

1986—Pub. L. 99-508, §101(c)(1)(A), substituted “wire, oral, or electronic” for “wire or oral” in section catchline.

Par. (1). Pub. L. 99-508, §101(c)(1)(A), (f)(2), substituted “intentionally” for “willfully” in introductory provision and “wire, oral, or electronic” for “wire or oral” in subpars. (a), (b), and (c)(i), (ii).

Par. (2)(a). Pub. L. 99-508, §101(c)(7), substituted “a provider of wire or electronic communication service or” for “a communications common carrier or”, “such a provider, in” for “a communications common carrier, in”, and “business of providing that wire or electronic communication service” for “communications common carrier’s business”.

Par. (2)(b). Pub. L. 99-508, §101(c)(1)(A), substituted “wire, oral, or electronic” for “wire or oral”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-508 effective 90 days after Oct. 21, 1986, and, in case of conduct pursuant to court order or extension, applicable only with respect to court orders and extensions made after such date, with special rule for State authorizations of interceptions, see section 111 of Pub. L. 99-508, set out as a note under section 2510 of this title.

§ 2513. Confiscation of wire, oral, or electronic communication intercepting devices

Any electronic, mechanical, or other device used, sent, carried, manufactured, assembled, possessed, sold, or advertised in violation of section 2511 or section 2512 of this chapter may be seized and forfeited to the United States. All provisions of law relating to (1) the seizure, summary and judicial forfeiture, and condemnation of vessels, vehicles, merchandise, and baggage for violations of the customs laws contained in title 19 of the United States Code, (2) the disposition of such vessels, vehicles, merchandise, and baggage or the proceeds from the sale thereof, (3) the remission or mitigation of such forfeiture, (4) the compromise of claims, and (5) the award of compensation to informers in respect of such forfeitures, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions of this section; except that such duties as are imposed upon the collector of customs or any other person with respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the provisions of the customs laws contained in title 19 of the United States Code shall be performed with respect to seizure and forfeiture of electronic, mechanical, or other intercepting devices under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General.

(Added Pub. L. 90-351, title III, §802, June 19, 1968, 82 Stat. 215; amended Pub. L. 99-508, title I, §101(c)(1)(A), Oct. 21, 1986, 100 Stat. 1851.)

AMENDMENTS

1986—Pub. L. 99-508 substituted “wire, oral, or electronic” for “wire or oral” in section catchline.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-508 effective 90 days after Oct. 21, 1986, and, in case of conduct pursuant to court order or extension, applicable only with respect to court orders and extensions made after such date, with special rule for State authorizations of interceptions, see section 111 of Pub. L. 99-508, set out as a note under section 2510 of this title.

§ 2514. Repealed. Pub. L. 91-452, title II, § 227(a), Oct. 15, 1970, 84 Stat. 930

Section, Pub. L. 90-351, title II, §802, June 19, 1968, 82 Stat. 216, provided for immunity of witnesses giving testimony or producing evidence under compulsion in Federal grand jury or court proceedings. Subject matter is covered in sections 6002 and 6003 of this title.

EFFECTIVE DATE OF REPEAL

Sections 227(a) and 260 of Pub. L. 91-452 provided for repeal of this section effective four years following sixtieth day after date of enactment of Pub. L. 91-452, which was approved Oct. 15, 1970, such repeal not affecting any immunity to which any individual was entitled under this section by reason of any testimony or other information given before such date. See section 260 of Pub. L. 91-452, set out as an Effective Date; Savings Provision note under section 6001 of this title.

§ 2515. Prohibition of use as evidence of intercepted wire or oral communications

Whenever any wire or oral communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof if the disclosure of that information would be in violation of this chapter.

(Added Pub. L. 90-351, title III, §802, June 19, 1968, 82 Stat. 216.)

§ 2516. Authorization for interception of wire, oral, or electronic communications

(1) The Attorney General, Deputy Attorney General, Associate Attorney General,¹ or any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General or acting Deputy Assistant Attorney General in the Criminal Division or National Security Division specially designated by the Attorney General, may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518 of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation, or a Federal agency having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of—

(a) any offense punishable by death or by imprisonment for more than one year under sec-

¹ See 1984 Amendment note below.

tions 2122 and 2274 through 2277 of title 42 of the United States Code (relating to the enforcement of the Atomic Energy Act of 1954), section 2284 of title 42 of the United States Code (relating to sabotage of nuclear facilities or fuel), or under the following chapters of this title: chapter 10 (relating to biological weapons), chapter 37 (relating to espionage), chapter 55 (relating to kidnapping), chapter 90 (relating to protection of trade secrets), chapter 105 (relating to sabotage), chapter 115 (relating to treason), chapter 102 (relating to riots), chapter 65 (relating to malicious mischief), chapter 111 (relating to destruction of vessels), or chapter 81 (relating to piracy);

(b) a violation of section 186 or section 501(c) of title 29, United States Code (dealing with restrictions on payments and loans to labor organizations), or any offense which involves murder, kidnapping, robbery, or extortion, and which is punishable under this title;

