

FISA Amendments Act of 2008
Section 702

Summary Document

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Formatting, Section Titles, and the Outline in the left margin added by ADET

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I. Introduction to FAA section 702

- 1. Compel Providers
 - a. Non-US persons
 - b. Outside the United States
 - c. FAA 702 = an exception
- 2. Court Orders
 - a. FISA section F1-F4 did not change
 - b. Non-US persons & persons inside the United States need a FISC order
 - c. FISC orders need a probable cause case.

Introduction to FAA section 702

Compel Providers

As described in the briefing accompanying this training, in July 2008, Congress enacted the "Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008" (FAA.) One of the primary purposes in enacting the FAA was the creation of a new way for the US Government to compel providers of electronic communications services to assist the Government in acquiring foreign intelligence information concerning **non-US persons located outside the United States**. This process is described in Section 702 of FAA. Almost all of the 1978 law remained intact, and Section 702 of FAA is best understood as an exception to FISA for such targets.

FISC orders for US persons or persons located inside the United States

The definitions of "electronic surveillance" in FISA were not changed, so any collection that uses methods that fall within them and is directed at anyone inside the United States or at US persons abroad still requires a court order. The Government must give the court probable cause to believe that each target is a foreign power or agent of a foreign power before the court will issue an order compelling a communications service provider to assist with the targeting.

3.

- 4. The means:
 - a. AG/DNI certifications (certs) approved by FISC
 - b. Directives to providers

The means used:

The means used by the Government to compel this assistance is in the form of "certifications" issued jointly by the Attorney General and the Director of National Intelligence that are approved by the Foreign Intelligence Surveillance Court (FISC) and "directives" to the providers ordering them to assist the government.

- 5. Certs
 - a. DNI & AG approve
 - b.

Certification details

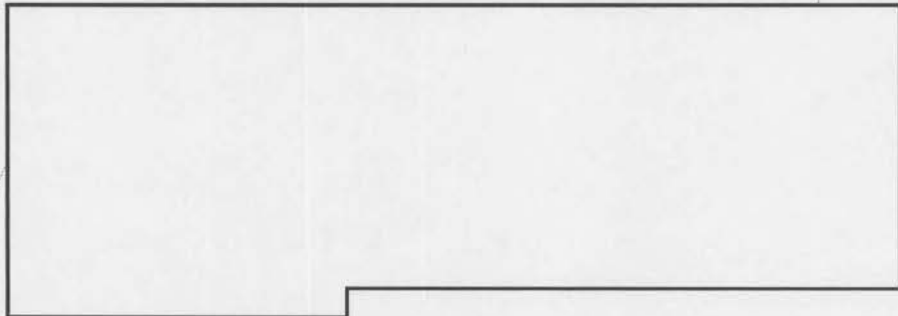
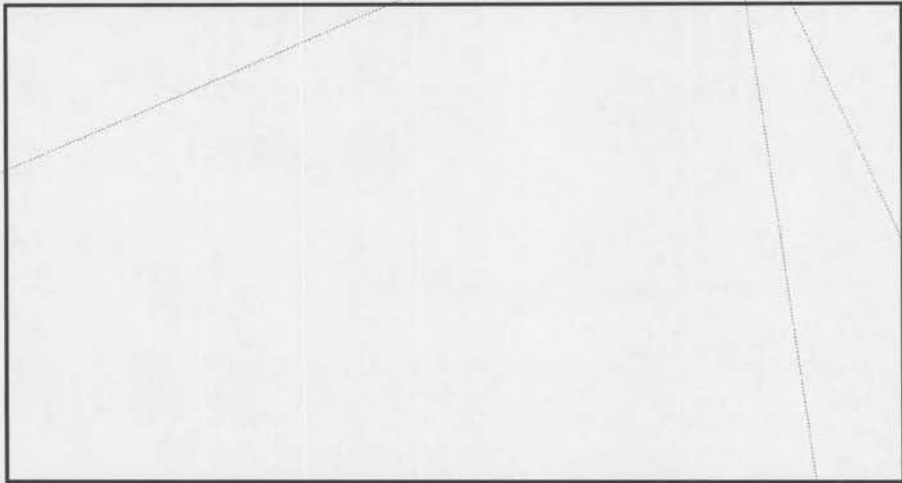
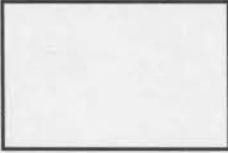
In a "certification", the DNI and AG certify that specific requirements of the law have been met, and describe how this has been done.
 If the court determines that the statutory requirements for a certification have been met, it issues an order to this effect, and the collection may begin.

(b)(3)-P.L. 86-36

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I. Introduction to FAA
section 702 cont'd

