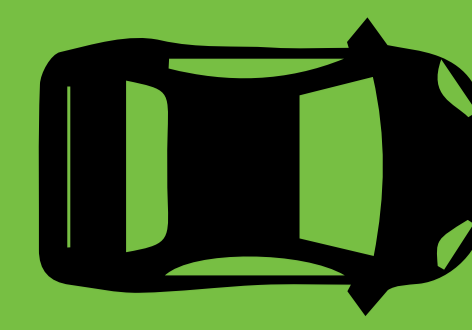


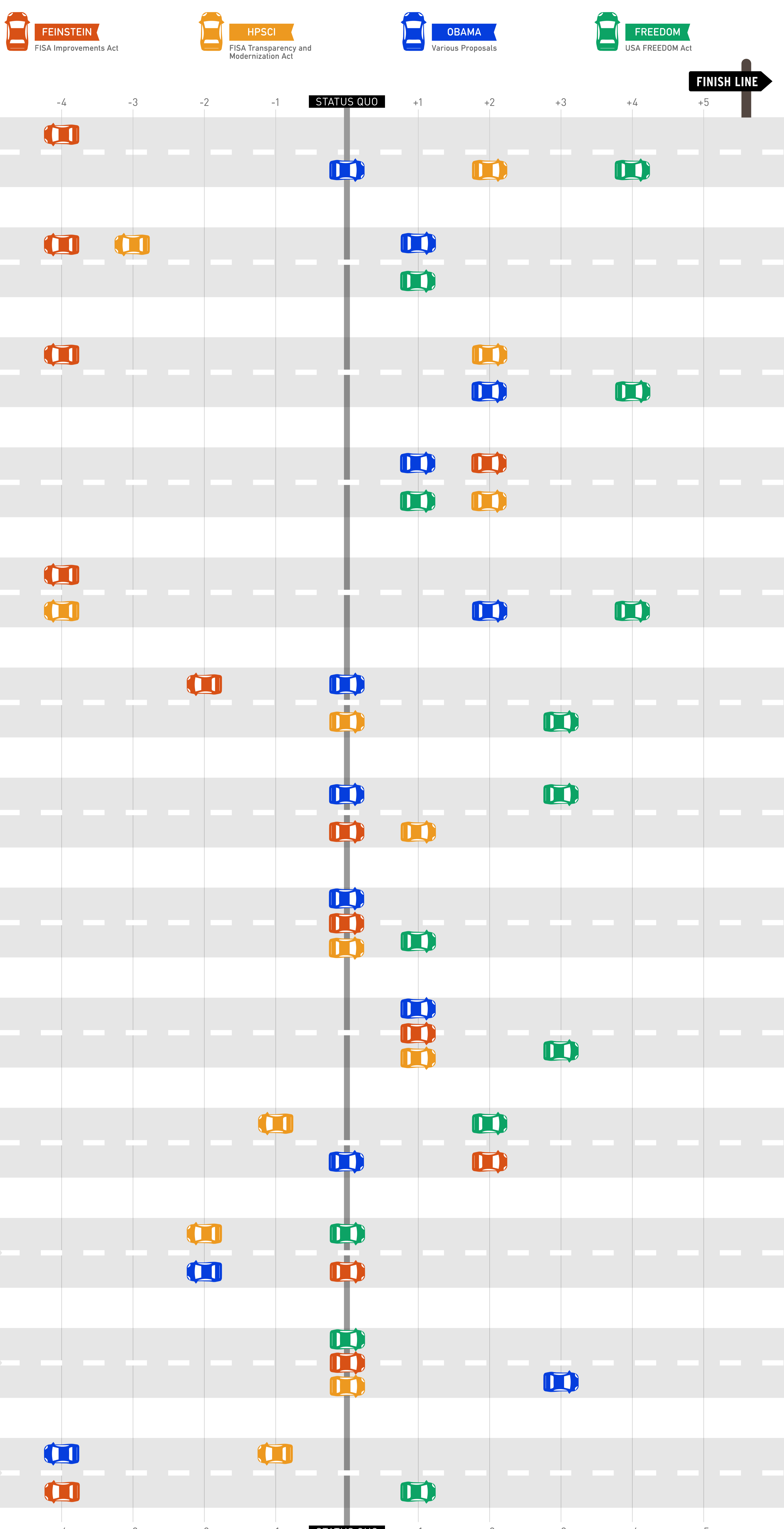
# THE ROAD TO INTERNATIONAL PRINCIPLES ON THE APPLICATION OF HUMAN RIGHTS TO COMMUNICATIONS SURVEILLANCE



