



Department of Justice
&
**THE OFFICE OF THE
DIRECTOR OF NATIONAL INTELLIGENCE**



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**FACT SHEET: TITLE IV OF THE FISCAL YEAR 2008 INTELLIGENCE AUTHORIZATION ACT,
MATTERS RELATED TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT**

For over two decades, the Foreign Intelligence Surveillance Act (FISA), as amended, has served as an important framework in the nation's ability to collect foreign intelligence information, while simultaneously protecting the civil liberties of Americans. FISA provides the legal framework through which the Intelligence Community lawfully collects information about those who pose national security threats to our country. FISA helps those in the Intelligence Community catch spies, international terrorists, and others who seek to do harm to the United States, its citizens and its allies.

Today, following over a year of coordinated effort among the Intelligence Community and the Department of Justice a bill is being submitted to Congress to request long overdue changes to FISA. The proposed legislation's core objective is to bring FISA up to date with the revolution in telecommunications technology that has taken place since 1978, while continuing to protect the privacy interests of persons located in the United States.

This legislation is important to ensure that FISA continues to serve the nation as a means to protect our country from foreign security threats, while also continuing to protect the valued privacy interests and civil liberties of persons located in the United States. The Director of National Intelligence, together with the Attorney General, will work with Congress to ensure enactment of this important proposal to keep America safe.

Key Provisions of this Bill Are:

- Updating the definition of electronic surveillance to account for the sweeping changes in telecommunications technology that have taken place.
 - The proposed legislation is technology neutral. In contrast to the 1978 statute, which contains central provisions that are tied to specific communications technologies, this proposal is not tied to specific technology we have today. That way, as telecommunications technology develops over time - - which it surely will do - - FISA will not run the risk of becoming out of date.
- Protecting civil liberties and privacy interests and improving our intelligence capabilities by focusing FISA on people located in the United States.
 - Revolutions in telecommunications technology have brought within FISA's scope communications that Congress did not intend to be covered—and, as a result, extensive resources are now expended obtaining court approval for acquiring communications that do not directly or substantially involve the privacy interests of Americans. Restoring FISA to its original focus will enhance our intelligence capabilities while allowing the Intelligence

Community to devote more resources to protecting the privacy interests of people in the United States.

- Improving the way the United States does business with communications providers.
 - The country's communications providers are important partners in the ability of the United States Government to protect our national security. The proposed legislation includes needed authority both to protect those carriers when they do comply with lawful requests under FISA, and to enable providers to cooperate with authorized intelligence activities.
- Streamlining the FISA process.
 - Numerous Congressional and Executive Branch reviews of the FISA process have recommended that the FISA process be made more efficient, and the Department of Justice has made major strides in recent years in improving its practices and procedures. The proposal would make several changes to improve further the efficiency of the FISA process, including extending the period of authorization for non-United States persons, which will allow the Department and the FISA Court to concentrate more scarce resources to the cases that concern United States persons.
- Reflecting today's national security threats.
 - The Bill seeks to update FISA to reflect today's national security threats. One of those threats is the proliferation of weapons of mass destruction. This legislation will allow the Intelligence Community to obtain FISA authority to better protect the nation against proliferators.
- Adding an additional definition of an agent of a foreign power for non-U.S. persons whom the Government believes possess significant intelligence information, but whose relationship to a foreign power is unclear.
 - This proposed change would apply only to non-United States persons in the United States, and collection of information from such an individual would be subject to the approval of the FISA Court.

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