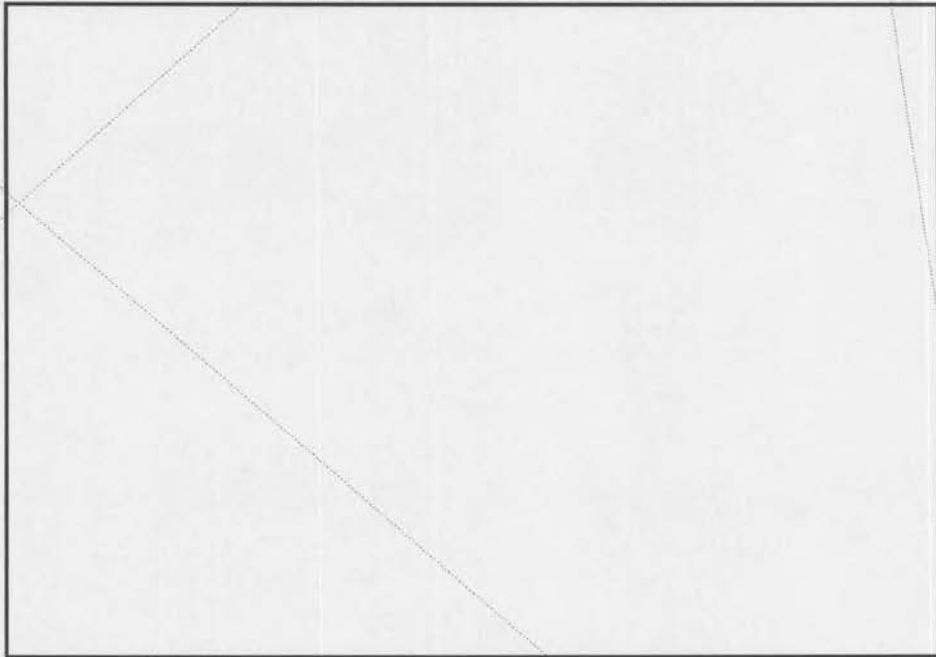
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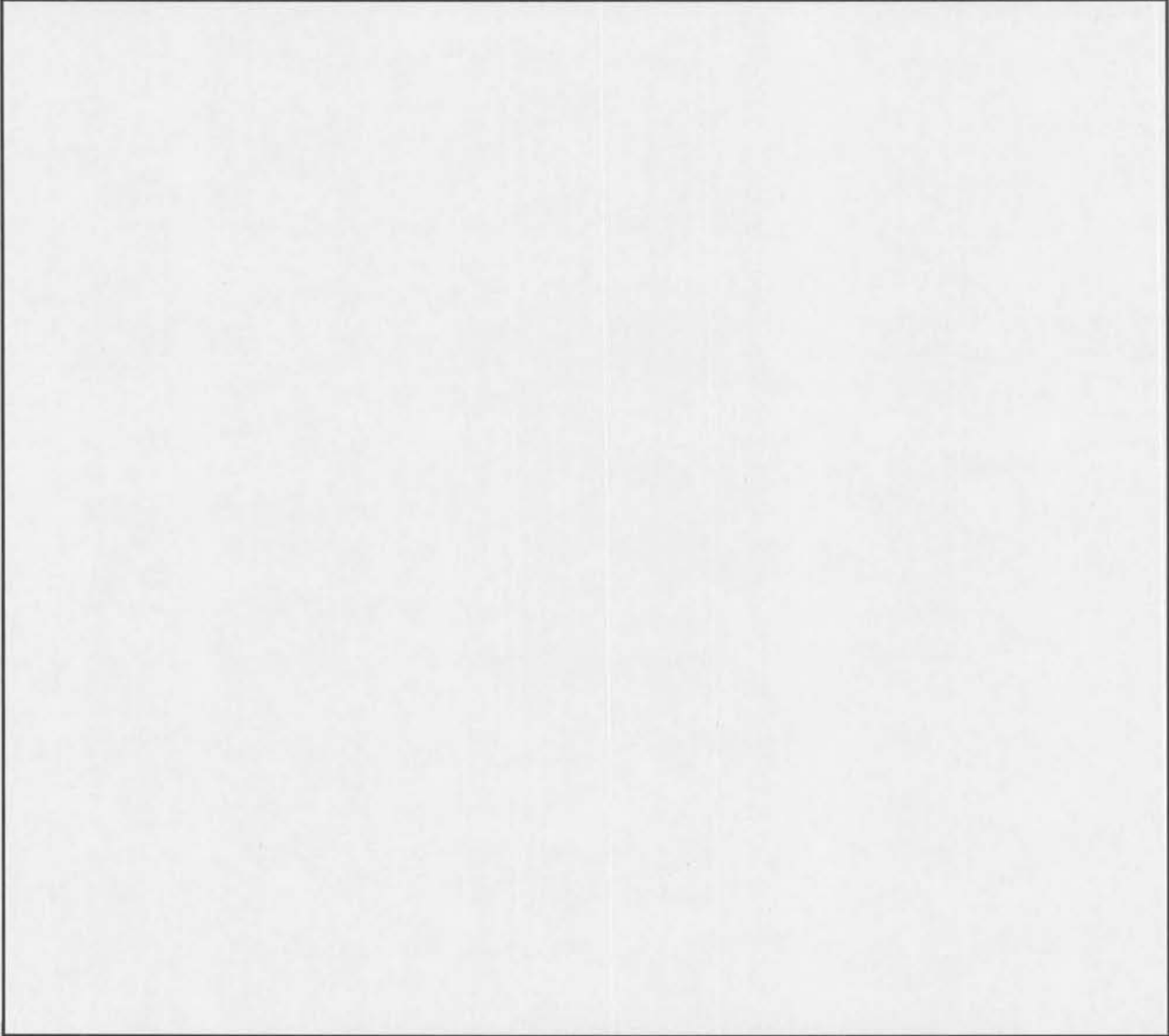
**Day to day Analysts'
attention**