(c) any offense which is punishable under the following sections of this title: section 37 (relating to violence at international airports), section 43 (relating to animal enterprise terrorism), section 81 (arson within special maritime and territorial jurisdiction), section 201 (bribery of public officials and witnesses), section 215 (relating to bribery of bank officials), section 224 (bribery in sporting contests), subsection (d), (e), (f), (g), (h), or (i) of section 844 (unlawful use of explosives), section 1032 (relating to concealment of assets), section 1084 (transmission of wagering information), section 751 (relating to escape), section 832 (relating to nuclear and weapons of mass destruction threats), section 842 (relating to explosive materials), section 930 (relating to possession of weapons in Federal facilities), section 1014 (relating to loans and credit applications generally; renewals and discounts), section 1114 (relating to officers and employees of the United States), section 1116 (relating to protection of foreign officials), sections 1503, 1512, and 1513 (influencing or injuring an officer, juror, or witness generally), section 1510 (obstruction of criminal investigations), section 1511 (obstruction of State or local law enforcement), section 1581 (peonage), section 1582 (vessels for slave trade), section 1583 (entice-ment into slavery), section 1584 (involuntary servitude), section 1585 (seizure, detention, transportation or sale of slaves), section 1586 (service on vessels in slave trade), section 1587 (possession of slaves aboard vessel), section 1588 (transportation of slaves from United States), section 1589 (forced labor), section 1590 (trafficking with respect to peonage, slavery, involuntary servitude, or forced labor), section 1591 (sex trafficking of children by force, fraud, or coercion), section 1592 (unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor), section 1751 (Presidential and Presidential staff assassination, kidnapping, and assault), section 1951 (interference with commerce by threats or violence), section 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), section 1958 (relating to use of interstate commerce facilities in the commis-

sion of murder for hire), section 1959 (relating to violent crimes in aid of racketeering activity), section 1954 (offer, acceptance, or solicitation to influence operations of employee benefit plan), section 1955 (prohibition of business enterprises of gambling), section 1956 (laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 659 (theft from interstate shipment), section 664 (embezzlement from pension and welfare funds), section 1343 (fraud by wire, radio, or television), section 1344 (relating to bank fraud), section 1992 (relating to terrorist attacks against mass transportation), sections 2251 and 2252 (sexual exploitation of children), section 2251A (selling or buying of children), section 2252A (relating to material constituting or containing child pornography), section 1466A (relating to child obscenity), section 2260 (production of sexually explicit depictions of a minor for importation into the United States), sections 2421, 2422, 2423, and 2425 (relating to transportation for illegal sexual activity and related crimes), sections 2312, 2313, 2314, and 2315 (interstate transportation of stolen property), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts), section 2340A (relating to torture), section 1203 (relating to hostage taking), section 1029 (relating to fraud and related activity in connection with access devices), section 3146 (relating to penalty for failure to appear), section 3521(b)(3) (relating to witness relocation and assistance), section 32 (relating to destruction of aircraft or aircraft facilities), section 38 (relating to aircraft parts fraud), section 1963 (violations with respect to racketeer influenced and corrupt organizations), section 115 (relating to threatening or retaliating against a Federal official), section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse), section 351 (violations with respect to congressional, Cabinet, or Supreme Court assassinations, kidnapping, and assault), section 831 (relating to prohibited transactions involving nuclear materials), section 33 (relating to destruction of motor vehicles or motor vehicle facilities), section 175 (relating to biological weapons), section 175c (relating to variola virus), section 956 (conspiracy to harm persons or property overseas), a felony violation of section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), section 1544 (relating to misuse of passports), section 1546 (relating to fraud and misuse of visas, permits, and other documents), or section 555 (relating to construction or use of international border tunnels);

(d) any offense involving counterfeiting punishable under section 471, 472, or 473 of this title;

(e) any offense involving fraud connected with a case under title 11 or the manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic drugs, marihuana, or other dangerous drugs, punishable under any law of the United States;

(f) any offense including extortionate credit transactions under sections 892, 893, or 894 of this title;

(g) a violation of section 5322 of title 31, United States Code (dealing with the reporting of currency transactions), or section 5324 of title 31, United States Code (relating to structuring transactions to evade reporting requirement prohibited);

(h) any felony violation of sections 2511 and 2512 (relating to interception and disclosure of certain communications and to certain intercepting devices) of this title;

(i) any felony violation of chapter 71 (relating to obscenity) of this title;

(j) any violation of section 60123(b) (relating to destruction of a natural gas pipeline), section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with dangerous weapon), or section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life, by means of weapons on aircraft) of title 49;

(k) any criminal violation of section 2778 of title 22 (relating to the Arms Export Control Act);

(l) the location of any fugitive from justice from an offense described in this section;

(m) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, or 1328) (relating to the smuggling of aliens);

(n) any felony violation of sections 922 and 924 of title 18, United States Code (relating to firearms);

(o) any violation of section 5861 of the Internal Revenue Code of 1986 (relating to firearms);

