

### President's Scorecard on NSA Reform

Today the President laid out his vision for surveillance reform. The following chart outlines how the President responded to each of the most critical surveillance reform issues. Detailed discussion on each of these reforms can be found in our recent [blog post](#).

Reform Measure	Did the President endorse the Reform?	Did the President's Review Group support the reform?	Notes
<b>End Bulk Collection by NSA</b>	Yes	Yes	While there is consensus from the President, his independent Review Group, companies, and civil society that bulk collection by government must end, there is not yet agreement on what would replace it.
<b>Require Particularized Requests for Records</b>	No	No definitive stance.	The President and the Review Group stated that NSA should no longer engage in bulk collection, but did not offer a clear solution. The President discussed moving bulk records to a third party, a measure that would fail to solve current privacy problems and create a host of new issues. We strongly believe requests for records must be particularized, as would be established by the USA FREEDOM Act.
<b>Limit the Purpose for §702 Surveillance</b>	No	Unclear	The President's policy directive includes no significant restriction on the purpose of intelligence collection under Section 702, but would restrict use of such information to purposes relating to "(1) espionage and other threats and activities directed by foreign powers or their intelligence services against the United States and its interests; (2) threats to the United States and its interests from terrorism; (3) threats to the United States and its interests from the development, possession, proliferation, or use of weapons of mass destruction; (4) cybersecurity threats; (5) threats to U.S. or allied Armed Forces or other U.S or allied personnel; and (6) transnational criminal threats," when that information is collected in

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<b>Require Judicial Authorization of National Security Letters</b>	No	Yes	The President supported only time- limiting the gag that accompanies most NSLs. Currently, the gags stay in place indefinitely.
<b>Close the Backdoor Search Loophole</b>	No	Yes	The President stated support for "additional restrictions on government's ability to retain, search, and use in criminal cases, communications between Americans and foreign citizens incidentally collected under Section 702."
<b>Protect Internet Security and Encryption</b>	No	Yes	The Review Group said the U.S. Government should not work to undermine computer security standards and technologies and that it should disclose computer vulnerabilities it finds immediately to the relevant software developer, with limited exceptions. The President did not address the issue.
<b>Support Transparency Regarding Surveillance Demands</b>	Yes	Yes	The President stated, "We will also enable communications providers to make public more information than ever before about the orders they have received to provide data to the government," however, he provided no details about what that information would include, and did not call for any new mandatory government reporting.
<b>Support Transparency Regarding Surveillance Laws</b>	Yes	Yes	The President directed the Director of National Intelligence, in consultation with the Attorney General, to annually review "future opinions of the Court with broad privacy implications" for the purpose of declassification.
<b>Create a Special Advocate to Participate in FISC Proceedings</b>	Yes	Yes	The President called for a panel of advocates to participate in FISC proceedings, but did not specify what their authority and responsibilities would be.
<b>Extend Meaningful Human Rights Protections</b>	No	Ambiguous	The President mentioned in general terms the need to extend human rights protections for non-U.S. persons, but the extent of those protections is not yet determined.
<b>ECPA Reform</b>	No	Not Discussed	The Review Group was not asked to address this issue.

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