FAA — "Minor Changes

• Definitions in FISA
-Added 'Weapons of Mass Destruction"
-"Foreign Power and 'Agent of Foreign
Power - expanded to coverthose engaged In international proliferation of WMDs
-"Foreign Intelligence Information - expanded to cover international proliferation of WMDs

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FAA "Minor" Changes

• Certifying Official for 'ISA applications -Added Deputy Director of FBI
• Extended period to apply for and obtain a FISC order after an EA
- 3 days to 7 days for ELSUR and/or physical search

-2 days to 7 days for: a PR/TT

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FAA — "Major" Changes

• Section 702- Procedures for Targeting Non-
U.S. Persons Outside the United States
• Section 703 - Certain Acquisitions Inside the
United States Targeting U.S. Persons Outside the United States

• Section 704 -Other Acquisitions Targeting U.S.
Persons Outside the U.S.
• Section 705 Permits joint 703 & 704
applications/orders and AG authorization of
targeting outside U.S. when there is existing
FISC authority for collection inside U.S.

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Section 702

(50 U.S.C. §1881a)
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Section 702

(50 U.S.C. §1881a)

• "Targeting Non-USPERs Reasonably
Believed to be Located Outside the United States"

—Targeting Procedures
• Submitted by AG & ONI and approved by Foreign
Intelligence Surveillance Court
• Due diligence to establish
— User's USPER status

— Reasonableness of beief the target it located outside the

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Section 702

(50 U.S.C. §1881a)

• Noteworthy aspects of 702
— No foreign power requirement
• User need not be a foreign powers agent of foreign power
• Communications must provide foreign Intelligence
— Relevant inquiry is the USPER status and
'foreignness' of the user(s)

— "Reverse Targeting" prohibited
• Cannot collect on non•USPER when purpose is to obtain
communications by USPER or someone in U.S.

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Spntion 702

• Coordinate with HQ substantive unit —Determination of current 702 coverage
—Request for coverage
— EC forthcoming from CTD

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Section 702 2

(50 U.S.C. §188.1a) b7D
• "Assistance of an Electronic Communication Service Provider"
— Collections occur in U.S.

— 702 Working Group discussing expansion

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Section 702

(50 U.S.C. §1881 a)

Section 702

Acquisition

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• Contact

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Questions?

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