(b)(1)
(b)(3)-18 USC 798
(b)(3)-50 USC 403
(b)(3)-P.L. 86-36

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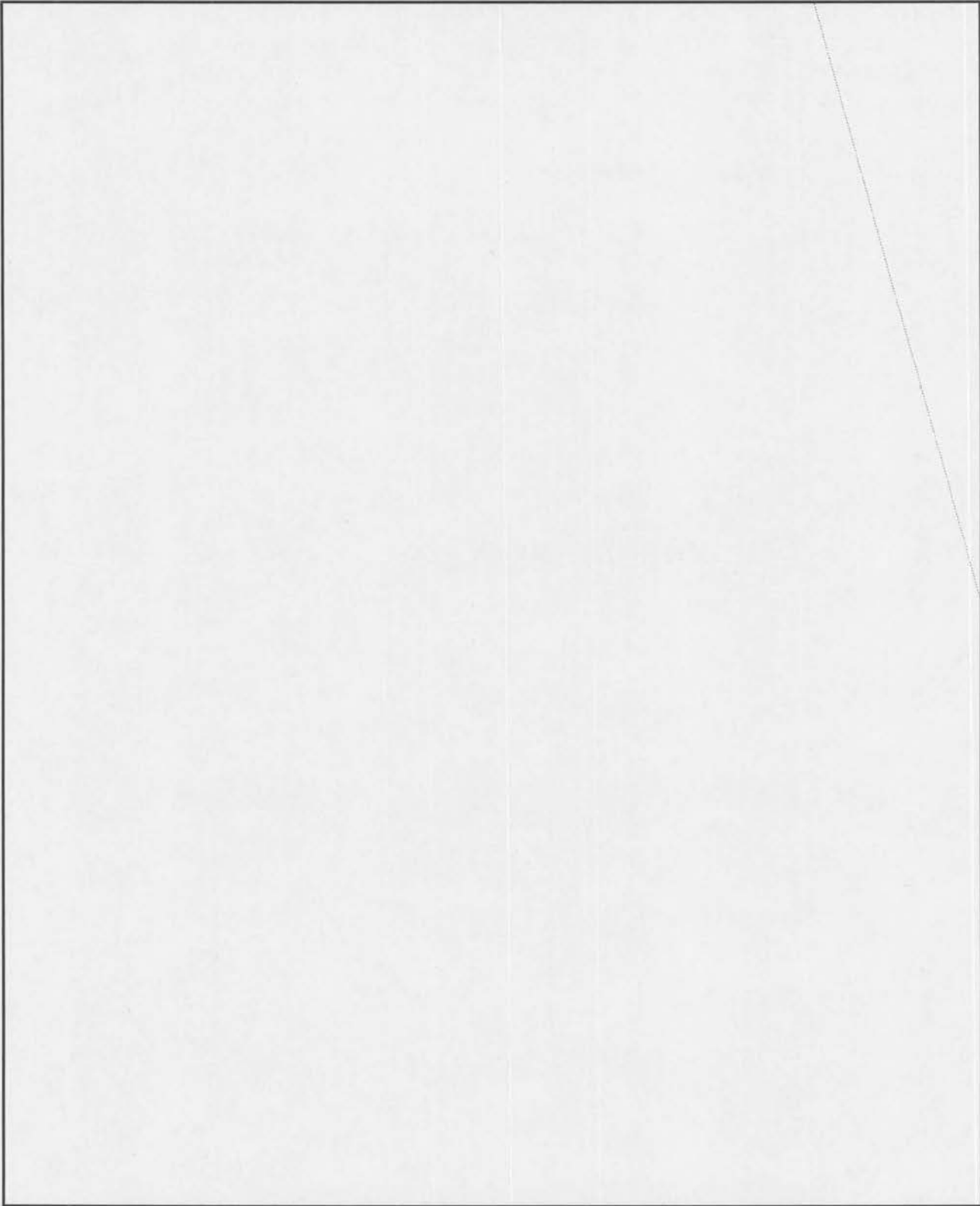
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