The Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2008 (FAA):

Section 702

(50 U.S.C. §1881a)

Procedures for targeting certain persons outside the United States other than United States persons
- Permits the USG to acquire foreign intelligence information by targeting non-U.S. Persons (non-USPERs) 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 & DNI and approved by Foreign Intelligence Surveillance Court
  - Due diligence to establish
    - User's USPER status
    - Reasonableness of belief the target is located outside the U.S. (foreignness)

Section 702

(50 U.S.C. §1881a)

"Assistance of an Electronic Communication Service Provider"

- Collections occur in U.S.

- 702 Working Group discussing expansion

FAA-65
Section 702 (50 U.S.C. §1881a)

- 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.

Questions?

- Contact
  - AGC

FAA-66