

SUBCHAPTER VI—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

§ 1881. Definitions

(a) In general

In this subchapter, the terms “agent of a foreign power”, “Attorney General”, “contents”, “electronic surveillance”, “foreign intelligence information”, “foreign power”, “person”, “United States”, and “United States person” have the meanings given such terms in section 1801 of this title, except as specifically provided in this subchapter.

(b) Additional definitions

In this subchapter:

(1) Congressional intelligence committees

The term “congressional intelligence committees” means—

- (A) the Select Committee on Intelligence of the Senate; and
- (B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) Foreign Intelligence Surveillance Court; Court

The terms “Foreign Intelligence Surveillance Court” and “Court” mean the court established under section 1803(a) of this title.

(3) Foreign Intelligence Surveillance Court of Review; Court of Review

The terms “Foreign Intelligence Surveillance Court of Review” and “Court of Review” mean the court established under section 1803(b) of this title.

(4) Electronic communication service provider

The term “electronic communication service provider” means—

- (A) a telecommunications carrier, as that term is defined in section 153 of title 47;
- (B) a provider of electronic communication service, as that term is defined in section 2510 of title 18;
- (C) a provider of a remote computing service, as that term is defined in section 2711 of title 18;
- (D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or
- (E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

(5) Intelligence community

The term “intelligence community” has the meaning given the term in section 3003(4) of this title.

(Pub. L. 95-511, title VII, §701, as added Pub. L. 110-261, title I, §101(a)(2), July 10, 2008, 122 Stat. 2437; amended Pub. L. 115-118, title II, §205(a)(5), Jan. 19, 2018, 132 Stat. 21.)

REPEAL OF SECTION

*Pub. L. 110-261, title IV, §403(b)(1), July 10, 2008, 122 Stat. 2474, as amended by Pub. L. 112-238, §2(a)(1), Dec. 30, 2012, 126 Stat. 1631;*

*Pub. L. 115-118, title II, §201(a)(1), Jan. 19, 2018, 132 Stat. 19, provided that, except as provided in section 404 of Pub. L. 110-261, set out as a note under section 1801 of this title, effective Dec. 31, 2023, this section is repealed.*

PRIOR PROVISIONS

A prior section 701 of Pub. L. 95-511 was set out as a note under section 1801 of this title, prior to repeal by Pub. L. 110-261.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-118, §205(a)(5)(A), substituted “In this subchapter, the terms” for “The terms”.

Subsec. (b). Pub. L. 115-118, §205(a)(5)(B)(i), inserted introductory provisions.

Subsec. (b)(5). Pub. L. 115-118, §205(a)(5)(B)(ii), made technical amendment to reference in original act which appears in text as reference to section 3003(4) of this title.

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-96, div. A, §1002, Dec. 22, 2017, 131 Stat. 2045, which temporarily extended the effective date of the amendments made by section 403(b) of Pub. L. 110-261 to Jan. 19, 2018, was repealed by its own terms upon the enactment, on Jan. 19, 2018, of section 201(a) of Pub. L. 115-118, which amended the dates specified in section 403(b) of Pub. L. 110-261, and by Pub. L. 115-120, div. B, §2002, Jan. 22, 2018, 132 Stat. 31, which was effective on Jan. 22, 2018.

EFFECTIVE DATE OF REPEAL

Pub. L. 110-261, title IV, §403(b)(1), July 10, 2008, 122 Stat. 2474, as amended by Pub. L. 112-238, §2(a)(1), Dec. 30, 2012, 126 Stat. 1631; Pub. L. 115-118, title II, §201(a)(1), Jan. 19, 2018, 132 Stat. 19, provided that, except as provided in section 404 of Pub. L. 110-261, set out as a Transition Procedures note under section 1801 of this title, the repeals made by section 403(b)(1) are effective Dec. 31, 2023.

[Pub. L. 115-118, title II, §201(c), Jan. 19, 2018, 132 Stat. 19, provided that: “The amendments made to the FISA Amendments Act of 2008 (Public Law 110-261) by this section [amending sections 1881 to 1881g of this title and provisions set out as notes under section 1801 of this title and section 2511 of Title 18, Crimes and Criminal Procedure] shall take effect on December 31, 2017.”]

§ 1881a. Procedures for targeting certain persons outside the United States other than United States persons

(a) Authorization

Notwithstanding any other provision of law, upon the issuance of an order in accordance with subsection (j)(3) or a determination under subsection (c)(2), the Attorney General and the Director of National Intelligence may authorize jointly, for a period of up to 1 year from the effective date of the authorization, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

(b) Limitations

An acquisition authorized under subsection (a)—

(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States;