(p) a felony violation of section 1028 (relating to production of false identification documents), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents), section 1028A (relating to aggravated identity theft) of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or²

(q) any criminal violation of section 229 (relating to chemical weapons) or section 2332, 2332a, 2332b, 2332d, 2332f, 2332g, 2332h³, 2339, 2339A, 2339B, 2339C, or 2339D of this title (relating to terrorism);

(r) any criminal violation of section 1 (relating to illegal restraints of trade or commerce), 2 (relating to illegal monopolizing of trade or commerce), or 3 (relating to illegal restraints of trade or commerce in territories or the Dis-

trict of Columbia) of the Sherman Act (15 U.S.C. 1, 2, 3);

(s) any violation of section 670 (relating to theft of medical products);

(t) any violation of the Export Control Reform Act of 2018; or

(u) any conspiracy to commit any offense described in any subparagraph of this paragraph.

(2) The principal prosecuting attorney of any State, or the principal prosecuting attorney of any political subdivision thereof, if such attorney is authorized by a statute of that State to make application to a State court judge of competent jurisdiction for an order authorizing or approving the interception of wire, oral, or electronic communications, may apply to such judge for, and such judge may grant in conformity with section 2518 of this chapter and with the applicable State statute an order authorizing, or approving the interception of wire, oral, or electronic communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of the commission of the offense of murder, kidnaping, human trafficking, child sexual exploitation, child pornography production, prostitution, gambling, robbery, bribery, extortion, or dealing in narcotic drugs, marihuana or other dangerous drugs, or other crime dangerous to life, limb, or property, and punishable by imprisonment for more than one year, designated in any applicable State statute authorizing such interception, or any conspiracy to commit any of the foregoing offenses.

(3) Any attorney for the Government (as such term is defined for the purposes of the Federal Rules of Criminal Procedure) may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant, in conformity with section 2518 of this title, an order authorizing or approving the interception of electronic communications by an investigative or law enforcement officer having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of any Federal felony.

(Added Pub. L. 90-351, title III, §802, June 19, 1968, 82 Stat. 216; amended Pub. L. 91-452, title VIII, §810, title IX, §902(a), title XI, §1103, Oct. 15, 1970, 84 Stat. 940, 947, 959; Pub. L. 91-644, title IV, §16, Jan. 2, 1971, 84 Stat. 1891; Pub. L. 95-598, title III, §314(h), Nov. 6, 1978, 92 Stat. 2677; Pub. L. 97-285, §§2(e), 4(e), Oct. 6, 1982, 96 Stat. 1220, 1221; Pub. L. 98-292, §8, May 21, 1984, 98 Stat. 206; Pub. L. 98-473, title II, §1203(c), Oct. 12, 1984, 98 Stat. 2152; Pub. L. 99-508, title I, §§101(c)(1)(A), 104, 105, Oct. 21, 1986, 100 Stat. 1851, 1855; Pub. L. 99-570, title I, §1365(c), Oct. 27, 1986, 100 Stat. 3207-35; Pub. L. 100-690, title VI, §6461, title VII, §§7036, 7053(d), 7525, Nov. 18, 1988, 102 Stat. 4374, 4399, 4402, 4502; Pub. L. 101-298, §3(b), May 22, 1990, 104 Stat. 203; Pub. L. 101-647, title XXV, §2531, title XXXV, §3568, Nov. 29, 1990, 104 Stat. 4879, 4928; Pub. L. 103-272, §5(e)(11), July 5, 1994, 108 Stat. 1374; Pub. L. 103-322, title XXXIII, §§330011(c)(1), (q)(1), (r), 330021(1), Sept. 13, 1994, 108 Stat. 2144, 2145, 2150; Pub. L. 103-414, title II,

² So in original. The word "or" probably should not appear.

³ So in original. Probably should be followed by a comma.

§ 208, Oct. 25, 1994, 108 Stat. 4292; Pub. L. 103-429, § 7(a)(4)(A), Oct. 31, 1994, 108 Stat. 4389; Pub. L. 104-132, title IV, § 434, Apr. 24, 1996, 110 Stat. 1274; Pub. L. 104-208, div. C, title II, § 201, Sept. 30, 1996, 110 Stat. 3009-564; Pub. L. 104-287, § 6(a)(2), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 104-294, title I, § 102, title VI, § 601(d), Oct. 11, 1996, 110 Stat. 3491, 3499; Pub. L. 105-318, § 6(b), Oct. 30, 1998, 112 Stat. 3011; Pub. L. 106-181, title V, § 506(c)(2)(B), Apr. 5, 2000, 114 Stat. 139; Pub. L. 107-56, title II, §§ 201, 202, Oct. 26, 2001, 115 Stat. 278; Pub. L. 107-197, title III, § 301(a), June 25, 2002, 116 Stat. 728; Pub. L. 107-273, div. B, title IV, §§ 4002(c)(1), 4005(a)(1), Nov. 2, 2002, 116 Stat. 1808, 1812; Pub. L. 108-21, title II, § 201, Apr. 30, 2003, 117 Stat. 659; Pub. L. 108-458, title VI, § 6907, Dec. 17, 2004, 118 Stat. 3774; Pub. L. 109-162, title XI, § 1171(b), Jan. 5, 2006, 119 Stat. 3123; Pub. L. 109-177, title I, §§ 110(b)(3)(C), 113, title V, § 506(a)(6), Mar. 9, 2006, 120 Stat. 208, 209, 248; Pub. L. 112-127, § 4, June 5, 2012, 126 Stat. 371; Pub. L. 112-186, § 5, Oct. 5, 2012, 126 Stat. 1429; Pub. L. 114-22, title I, § 106, May 29, 2015, 129 Stat. 238; Pub. L. 115-232, div. A, title XVII, § 1761(f), Aug. 13, 2018, 132 Stat. 2228; Pub. L. 115-392, § 13, Dec. 21, 2018, 132 Stat. 5256.)

REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in par. (1)(a), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 919, which is classified principally to chapter 23 (§ 2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

The Arms Export Control Act, referred to in par. (1)(k), is Pub. L. 90-269, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

Section 5861 of the Internal Revenue Code of 1986, referred to in par. (1)(o), is classified to section 5861 of Title 26, Internal Revenue Code.

The Export Control Reform Act of 2018, referred to in par. (1)(t), is subtitle B (§§ 1741-1781) of title XVII of div. A of Pub. L. 115-232, Aug. 13, 2018, 132 Stat. 2208, which is classified principally to chapter 58 (§ 4801 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see section 1741 of Pub. L. 115-232, set out as a Short Title note under section 4801 of Title 50 and Tables.

The Federal Rules of Criminal Procedure, referred to in par. (3), are set out in the Appendix to this title.

AMENDMENTS

2018—Par. (1)(c). Pub. L. 115-392, § 13(1), inserted “section 1582 (vessels for slave trade), section 1583 (entice-ment into slavery),” after section 1581 (peonage),” and “section 1585 (seizure, detention, transportation or sale of slaves), section 1586 (service on vessels in slave trade), section 1587 (possession of slaves aboard vessel), section 1588 (transportation of slaves from United States),” after “section 1584 (involuntary servitude).”

Par. (1)(t), (u). Pub. L. 115-232 added subpar. (t) and redesignated former subpar. (t) as (u).

Par. (2). Pub. L. 115-392, § 13(2), substituted “kidnaping, human” for “kidnapping human” and “production, prostitution,” for “production.”

2015—Par. (1)(a). Pub. L. 114-22, § 106(1)(A), inserted a comma after “weapons”.

Par. (1)(c). Pub. L. 114-22, § 106(1)(B)(v), (vi), struck out “or” after “misuse of passports,” and inserted “or” before “section 555”.

Pub. L. 114-22, § 106(1)(B)(iii), (iv), inserted a comma after “virus)” and substituted “overseas, a felony” for “overseas), section a felony”.

Pub. L. 114-22, § 106(1)(B)(i), (ii), inserted “section 1581 (peonage), section 1584 (involuntary servitude), section 1589 (forced labor), section 1590 (trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),” before “section 1591” and “section 1592 (unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor),” before “section 1751”.

Par. (1)(j). Pub. L. 114-22, § 106(1)(C), substituted “pipeline,” for “pipeline.)”.

Par. (1)(p). Pub. L. 114-22, § 106(1)(D), substituted “documents), section 1028A (relating to aggravated identity theft)” for “documents, section 1028A (relating to aggravated identity theft))”.

Par. (2). Pub. L. 114-22, § 106(2), inserted “human trafficking, child sexual exploitation, child pornography production,” after “kidnapping”.

2012—Par. (1)(c). Pub. L. 112-127 inserted “, section 555 (relating to construction or use of international border tunnels)” before semicolon at end.

Par. (1)(s), (t). Pub. L. 112-186 added subpar. (s) and redesignated former subpar. (s) as (t).

2006—Par. (1). Pub. L. 109-177, § 506(a)(6), inserted “or National Security Division” after “the Criminal Division” in introductory provisions.

Par. (1)(a). Pub. L. 109-177, § 113(a), inserted “chapter 10 (relating to biological weapons)” after “under the following chapters of this title:”.

Par. (1)(c). Pub. L. 109-177, §§ 110(b)(3)(C), 113(b), struck out “1992 (relating to wrecking trains),” before “a felony violation of section 1028” and inserted “section 37 (relating to violence at international airports), section 43 (relating to animal enterprise terrorism), section 81 (arson within special maritime and territorial jurisdiction),” after “the following sections of this title:”, “section 832 (relating to nuclear and weapons of mass destruction threats), section 842 (relating to explosive materials), section 930 (relating to possession of weapons in Federal facilities),” after “section 751 (relating to escape),”, “section 1114 (relating to officers and employees of the United States), section 1116 (relating to protection of foreign officials),” after “section 1014 (relating to loans and credit applications generally; renewals and discounts),”, “section 1992 (relating to terrorist attacks against mass transportation),” after “section 1344 (relating to bank fraud),”, “section 2340A (relating to torture),” after “section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts),”, and “section 956 (conspiracy to harm persons or property overseas),” after “section 175c (relating to variola virus)”.

