Changes to Electronic Surveillance using FISA

Protect America Act
FISA Amendment Act

Key Points

(U) Electronic Search and Surveillance of email communications using:
- Traditional FISA
  - 1978
- Protect America Act (PAA)
  - August 2007
- Section 702 of FISA Amendment Act
  - July 2008

Outside the Scope
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(1) FISA Amendment Act (FAA) was signed by President Bush on 10 July 2008.

(U) Sunset of 4 years

(U) FAA made multiple changes to many different parts of the FISA Law

(U) FISA Changes were incorporated into Section 702 of FISA with some minor differences

(U) FISC must verify that the government's methods for determining a target's location are reasonable.

(U) FISC will also review and APPROVE minimization procedures used by the agencies

(U) Except in "exigent circumstances", the government cannot begin surveillance until the court has approved a certification

(U) Law directs the Inspector General of various agencies to review how the government is handling USEP Info

FISA Amendment Act (FAA)
(U) Law includes a prohibition of reverse targeting to collect communications of someone inside the US.
(U) FAA directs the court to "promptly" dismiss a lawsuit filed against electronic service providers that helped the government if the AG certifies the assistance was "authorized by the President" and "designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the US."