New Definitions

Changed definitions of
• 'foreign power to add en entity not Substantially
composed of United States persons (USPERs) that is engaged in the International proliferation of weapons of mass destruction;
• 'agent of foreign power to add individuals who are not
USPERs who engage In Sta international proliferation of weapons of mass destruction; and
• 'foreign Intelligence information' to include IntematiSnal
proliferation of weapons of mass destruction in
1801(e)(1)(B)

The ForekrriErtelligence Suryfill4nde Act
4ifiendrnents'`AW

of 2008• (FAA):
Sig ritrOlt oftiiiit*Of 1SA

Wroirm*
aillrftWORra

In General, confd

The FAA amended FISA in numerous

ways. Aside from the addition of Title VII, the changes most significant to the FBI include . .

New Definitions, cont'd

Added a definition of 'weapon of mass destrucfion":

many exprosvdincenciary. or pawn gas Melee that le designed, intended or bar doe negabiltr to cause a mats oasusity inWen%
Many weapon thatlsdmlpned,WEUded orbssthe tape4i'dy la

mute dealt Of Seib& body Won/ to a significant number of persons through fhb rtgenso, dissemination, de impart of to* cc

poison:in chemicals or trek prawn:gm
(3)Way weepOn Waring *biological Latin, eir vector hot le designed. intended, or hen the immititr to cause death. (Mom or serious bodily Injury to a dandicarg nureerd persona ce
(4) any weapon that le desired, Intended, whoa are cep Wary la release radiation or rergoetthay cawing dear*, Mom, or serious body Injury lo a sIgnffikant number ci persona.

Jgasserifir U

Extension of EA Periods

The FAA extended the period toapply for and obtain a Foreign Intelligence Sinveillanoe Court (FISC) Order after emergency authorization (EA) by the Attorney General (AG), as follows:

• 3 days to 7 days for Electronic Suniellance andlor
Physical Search ("traditional lISA')

• 2 days to 7 days for Pen Register and Trap and Trace
(PR/f1)

zwearreb

In General

• FAA became law on July 10, 2008

• Repealed most provisions of the Protect
America Act of 2007 (PAA) specifically: Sections 105A, 105B, and 105C of FISA

• Added to FISA a new Title VII, "Additional
Procedures Regarding Certain Persons
Outside the United States," §§ 701-708

wiredraw

0.:"Traditional" FISA, cont'd
Process for requesting a traditional FISA and its underlying requirements have not changed:
• Use FISAMS

• Accuracy Checks/Sub-Woods File
• EA may be authorized by the AG

id

New Title VII, cont'd

• 701: Definitions
• 702: Targeting Non-USPERs
• 703-705: Targeting USPERs
• 706: Use of Title VII Information
• 707: Congressional Oversight
• 708: Savings Provision

lardelenslelf 10

Section 702, cont'd

LIMITATIONSAn scouter/km authmized under Section 702—
(I) may not Marion* target any person know) at the time Of tittillubban to be !coated in the Unied Stales;
(2) may not htertionaly target a person reasoned* belated to be located outside the United Sates, if the purposed such aoqtrIslion is to target a garrote's; known person reasonably believed to be in the unied States;
(3) may not Heon ely et een USPER reasonably beFevedto be located
outside th

ssT
ID
Section 702, cont'd
Handling 702 Data
...001e1UCIRN 21
2
Section 702. cont'd
20
Cut3ide the Scope
...•••••
utside r_he Scope
(S)
FAA-51
4
• 10
1
2
b
Cutside the Scot,e

I • I,

(g)

112

• Office of the General Counsel (OGC)

National Seoul Law Branch (NSLB) Main number:

apassecosouo

Questions?

CDC (if at a Field Office)

FAA-52

SE/FR<*t.

7