Par. (1)(g). Pub. L. 109-177, § 113(c), inserted “, or section 5324 of title 31, United States Code (relating to structuring transactions to evade reporting requirement prohibited)” before semicolon at end.

Par. (1)(j). Pub. L. 109-177, § 113(d)(2), inserted “, the second sentence of section 46504 (relating to assault on a flight crew with dangerous weapon), or section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life, by means of weapons on aircraft)” before “of title 49”.

Pub. L. 109-177, § 113(d)(1), which directed amendment of par. (1)(j) by inserting a comma after “section 60123(b) (relating to the destruction of a natural gas pipeline”, was executed by making the insertion after “section 60123(b) (relating to destruction of a natural gas pipeline”, to reflect the probable intent of Congress.

Pub. L. 109-177, § 113(d)(1), struck out “or” before “section 46502 (relating to aircraft piracy)”.

Par. (1)(p). Pub. L. 109-177, § 113(e), inserted “, section 1028A (relating to aggravated identity theft)” after “other documents”.

Par. (1)(q). Pub. L. 109-177, § 113(f), inserted “2339” after “2332h” and substituted “2339C, or 2339D” for “or 2339C”.

Pub. L. 109-162 struck out semicolon after “(relating to chemical weapons)” and substituted “section 2332” for “sections 2332”.

Par. (1)(r), (s). Pub. L. 109-177, § 113(g), added subpar. (r) and redesignated former subpar. (r) as (s).

2004—Par. (1)(a). Pub. L. 108-458, § 6907(1), inserted “2122 and” after “sections”.

Par. (1)(c). Pub. L. 108-458, § 6907(2), inserted “section 175c (relating to variola virus),” after “section 175 (relating to biological weapons).”

Par. (1)(q). Pub. L. 108-458, § 6907(3), inserted “2332g, 2332h,” after “2332f.”

2003—Par. (1)(a). Pub. L. 108-21, § 201(1), inserted “chapter 55 (relating to kidnapping),” after “chapter 37 (relating to espionage).”

Par. (1)(c). Pub. L. 108-21, § 201(2), inserted “section 1591 (sex trafficking of children by force, fraud, or coercion),” after “section 1511 (obstruction of State or local law enforcement),” and “section 2251A (selling or buying of children), section 2252A (relating to material constituting or containing child pornography), section 1466A (relating to child obscenity), section 2260 (production of sexually explicit depictions of a minor for importation into the United States), sections 2421, 2422, 2423, and 2425 (relating to transportation for illegal sexual activity and related crimes),” after “sections 2251 and 2252 (sexual exploitation of children).”

2002—Par. (1)(n). Pub. L. 107-273, § 4002(c)(1), repealed Pub. L. 104-294, § 601(d)(2). See 1996 Amendment note below.

Par. (1)(q). Pub. L. 107-273, § 4005(a)(1), realigned margins.

Pub. L. 107-197 inserted “2332f,” after “2332d,” and substituted “2339B, or 2339C” for “or 2339B”.

2001—Par. (1)(c). Pub. L. 107-56, § 202, substituted “section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),” for “and section 1341 (relating to mail fraud).”

Par. (1)(p). Pub. L. 107-56, § 201(1), redesignated subpar. (p), relating to conspiracy, as (r).

Par. (1)(q). Pub. L. 107-56, § 201(2), added subpar. (q).

Par. (1)(r). Pub. L. 107-56, § 201(1), redesignated subpar. (p), relating to conspiracy, as (r).

2000—Par. (1)(c). Pub. L. 106-181 inserted “section 38 (relating to aircraft parts fraud),” after “section 32 (relating to destruction of aircraft or aircraft facilities).”

1998—Par. (1)(a). Pub. L. 105-318 inserted “chapter 90 (relating to protection of trade secrets),” after “chapter 37 (relating to espionage).”

1996—Par. (1)(c). Pub. L. 104-294, § 102, which directed amendment of par. 1(c) by inserting “chapter 90 (relating to protection of trade secrets),” after “chapter 37 (relating to espionage),” could not be executed because phrase “chapter 37 (relating to espionage),” did not appear.

Pub. L. 104-208, § 201(1), substituted “section 1992 (relating to wrecking trains), a felony violation of section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or naturalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), section 1544 (relating to misuse of passports), or section 1546 (relating to fraud and misuse of visas, permits, and other documents)” for “or section 1992 (relating to wrecking trains)” before semicolon at end.

Par. (1)(j). Pub. L. 104-287, § 6(a)(2), amended directory language of Pub. L. 103-272, § 5(e)(11) as amended by Pub. L. 103-429, § 7(a)(4)(A). See 1994 Amendment note below.

Par. (1)(l). Pub. L. 104-208, § 201(2), and Pub. L. 104-294, § 601(d)(1), amended subpar. (l) identically, striking out “or” after semicolon at end.

