ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10-05-2010 BY 65179 DNH/mjs

THE FISA AMENDMENTS ACT OF 2008

- On July 10, 2008, President Bush signed the FISA Amendments Act of 2008 ("the FAA")

- FAA created a new FISA Title VII which addresses collection against persons outside
the United States. .

B. All foreign intelligence collection under Title VII must be targeted at persons who are reasonably believed to be located outside the U.S.

• Sec. 702: non-USPERs outside the U.S.;

1. Sec. 702, "Procedures for Targeting Certain Persons Outside the United
States Other Than United States Persons"

• Basic authorization for collection against non-USPers who are outside the US.
• This collection authority cannot be used until the FISC has conducted a
review of a written certification and any supporting affidavit seeking the authorization, for a period of up to one year, for the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information. The written certification and any supporting affidavit shall be under oath and under seal, provided by the Attorney General and the Director of National Intelligence.
- filings include targeting procedures (process of determination nonUSPER outside US; and compliance and oversight) and minimization procedures
- different from traditional FISA
pc to believe agent FP or FP uses or about to use the facilities and contains
FI

Skip unless asked
• If the Attorney General and the DNI, acting jointly, have determined
that exigent circumstances exist that do not allow adequate time for the submission of a written authorization to the FISC prior to the targeting of non U.S. persons reasonably believed to be located outside the U.S. to acquire foreign intelligence information, they can submit such certification for such authorization as soon as practical but in no event later than 7 days after such determination is made.

Includes five related limitations to ensure that the surveillance is not directed at persons inside the U.S. or at USPERs.
FAA-89

1- May not intentionally target any person known at the time of the 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 located in the United States.

3- May not intentionally target a United States Person reasonably believed to be located outside the United States
4- May not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located outside the United States.
5- Shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

FOC: General Counsel Valerie E. Caproni

Dated: 071i 1/2008

FAA-90

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