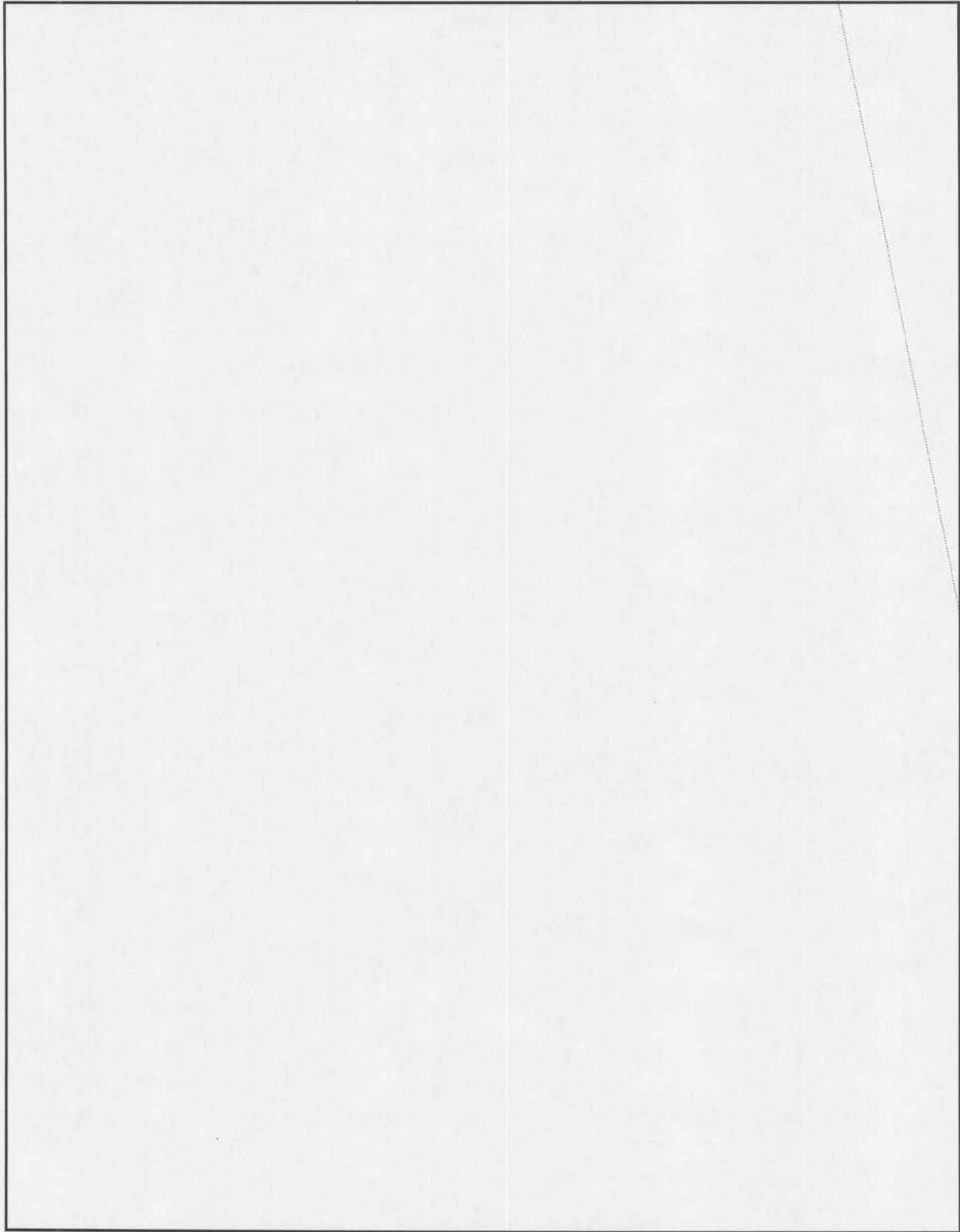
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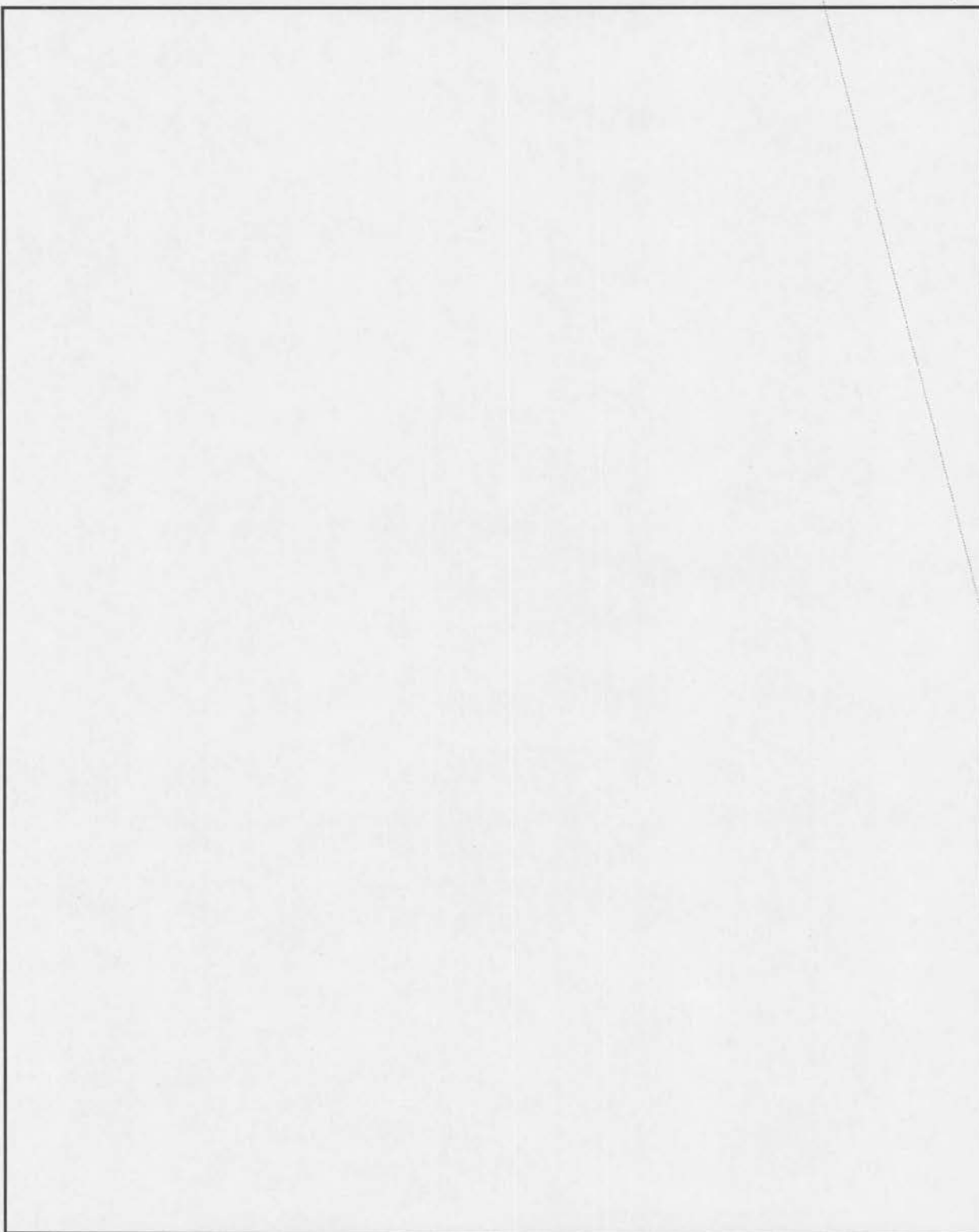
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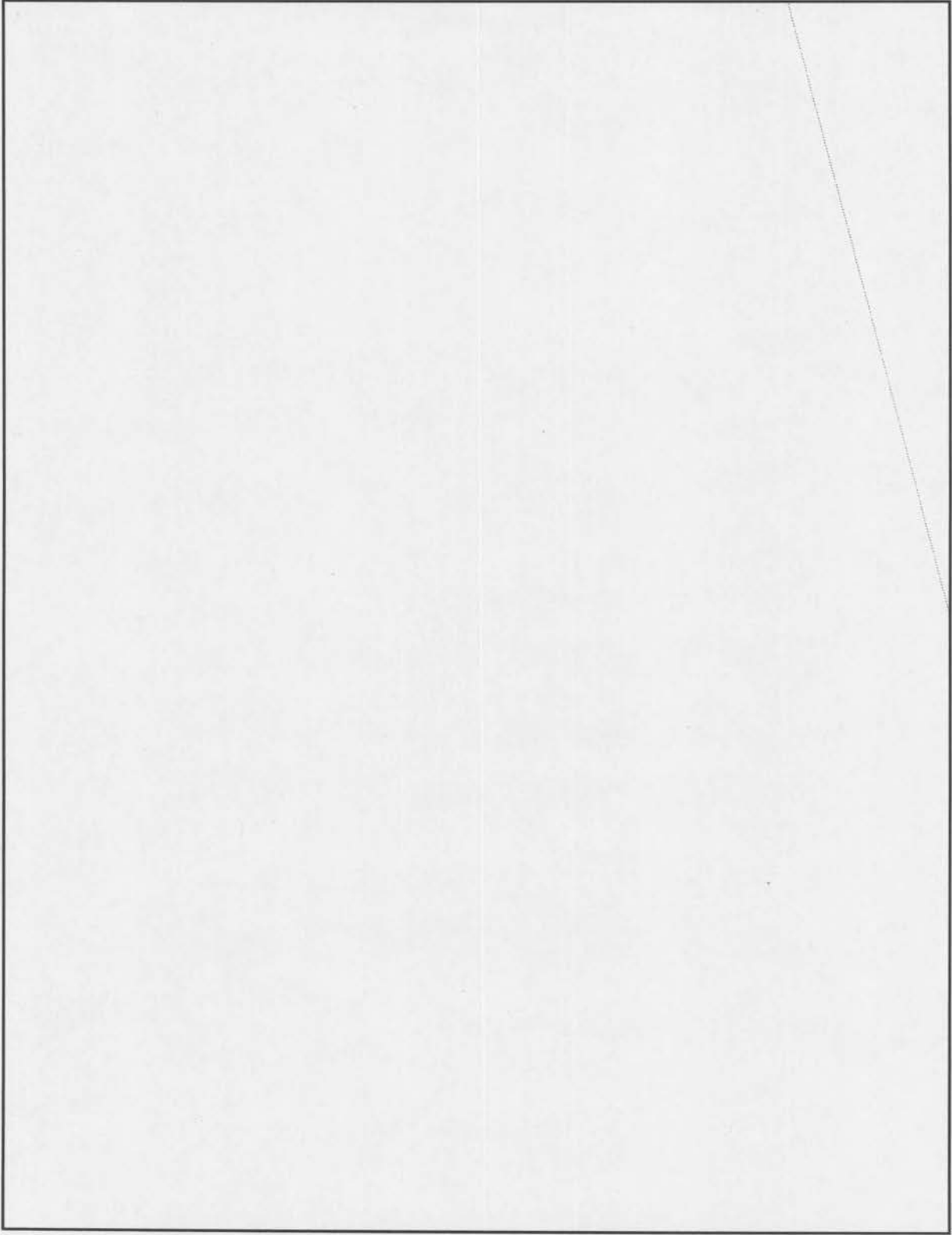