Par. (1)(m). Pub. L. 104-208, § 201(3), (4), added subpar. (m). Former subpar. (m) redesignated (n).

Par. (1)(n). Pub. L. 104-294, § 601(d)(2), which could not be executed because of prior amendments by Pub. L. 104-132, § 434(1) and Pub. L. 104-208, § 201(3), was repealed by Pub. L. 107-273, § 4002(c)(1). See below.

Pub. L. 104-208, § 201(3), redesignated subpar. (m) as (n). Former subpar. (n) redesignated (o).

Pub. L. 104-132, § 434(1), struck out “and” at end.

Par. (1)(o). Pub. L. 104-208, § 201(3), redesignated subpar. (n) as (o). Former subpar. (o) redesignated (p).

Pub. L. 104-132 added subpar. (o) and redesignated former subpar. (o) as (p).

Par. (1)(p). Pub. L. 104-208, § 201(3), redesignated subpar. (o), relating to felony violation of section 1028, etc., as (p).

Pub. L. 104-132, § 434(2), redesignated subpar. (o), relating to conspiracy, as (p).

1994—Par. (1). Pub. L. 103-414 in introductory provisions inserted “or acting Deputy Assistant Attorney General” after “Deputy Assistant Attorney General”.

Par. (1)(c). Pub. L. 103-322, § 330021(1), substituted “kidnapping” for “kidnaping” in two places.

Pub. L. 103-322, § 330011(c)(1), amended directory language of Pub. L. 101-298, § 3(b). See 1990 Amendment note below.

Par. (1)(j). Pub. L. 103-322, § 330011(r), amended directory language of Pub. L. 101-647, § 2531(3). See 1990 Amendment note below.

Pub. L. 103-322, § 330011(q)(1), repealed Pub. L. 101-647, § 3568. See 1990 Amendment note below.

Pub. L. 103-272, § 5(e)(11), as amended by Pub. L. 103-429, § 7(a)(4)(A); Pub. L. 104-287, § 6(a)(2), substituted “section 60123(b) (relating to destruction of a natural gas pipeline) or section 46502 (relating to aircraft piracy) of title 49;” for “section 11(c)(2) of the Natural Gas Pipeline Safety Act of 1968 (relating to destruction of a natural gas pipeline) or subsection (i) or (n) of section 902 of the Federal Aviation Act of 1958 (relating to aircraft piracy);”

1990—Par. (1)(c). Pub. L. 101-647, § 2531(1), inserted “section 215 (relating to bribery of bank officials),” before “section 224”, “section 1032 (relating to concealment of assets),” before section 1084, “section 1014 (relating to loans and credit applications generally; renewals and discounts),” before “sections 1503,” and “section 1344 (relating to bank fraud),” before “sections 2251 and 2252” and struck out “the section in chapter 65 relating to destruction of an energy facility,” after “retaliating against a Federal official.”

Pub. L. 101-298, § 3(b), as amended by Pub. L. 103-322, § 330011(c)(1), inserted “section 175 (relating to biological weapons),” after “section 33 (relating to destruction of motor vehicles or motor vehicle facilities).”

Par. (1)(j). Pub. L. 101-647, § 3568, which directed amendment of subsec. (j) by substituting “any violation of section 11(c)(2) of the Natural Gas Pipeline Safety Act of 1968 (relating to destruction of a natural gas pipeline) or section 902(i) or (n) of the Federal Aviation Act of 1958 (relating to aircraft piracy)” for “any violation of section 1679a(c)(2) (relating to destruction of a natural gas pipeline) or subsection (i) or (n) of section 1472 (relating to aircraft piracy) of title 49, of the United States Code”, and which was probably intended as an amendment to par. (1)(j), was repealed by Pub. L. 103-322, § 330011(q)(1).

Pub. L. 101-647, § 2531(3), as amended by Pub. L. 103-322, § 330011(r), substituted “any violation of section 11(c)(2) of the Natural Gas Pipeline Safety Act of 1968 (relating to destruction of a natural gas pipeline) or subsection (i) or (n) of section 902 of the Federal Aviation Act of 1958 (relating to aircraft piracy)” for “any violation of section 1679a(c)(2) (relating to destruction of a natural gas pipeline) or subsection (i) or (n) of section 1472 (relating to aircraft piracy) of title 49, of the United States Code”.

Par. (1)(m). Pub. L. 101-647, § 2531(2)(A), struck out subpar. (m) relating to conspiracy which read as follows: “any conspiracy to commit any of the foregoing offenses.”

Par. (1)(o). Pub. L. 101-647, § 2531(2)(B)–(D), added subpar. (o).

1988—Par. (1). Pub. L. 100-690, § 7036(a)(1), inserted “or” after “Associate Attorney General,” in introductory provisions.

Par. (1)(a). Pub. L. 100-690, § 7036(c)(1), which directed the amendment of subpar. (a) by substituting “(relating to riots),” for “(relating to riots),” was executed by

substituting “(relating to riots),” for “(relating to riots)” as the probable intent of Congress.

