FAA - "Minor" Changes

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

- Certifying Official for FISA 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 physical search
  - 2 days to 7 days for a PR/TT

Section 702

Procedures for targeting certain persons outside the United States other than United States persons

- Permit the USG to acquire foreign intelligence information by targeting non-U.S. Persons (non-USPEFts) reasonably believed to be located outside the United States, when the acquisition involves the assistance of an electronic communication service provider, without the need for individualized FISC Orders
- A significant purpose of the acquisition must be to obtain foreign intelligence information.
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 belief the target is located outside the United States

• Noteworthy aspects of 702
  - No foreign power requirement
  - User need not be a foreign power or 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.

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

FAA-56
Outside the Scope

(S)

Outside the Scope

(S)

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FAA-58

SECRET
Questions?

- Contact — AGC

- AGC at FBIHQ