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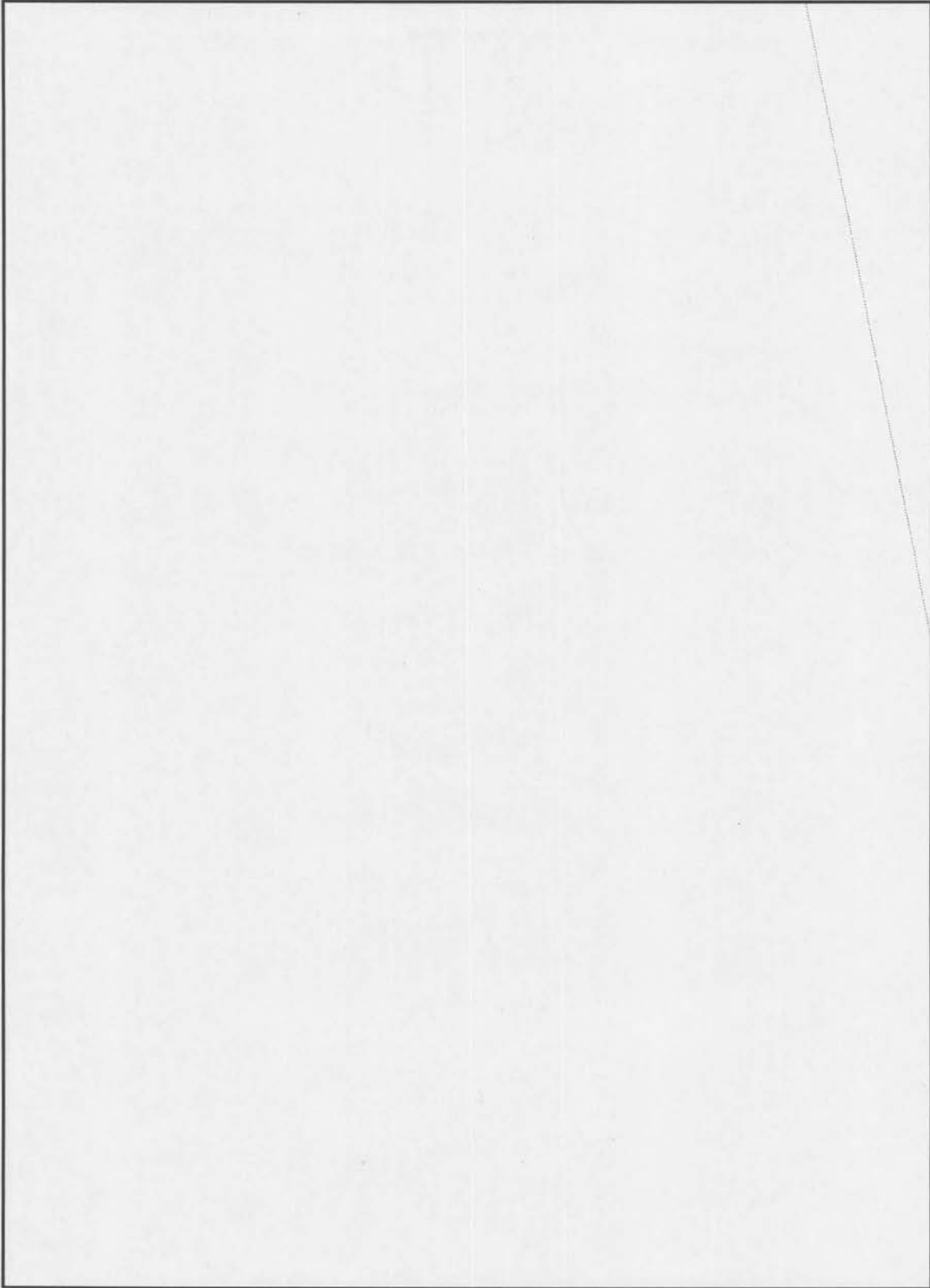
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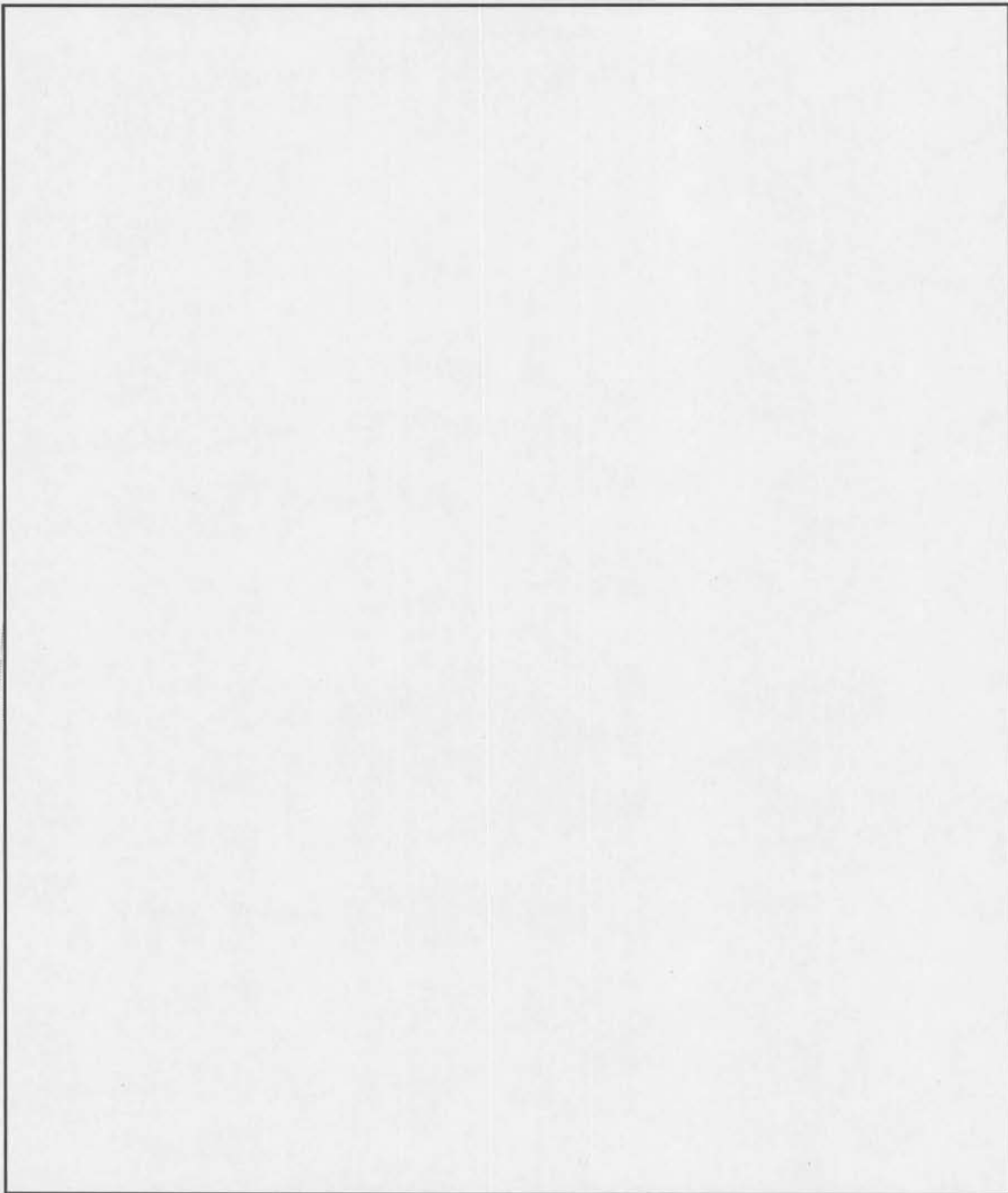