Par. (1)(c). Pub. L. 100-690, § 7053(d), which directed the amendment of section 2516(c) by substituting “1958” for “1952A” and “1959” for “1952B” was executed by making the substitutions in par. (1)(c) as the probable intent of Congress.

Pub. L. 100-690, § 7036(b), struck out “section 2252 or 2253 (sexual exploitation of children),” after “wire, radio, or television,” and substituted “section 2321” for “the second section 2320”.

Pub. L. 100-690, § 7036(a)(2), which directed the amendment of par. (1) by striking the comma that follows a comma was executed to subpar. (c) by striking out the second comma after “to mail fraud”).

Par. (1)(i). Pub. L. 100-690, § 7525, added subpar. (i) and redesignated former subpar. (i) as (j).

Par. (1)(j). Pub. L. 100-690, § 7525, redesignated former subpar. (i) as (j). Former subpar. (j) redesignated (k).

Pub. L. 100-690, § 7036(c)(2), which directed amendment of subpar. (j) by striking “or;” was executed by striking “or” after “Export Control Act;” to reflect the probable intent of Congress.

Par. (1)(k). Pub. L. 100-690, § 7525, redesignated former subpar. (j) as (k). Former subpar. (k) redesignated (l).

Pub. L. 100-690, § 7036(c)(3), struck out “or” at end.

Par. (1)(l). Pub. L. 100-690, § 7525, redesignated former subpar. (k) as (l). Former subpar. (l) redesignated (m).

Par. (1)(m). Pub. L. 100-690, § 7525, redesignated former subpar. (l) relating to conspiracy as (m).

Pub. L. 100-690, § 6461, added subpar. (m) relating to sections 922 and 924.

Par. (1)(n). Pub. L. 100-690, § 6461, added subpar. (n).

1986—Pub. L. 99-508, § 101(c)(1)(A), substituted “wire, oral, or electronic” for “wire or oral” in section catchline.

Par. (1). Pub. L. 99-508, § 104, substituted “any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General in the Criminal Division” for “or any Assistant Attorney General” in introductory provisions.

Par. (1)(a). Pub. L. 99-508, § 105(a)(5), inserted “section 2284 of title 42 of the United States Code (relating to sabotage of nuclear facilities or fuel),” struck out “or” after “(relating to treason),” and inserted “chapter 65 (relating to malicious mischief), chapter 111 (relating to destruction of vessels), or chapter 81 (relating to piracy)”.

Par. (1)(c). Pub. L. 99-570, which directed the amendment of subpar. (c) by inserting “section 1956 (laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity),” after “section 1955 (prohibition of relating to business enterprises of gambling),” was executed by inserting this phrase after “section 1955 (prohibition of business enterprises of gambling),” as the probable intent of Congress.

Pub. L. 99-508, § 105(a)(1), inserted “section 751 (relating to escape),” “the second section 2320 (relating to trafficking in certain motor vehicles or motor vehicle parts), section 1203 (relating to hostage taking), section 1029 (relating to fraud and related activity in connection with access devices), section 3146 (relating to penalty for failure to appear), section 3521(b)(3) (relating to witness relocation and assistance), section 32 (relating to destruction of aircraft or aircraft facilities),” and “section 1952A (relating to use of interstate commerce facilities in the commission of murder for hire), section 1952B (relating to violent crimes in aid of racketeering activity),” substituted “2312, 2313, 2314,” for “2314,” inserted “,” section 115 (relating to threatening or retaliating against a Federal official), the section in chapter 65 relating to destruction of an energy facility, and section 1341 (relating to mail fraud),” substituted “,” section 351” for “or section 351”, and inserted “,” section 831 (relating to prohibited transactions involving nuclear materials), section 33 (relating to destruction of motor vehicles or motor vehicle facilities), or section 1992 (relating to wrecking trains)”.

Par. (1)(h) to (l). Pub. L. 99-508, § 105(a)(2)-(4), added subpars. (h) to (k) and redesignated former subpar. (h) as (l).

Par. (2). Pub. L. 99-508, § 101(c)(1)(A), substituted “wire, oral, or electronic” for “wire or oral” in two places.

Par. (3). Pub. L. 99-508, § 105(b), added par. (3).

1984—Par. (1). Pub. L. 98-473, § 1203(c)(4), which directed the amendment of the first par. of par. (1) by inserting “Deputy Attorney General, Associate Attorney General,” after “Attorney General,” was executed by making the insertion after the first reference to “Attorney General,” to reflect the probable intent of Congress.

Par. (1)(c). Pub. L. 98-473, § 1203(c)(2), inserted references to sections 1512 and 1513 after “1503”.

Pub. L. 98-473, § 1203(c)(1), inserted “section 1343 (fraud by wire, radio, or television), section 2252 or 2253 (sexual exploitation of children),” after “section 664 (embezzlement from pension and welfare funds),”.

Pub. L. 98-292 inserted “sections 2251 and 2252 (sexual exploitation of children),” after “section 664 (embezzlement from pension and welfare funds),”.