In the wake of revelations about NSA surveillance, several members of the U.S. Congress have sprung to action to introduce legislation. Out of more than a dozen bills, four primary proposals have received the most support from members of Congress. Access has measured how these four proposals stack up against the [International Principles on the Application of Human Rights to Communications Surveillance](#) ("the Principles"). The Principles, which have been endorsed by over 400 civil society organizations, provide a framework for assessing how human rights obligations apply when conducting communications surveillance.

The 13 roads below represent the 13 Principles. Each car represents one of the leading NSA reform proposals, on the road toward full compliance with each respective Principle.

While no proposal perfectly embodies any Principle, Access judged each proposal on a scale relative to the starting line – where we are today. From there, some cars speed ahead toward the realization of the Principle, while others lag behind, or even drive away from the goal. While some proposals get as far as four mile markers in the right direction, there's still a stretch of road to go before we cross the finish line.



## FINAL SCORE

The USA FREEDOM Act is clearly the leader in this race, but House leadership has blocked the USA FREEDOM Act from coming to a vote since October 29, 2013. Access is joining other civil society groups and the public to come together to demand that a vote to send the bill to the House floor is held immediately.



## SCORE ANALYSIS

● BASED ON 13 PRINCIPLES ●

Principle	Feinstein	HPSCI	Obama	Freedom
<b>LEGALITY</b>	-4	0	+1	+4
<b>LEGITIMATE AIM</b>	-4	-3	+1	+1
<b>NECESSITY</b>	-4	0	+2	+4
<b>ADEQUACY</b>	0	0	+1	+2
<b>PROPORTIONALITY</b>	-4	0	+2	+4
<b>COMPETENT JUDICIAL AUTHORITY</b>	-2	0	0	+3
<b>DUE PROCESS</b>	0	0	0	+3
<b>USER NOTIFICATION</b>	0	0	0	+1
<b>TRANSPARENCY</b>	0	0	0	+3
<b>PUBLIC OVERSIGHT</b>	0	-1	0	+2
<b>INTEGRITY OF COMMUNICATIONS AND SYSTEMS</b>	-2	-2	0	0
<b>SAFEGUARDS FOR INTERNATIONAL COOPERATION</b>	0	0	0	+3
<b>SAFEGUARDS AGAINST ILLEGITIMATE ACCESS</b>	-4	-1	0	+1

Access' review of the different legislative proposals demonstrated, unequivocally, that the USA FREEDOM Act offers the most comprehensive reforms to move U.S. practice in line with international law. In addition to halting bulk surveillance, the bill would also increase transparency, accountability, and help prevent against future abuse by providing for a special advocate for the Foreign Intelligence Surveillance Court, to operate independently from other interested government agencies. In contrast, the White House proposal is an overall improvement over the status quo, but is largely focused on reforming only a single type of collection under a single authority.

Two proposals – the House Intelligence "FISA Transparency and Modernization Act" and Senator Dianne Feinstein's "FISA Improvements Act" – would constitute a net loss for human rights in the United States. The House bill would prevent bulk collection by the records, but would build the same capabilities in by requiring telcos to hold onto the government in a specific format, and the records would still be available to the NSA. However, nuances in language make the new authority potentially even broader than the NSA's current practices. The Feinstein bill would largely codify current practices largely considered to be unlawful under today's law, though it would also build in certain transparency measures.

For more information and to view our sources, please see: <https://accessnow.org/NSAReformsInfographic>