



U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

FISA Title I Summary

Title I of the Foreign Intelligence Surveillance Act governs the targeting of foreign powers or agents of foreign powers for electronic surveillance by the U.S. government. Agents of foreign powers can be either U.S. persons or non-U.S. persons. If the agent of a foreign power is a U.S. person, the government must show that the U.S. person is engaging in espionage, terrorism, or sabotage by or on behalf of a foreign power that involves a violation of a criminal statute.

Applications to target a U.S. person under Title I must be accompanied by a certification from a senior national security official, which may include the Director or Deputy Director of the FBI. They must then be approved by the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for National Security. If one of those officials approves an application, it is then sent to the Foreign Intelligence Surveillance Court (FISC), which consists of judges selected by the Chief Justice of the U.S. Supreme Court who serve on a rotating basis.

The FISC decides whether to approve or deny an application based on whether the government has demonstrated probable cause to believe the proposed target is a foreign power or agent of a foreign power, and that the facility or place where the electronic surveillance will be directed is being used by the foreign power or agent of a foreign power. If the application is approved, the U.S. government can conduct electronic surveillance of the target for the period of time specified in the application. At the end of that time period, the government must stop surveilling the target unless it goes back to the Court and applies to renew the surveillance. For targeted U.S. citizens, FISA applications must be renewed by the FISC every 90 days with a separate finding of probable cause to continue surveillance.

Title I is a different authority than Section 702, which Congress reauthorized several weeks ago.