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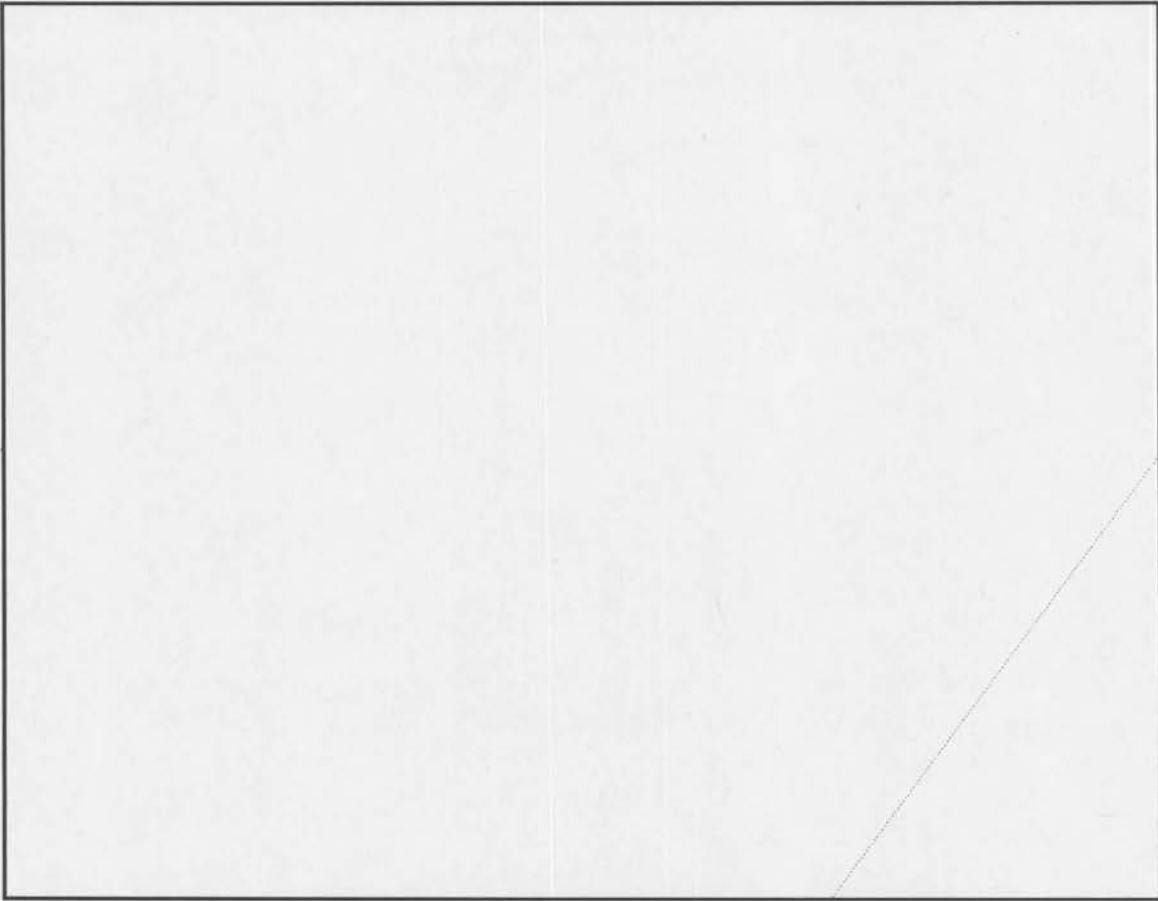
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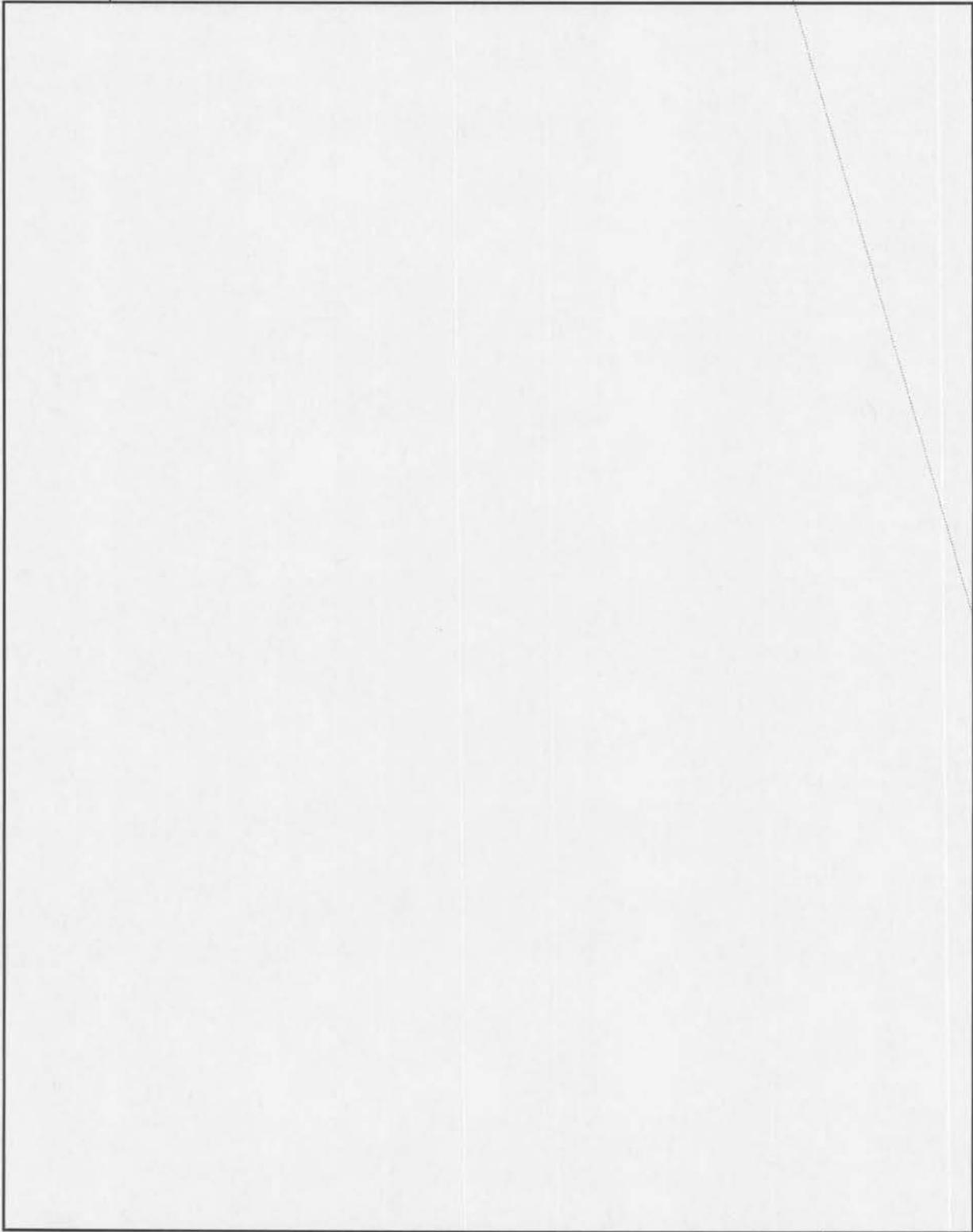


