

The Foreign Intelligence Surveillance Act (FISA) of 1978

The Foreign Intelligence Surveillance Act (FISA) of 1978 established a legal authority for the United States Government to carry out wiretaps for foreign intelligence purposes. It also established a special court of federal judges, the Foreign Intelligence Surveillance Court (FISC), to hear applications made by the government to carry out such wiretaps.

Amendments to FISA -

- **Executive Order 12139: Foreign Intelligence Electronic Surveillance; 1979** – E.O. 12139 established the authority of the Attorney General to foreign intelligence electronic surveillance, as provided by the FISA.
- **Counterintelligence and Security Enhancements Act of 1995** (FISA Applied to Secret Foreign Intelligence Physical Searches) - In 1978, the Congress had refused to authorize secret warrantless searches of homes and offices. In 1995 Congress amended the FISA to authorize secret physical searches apart from electronic surveillance.
- **Intelligence Authorization Act for FY 1999** - In 1999, the FISA was again amended to provide for FISA court orders for pen registers, trap and trace devices, and certain business records of suspected agents of a foreign power.
- **Intelligence Authorization Act for FY 2000** - In 2000, Congress expanded the definition of "agent of a foreign power" to include people working for a foreign government who intentionally enter the United States with a fake ID or who obtain a fake ID while inside the US.
- **Intelligence Authorization Act for FY 2001, Public Law 106-567** - In 2001, the FISA was amended to clarify which federal officials could authorize applications to the FISC for electronic surveillance and physical searches.
- In **2001, the Patriot Act** made extensive changes to the FISA, broadening the circumstances when the secret FISA authorities could be used.
- **Intelligence Authorization Act for FY 2002** - In 2002, the FISA was amended to permit the Attorney General to wait 72 hours rather than 24 hours before seeking a court order after authorizing electronic surveillance in emergency situations.
- **FISA Amendments Act of 2008** - On July 10, 2008, President Bush signed the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008
<http://www.unc.edu/courses/2009spring/law/357c/001/FBI/fisa08.html>

The FISA Amendments Act of 2008 provides critically important authority for the U.S. Intelligence Community to acquire foreign intelligence information by targeting foreign

persons reasonably believed to be outside the United States. It ensures that the Intelligence Community has the flexibility and agility it needs to identify and respond to terrorist and other foreign threats to our security.

<http://online.wsj.com/article/SB121391360949290049.html>

- **Intelligence Authorization Act for FY 2012 – Signed on** January 4, 2012 by the President. Propagates that Congressional oversight of intelligence is not only essential in our democracy, but also important to the effective and efficient operations of the Intelligence Community.

Source:

- Center for National Security Studies, a non-governmental advocacy and research organization
<http://www.cnss.org/fisa.htm>
- <http://www.unc.edu/courses/2009spring/law/357c/001/FBI/fisa08.html>
- <http://online.wsj.com/article/SB121391360949290049.html>
- <http://www.dni.gov/>