Par. (1)(g), (h). Pub. L. 98-473, § 1203(c)(3), added par. (g) and redesignated former par. (g) as (h).

1982—Par. (1)(c). Pub. L. 97-285 substituted “(Presidential and Presidential staff assassination, kidnaping, and assault)” for “(Presidential assassinations, kidnaping, and assault)” after “section 1751” and substituted “(violations with respect to congressional, Cabinet, or Supreme Court assassinations, kidnaping, and assault)” for “(violations with respect to congressional assassination, kidnaping, and assault)” after “section 351”.

1978—Par. (1)(e). Pub. L. 95-598 substituted “fraud connected with a case under title 11” for “bankruptcy fraud”.

1971—Par. (1)(c). Pub. L. 91-644 inserted reference to section 351 offense (violations with respect to congressional assassination, kidnaping, and assault).

1970—Par. (1)(c). Pub. L. 91-452 inserted reference to sections 844(d), (e), (f), (g), (h), or (i), 1511, 1955, and 1963 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, § 4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, provided that the amendment made by section 4002(c)(1) is effective Oct. 11, 1996.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of Title 49, Transportation.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-287, § 6(a), Oct. 11, 1996, 110 Stat. 3398, provided that the amendment made by that section is effective July 5, 1994.

EFFECTIVE DATE OF 1994 AMENDMENTS

Pub. L. 103-429, § 7(a), Oct. 31, 1994, 108 Stat. 4388, provided that the amendment made by section 7(a)(4)(A) of Pub. L. 103-429 is effective July 5, 1994.

Pub. L. 103-322, title XXXIII, § 330011(c)(1), Sept. 13, 1994, 108 Stat. 2144, provided that the amendment made by that section is effective as of the date on which section 3(b) of Pub. L. 101-298 took effect.

Pub. L. 103-322, title XXXIII, § 330011(q)(1), Sept. 13, 1994, 108 Stat. 2145, provided that the amendment made by that section is effective as of the date on which section 3568 of Pub. L. 101-647 took effect.

Pub. L. 103-322, title XXXIII, § 330011(r), Sept. 13, 1994, 108 Stat. 2145, provided that the amendment made by that section is effective as of the date on which section 2531(3) of Pub. L. 101-647 took effect.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by sections 101(c)(1)(A) and 105 of Pub. L. 99-508 effective 90 days after Oct. 21, 1986, and, in case of conduct pursuant to court order or extension, applicable only with respect to court orders and extensions

made after such date, with special rule for State authorizations of interceptions pursuant to section 2516(2) of this title, and amendment by section 104 of Pub. L. 99-508 effective Oct. 21, 1986, see section 111 of Pub. L. 99-508, set out as a note under section 2510 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (§151 et seq.), chapter 96 (§1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

§ 2517. Authorization for disclosure and use of intercepted wire, oral, or electronic communications

(1) Any investigative or law enforcement officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents to another investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

(2) Any investigative or law enforcement officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication or evidence derived therefrom may use such contents to the extent such use is appropriate to the proper performance of his official duties.

(3) Any person who has received, by any means authorized by this chapter, any information concerning a wire, oral, or electronic communication, or evidence derived therefrom intercepted in accordance with the provisions of this chapter may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any proceeding held under the authority of the United States or of any State or political subdivision thereof.

(4) No otherwise privileged wire, oral, or electronic communication intercepted in accordance with, or in violation of, the provisions of this chapter shall lose its privileged character.

(5) When an investigative or law enforcement officer, while engaged in intercepting wire, oral, or electronic communications in the manner authorized herein, intercepts wire, oral, or electronic communications relating to offenses other than those specified in the order of authorization or approval, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in subsections (1) and (2) of this section. Such contents and any evidence derived therefrom may be used under subsection (3) of this section when authorized or approved by a judge of competent jurisdiction where such judge finds on subsequent application that the contents were otherwise intercepted in accordance with the provisions of this

chapter. Such application shall be made as soon as practicable.

(6) Any investigative or law enforcement officer, or attorney for the Government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official to the extent that such contents include foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)),¹ or foreign intelligence information (as defined in subsection (19) of section 2510 of this title), to assist the official who is to receive that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.

(7) Any investigative or law enforcement officer, or other Federal official in carrying out official duties as such Federal official, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents or derivative evidence to a foreign investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure, and foreign investigative or law enforcement officers may use or disclose such contents or derivative evidence to the extent such use or disclosure is appropriate to the proper performance of their official duties.

(8) Any investigative or law enforcement officer, or other Federal official in carrying out official duties as such Federal official, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents or derivative evidence to any appropriate Federal, State, local, or foreign government official to the extent that such contents or derivative evidence reveals a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, domestic or international sabotage, domestic or international terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by an agent of a foreign power, within the United States or elsewhere, for the purpose of preventing or responding to such a threat. Any official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information, and any State, local, or foreign official who receives information pursuant to this provision may use that information only consistent with such guidelines as the Attorney General and Director of Central Intelligence shall jointly issue.

¹ See References in Text note below.