CLOSER LOOK AT THE IMPROVEMENTS IN THE COMPETING BILLS, OR THE LACK THEREOF

Access Now evaluated the top five legislative proposals to reform Section 702. Since each proposal fails to sunset the invasive authority, we started them all back at -10. We then scored each bill based on how it met our eleven recommendations to protect human rights (scaled from -1 to 3). After we saw their progress toward reform we removed points if they took any of the huge steps backward that we had identified.

OUR OVERALL RECOMMENDATION

Sunset 702 and the FISA Amendments Act

RECOMMENDATION 1

Additional definitions – Include definitions to ensure proper understanding of the law

RECOMMENDATION 2

PPD 28 – Codification (and expansion) of Presidential Policy Directive (PPD) 28

RECOMMENDATION 3

Minimize personal data – Minimize the data that are retained in massive surveillance databases

RECOMMENDATION 4

Limiting targets – Limit surveillance targets to foreign powers or agents of foreign powers

RECOMMENDATION 5

Human rights standards – Recognize human rights standards

RECOMMENDATION 6

Higher standards for collection – Strengthen the standards for collection

RECOMMENDATION 7

Limit retention of encrypted comms – Strike the encryption exception for data retention

RECOMMENDATION 8

Limit collection – Prohibit acquisition of communications from non-targets

RECOMMENDATION 9

Limit dissemination – Limit the dissemination of data to other agencies and international partners

RECOMMENDATION 10

Increased FISC transparency – Increased transparency at the FISA Court (FISC)

RECOMMENDATION 11

Increased public transparency – Increased public reporting

PROBLEM 1

Explicit codification of “about” collection

PROBLEM 2

Removal of the sunset provision, making the law permanent

PROBLEM 3

Expanded surveillance authority with less oversight

PROBLEM 4

Prohibitions on development or use of encryption

FINAL SCORE

Warrantless surveillance needs to end. Act Now!

accessnow.org/campaign/red-alert-702

