

Key provisions of HOLT FISA Modernization Act

- **Repeals the “Protect America Act”.**
- **Exclusivity (Sec. 101).** Re-states that all electronic surveillance for foreign intelligence purposes must follow FISA.
- **Informs Congress (Sec. 102).** Requires the Administration to “fully inform” the full Congressional intelligence committees on all electronic surveillance conducted on “United States Persons” (as defined in FISA) in the United States for foreign intelligence or other purposes from 9/11 through the date of enactment of the bill.
- **Additional Time (Sec. 201).** Extends the “emergency” period during which surveillance can proceed without a warrant from 72 hours to 7 days, as some FISA judges have requested.
- **Additional Resources (Sec. 202-205).** Authorizes additional personnel, mandates training in regulations and law governing surveillance, and requires an improved document handling system at the NSA, FBI, DOJ and the FISA Court to reduce the time it takes to prepare and file an emergency FISA application. Authorizes four new FISA Court judges (for a total of 15) to manage the caseload.
- **Wartime Authority (Sec. 206).** Clarifies FISA’s rule allowing wiretaps without warrants after a declaration of war for 15 days to also apply to a Congressional authorization to use military force.
- **Clarification on Foreign-to-Foreign communications intercepts. (Sec. 302).** Updates FISA to clarify that surveillance of communications to and from parties reasonably believed to be outside the United States, as well as the acquisition of stored electronic communications of such persons, does not require a FISA court order (**including foreign-to-foreign communications passing through the U.S.**) and maintains traditional FISA protections for American’s personal communications.