

(c) Rule of construction

Nothing in this section shall be construed to affect the application of any penalty or the exercise of any authority provided for under any other provision of law.

(d) Definitions

In this section:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Homeland Security, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) Cyberspace

The term “cyberspace”—

(A) means the interdependent network of information technology infrastructures; and

(B) includes the Internet, telecommunications networks, computer systems, and embedded processors and controllers.

(3) Economic or industrial espionage

The term “economic or industrial espionage” means—

(A) stealing a trade secret or proprietary information or appropriating, taking, carrying away, or concealing, or by fraud, artifice, or deception obtaining, a trade secret or proprietary information without the authorization of the owner of the trade secret or proprietary information;

(B) copying, duplicating, downloading, uploading, destroying, transmitting, delivering, sending, communicating, or conveying a trade secret or proprietary information without the authorization of the owner of the trade secret or proprietary information; or

(C) knowingly receiving, buying, or possessing a trade secret or proprietary information that has been stolen or appropriated, obtained, or converted without the authorization of the owner of the trade secret or proprietary information.

(4) Knowingly

The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(5) Own

The term “own”, with respect to a trade secret or proprietary information, means to hold rightful legal or equitable title to, or license

in, the trade secret or proprietary information.

(6) Person

The term “person” means an individual or entity.

(7) Proprietary information

The term “proprietary information” means competitive bid preparations, negotiating strategies, executive emails, internal financial data, strategic business plans, technical designs, manufacturing processes, source code, data derived from research and development investments, and other commercially valuable information that a person has developed or obtained if—

(A) the person has taken reasonable measures to keep the information confidential; and

(B) the information is not generally known or readily ascertainable through proper means by the public.

(8) Technology

The term “technology” has the meaning given that term in section 16¹ of the Export Administration Act of 1979 (50 U.S.C. 4618) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(9) Trade secret

The term “trade secret” has the meaning given that term in section 1839 of title 18.

(10) United States person

The term “United States person” means—

(A) an individual who is a citizen or resident of the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States; or

(C) a person located in the United States.

(Pub. L. 113–291, div. A, title XVI, §1637, Dec. 19, 2014, 128 Stat. 3644.)

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsecs. (b)(1) and (d)(8), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

Section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618), referred to subsec. (d)(8), was repealed by Pub. L. 115–232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

CODIFICATION

This section was enacted as part of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, and not as part of the International Emergency Economic Powers Act which comprises this chapter.

CHAPTER 36—FOREIGN INTELLIGENCE SURVEILLANCE

SUBCHAPTER I—ELECTRONIC SURVEILLANCE

Sec.
1801. Definitions.

¹ See References in Text note below.

- Sec.
1802. Electronic surveillance authorization without court order; certification by Attorney General; reports to Congressional committees; transmittal under seal; duties and compensation of communication common carrier; applications; jurisdiction of court.
1803. Designation of judges.
1804. Applications for court orders.
1805. Issuance of order.
1805a to 1805c. Repealed.
1806. Use of information.
1807. Report of electronic surveillance.
1808. Report of Attorney General to Congressional committees; limitation on authority or responsibility of information gathering activities of Congressional committees; report of Congressional committees to Congress.
1809. Criminal sanctions.
1810. Civil liability.
1811. Authorization during time of war.
1812. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.
1813. Procedures for the retention of incidentally acquired communications.

SUBCHAPTER II—PHYSICAL SEARCHES

1821. Definitions.
1822. Authorization of physical searches for foreign intelligence purposes.
1823. Application for order.
1824. Issuance of order.
1825. Use of information.
1826. Congressional oversight.
1827. Penalties.
1828. Civil liability.
1829. Authorization during time of war.

SUBCHAPTER III—PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES

1841. Definitions.
1842. Pen registers and trap and trace devices for foreign intelligence and international terrorism investigations.
1843. Authorization during emergencies.
1844. Authorization during time of war.
1845. Use of information.
1846. Congressional oversight.

SUBCHAPTER IV—ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE PURPOSES

1861. Definitions.
1862. Access to certain business records for foreign intelligence and international terrorism investigations.
1863. Congressional oversight.
1864. Notification of changes to retention of call detail record policies.

SUBCHAPTER V—OVERSIGHT

1871. Semiannual report of the Attorney General.
1872. Declassification of significant decisions, orders, and opinions.
1873. Annual reports.
1874. Public reporting by persons subject to orders.

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

1881. Definitions.
1881a. Procedures for targeting certain persons outside the United States other than United States persons.
1881b. Certain acquisitions inside the United States targeting United States persons outside the United States.
1881c. Other acquisitions targeting United States persons outside the United States.

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1881d. Joint applications and concurrent authorizations.
1881e. Use of information acquired under this subchapter.
1881f. Congressional oversight.
1881g. Savings provision.

SUBCHAPTER VII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

1885. Definitions.
1885a. Procedures for implementing statutory defenses.
1885b. Preemption.
1885c. Reporting.

SUBCHAPTER I—ELECTRONIC SURVEILLANCE

§ 1801. Definitions

As used in this subchapter:

(a) “Foreign power” means—

(1) a foreign government or any component thereof, whether or not recognized by the United States;

(2) a faction of a foreign nation or nations, not substantially composed of United States persons;

(3) an entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;

(4) a group engaged in international terrorism or activities in preparation therefor;

(5) a foreign-based political organization, not substantially composed of United States persons;

(6) an entity that is directed and controlled by a foreign government or governments; or

(7) an entity not substantially composed of United States persons that is engaged in the international proliferation of weapons of mass destruction.

(b) “Agent of a foreign power” means—

(1) any person other than a United States person, who—

(A) acts in the United States as an officer or employee of a foreign power, or as a member of a foreign power as defined in subsection (a)(4), irrespective of whether the person is inside the United States;

(B) acts for or on behalf of a foreign power which engages in clandestine intelligence activities in the United States contrary to the interests of the United States, when the circumstances indicate that such person may engage in such activities, or when such person knowingly aids or abets any person in the conduct of such activities or knowingly conspires with any person to engage in such activities;

(C) Omitted

(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power, or knowingly aids or abets any person in the conduct of such proliferation or activities in prepara-