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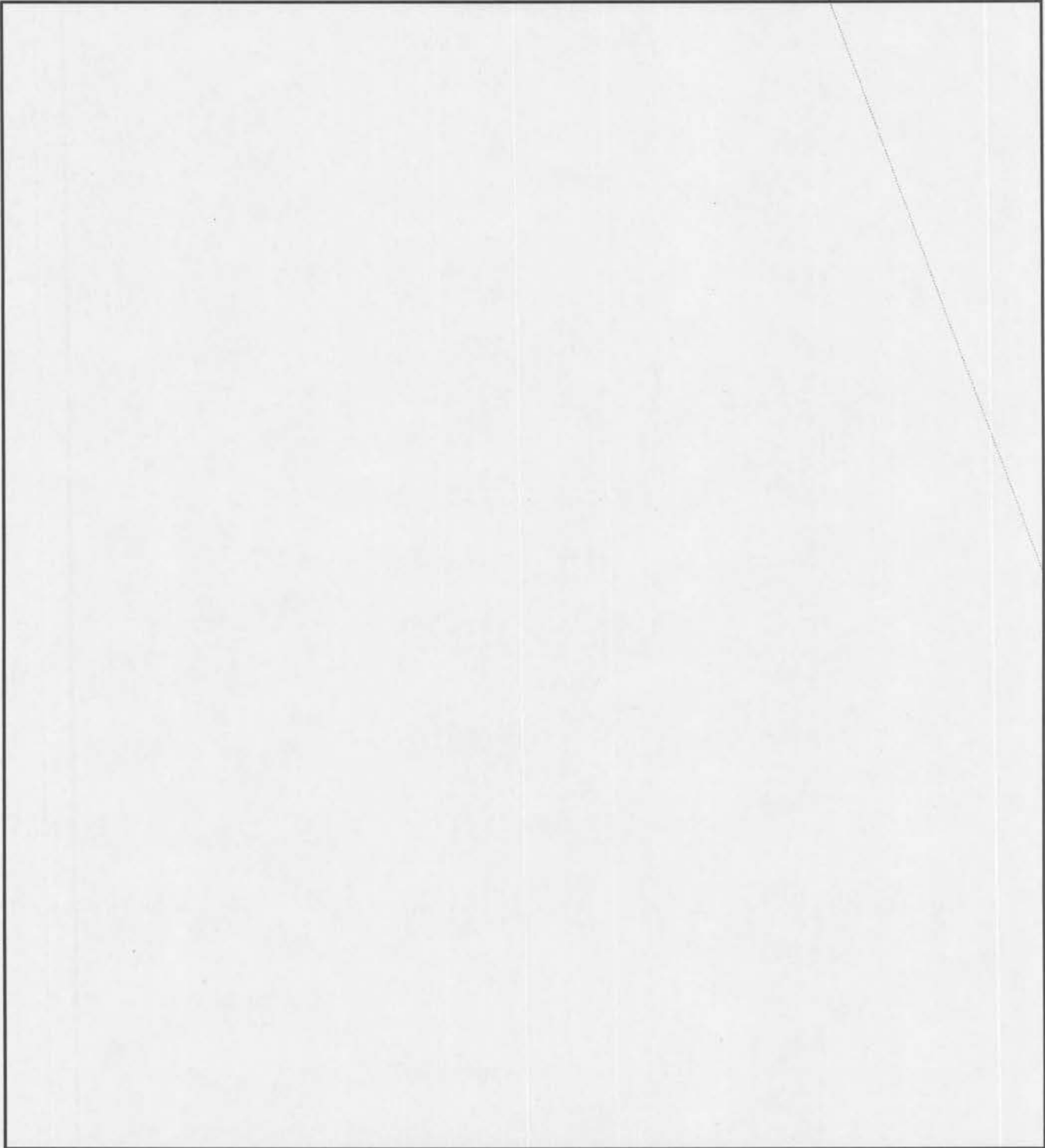


