**SUMMARY OF POTENTIAL ADVOCACY OPTIONS & REFORM PROPOSALS**

**RELATED TO RECENT NSA REVELATIONS**

**TRANSPARENCY & ACCOUNTABILITY:**

* Demand that Congress form a special committee to investigate, report, and reveal to the public the extent of the NSA’s surveillance programs and make specific recommendations for legal and regulatory reform (this is one of the primary demands of the StopWatching.Us coalition).
* Demand disclosure of significant legal interpretations of the FISA Amendments Act (FAA) and of Section 215 of the Patriot Act (the authorities used in the PRISM and the telephone records collection), whether in FISA Court opinions or in Executive Branch briefs and memos.
	+ This could be accomplished through direct pressure on the Executive and/or through legislation.
	+ The newly-introduced Merkley-Tester-Wyden bill, S. 1130, would require the Department of Justice to disclose each FISA court opinion, an unclassified summary of the opinion, or a report on the number of opinions being withheld on national security grounds.
		- Press Release available at <http://www.merkley.senate.gov/newsroom/press/release/?id=5d5997d9-4ba1-46c3-ba86-d208ec82a31e>
		- Bill Text available at <http://images.politico.com/global/2013/06/11/61113introducedfisa.html>
* Demand that the government allow transparency reporting by companies about how many government demands they receive under different legal authorities and how many accounts are affected.
	+ This could be accomplished through legislation and/or through negotiation with the Executive (may require some involvement of the FISA court).
* Demand more reporting by the Executive Branch on its surveillance activities, whether statistical (like current reports regarding law enforcement wiretaps) or investigative (like a report by the relevant agencies’ Inspectors General on the extent of the NSA programs).
	+ This could be accomplished through direct pressure on the Executive and/or through legislation.
* Demand legislative reform of the FISA and National Security Letter (NSL) gag provisions that automatically and perpetually prohibit companies from ever discussing the national security demands they receive, including
	+ Requiring the government to make a factual showing to the court to demonstrate that harm would result from disclosure, before issuance or renewal of gag, and
	+ Placing a specific time limit on the gag.

**SUBSTANTIVE REFORMS…**

**…TO PATRIOT SECTION 215**—the section used to authorize the court orders for telephone records—to prevent mass collection of telephone or Internet metadata

* Demand legislative reform to require that the government make a showing of specific and articulable facts to the court justifying its demand for records, and requiring that the records sought
	+ Pertain to a terrorist, spy, or other agent of a foreign power (or to their activities or to persons in contact with them, but can’t pertain to everyone)
	+ Are determined by the FISA court to be particularized to such person
	+ Are in existence at the time the order issues (not prospective)
* **Bills Introduced or Soon to Be Introduced to Reform PATRIOT 215:**
	+ **The Conyers/Amash “LIBERT-E Act” in the House**
		- Op-Ed from Representatives Conyers & Amash describing bill available at <http://www.huffingtonpost.com/john-conyers/a-bipartisan-response-to_b_3437736.html>
		- Bill Text available at <http://images.politico.com/global/2013/06/13/061313nsafinal.html>
		- In addition to placing new limits on PATRIOT 215, bill would require disclosure of unclassified summaries of FISA court opinions and would require an Inspectors General report on the impact of PATRIOT 215 and the FAA on the privacy of persons located inside the US.
* **Senator Bernie Sanders’ “Restore Our Privacy Act”, S. 1168**
	+ Press Release here: <http://www.sanders.senate.gov/newsroom/news/?id=e5a275bd-5e67-4fdc-9c63-c64642135d69>
	+ Bill Text here: <http://www.sanders.senate.gov/imo/media/doc/Restore%20Our%20Privacy%20Act.pdf>
	+ Bill reforms PATRIOT 215 by requiring demonstration to court based on specific and articulable facts that specific records are relevant to investigation; also requires new additional reporting to Congress about how that power is used.

 **…TO THE FISA AMENDMENT ACT OF 2008**—the statute that authorizes the court orders for communications content that the “PRISM” system is used to implement.

* Due to confused nature of reporting around scope and nature of the PRISM system, there is not yet a clear FAA reform agenda beyond pushing for more transparency to obtain basic information about how FAA is being implemented.