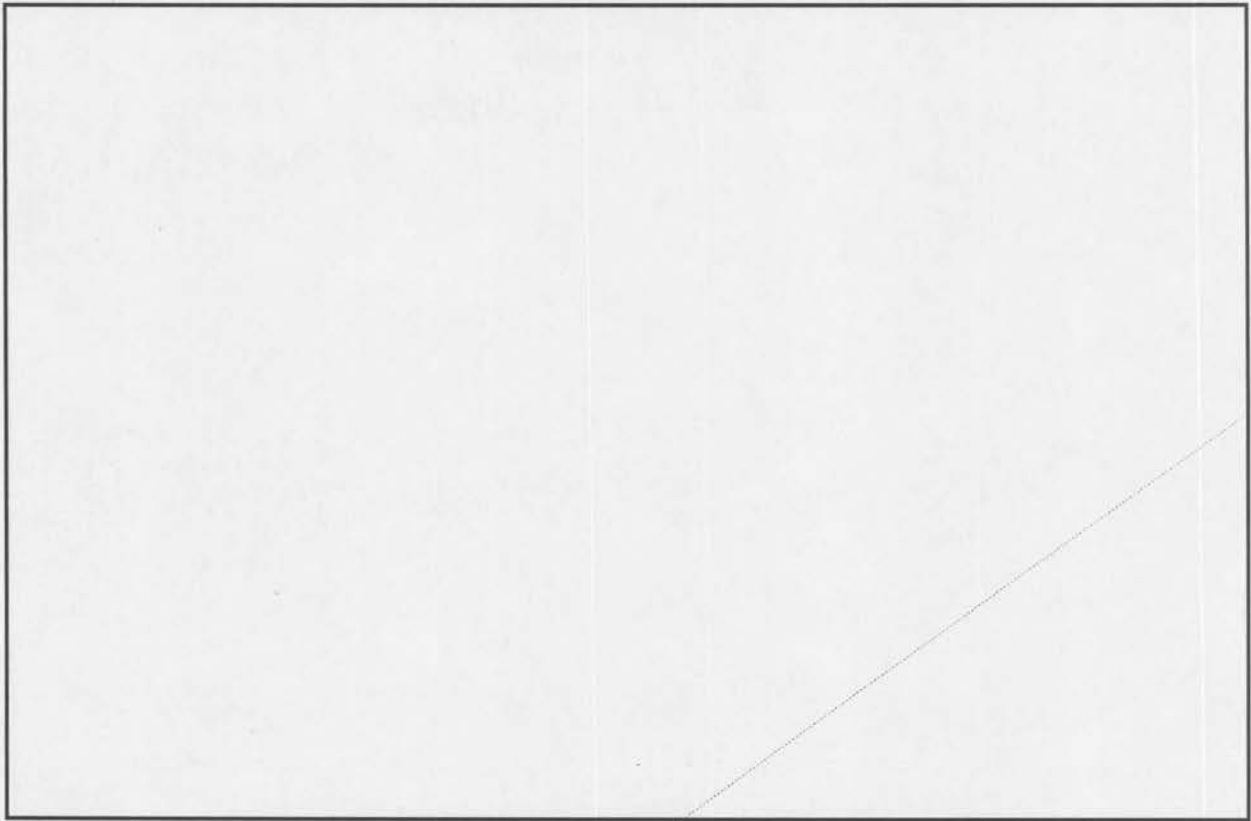
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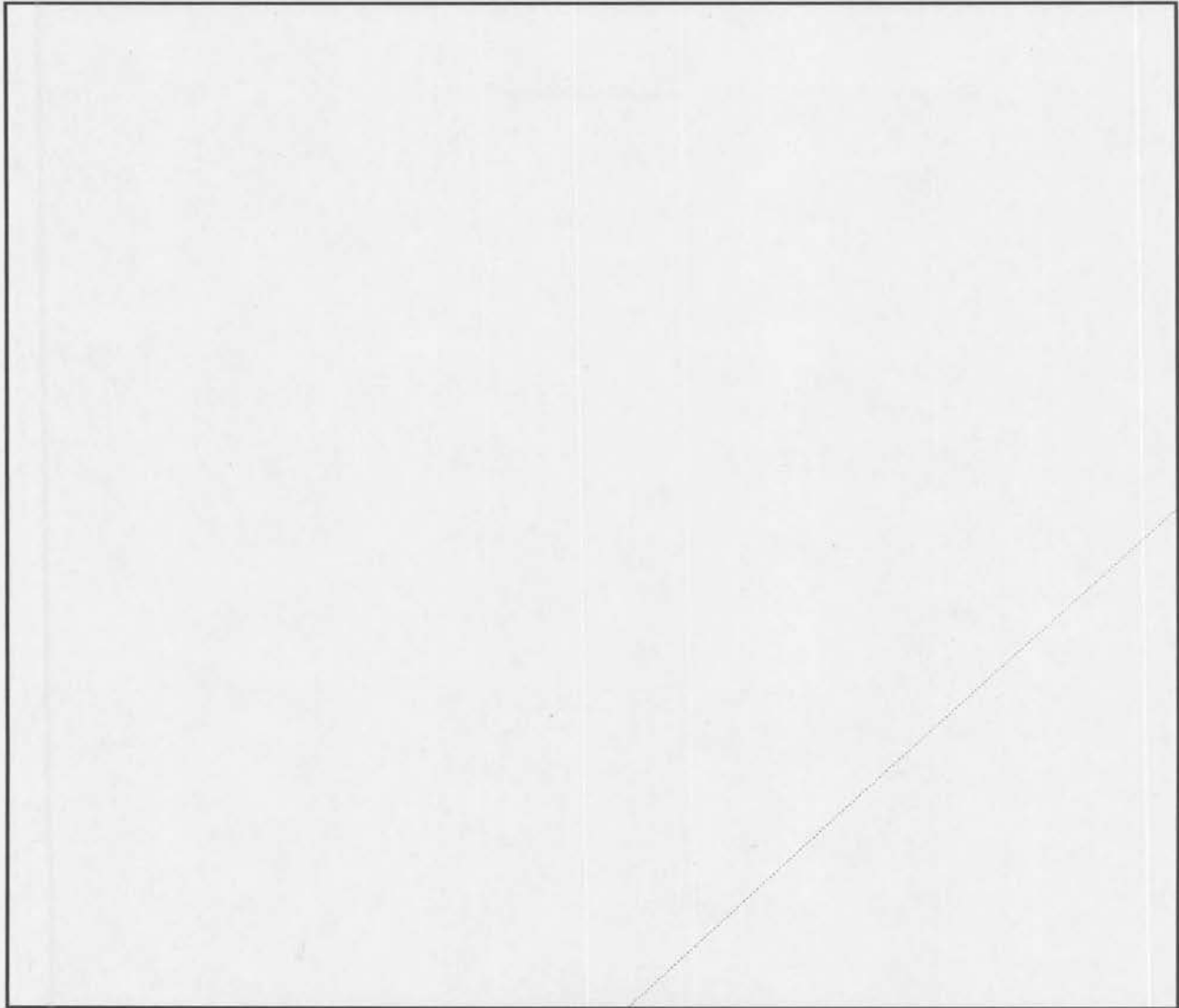


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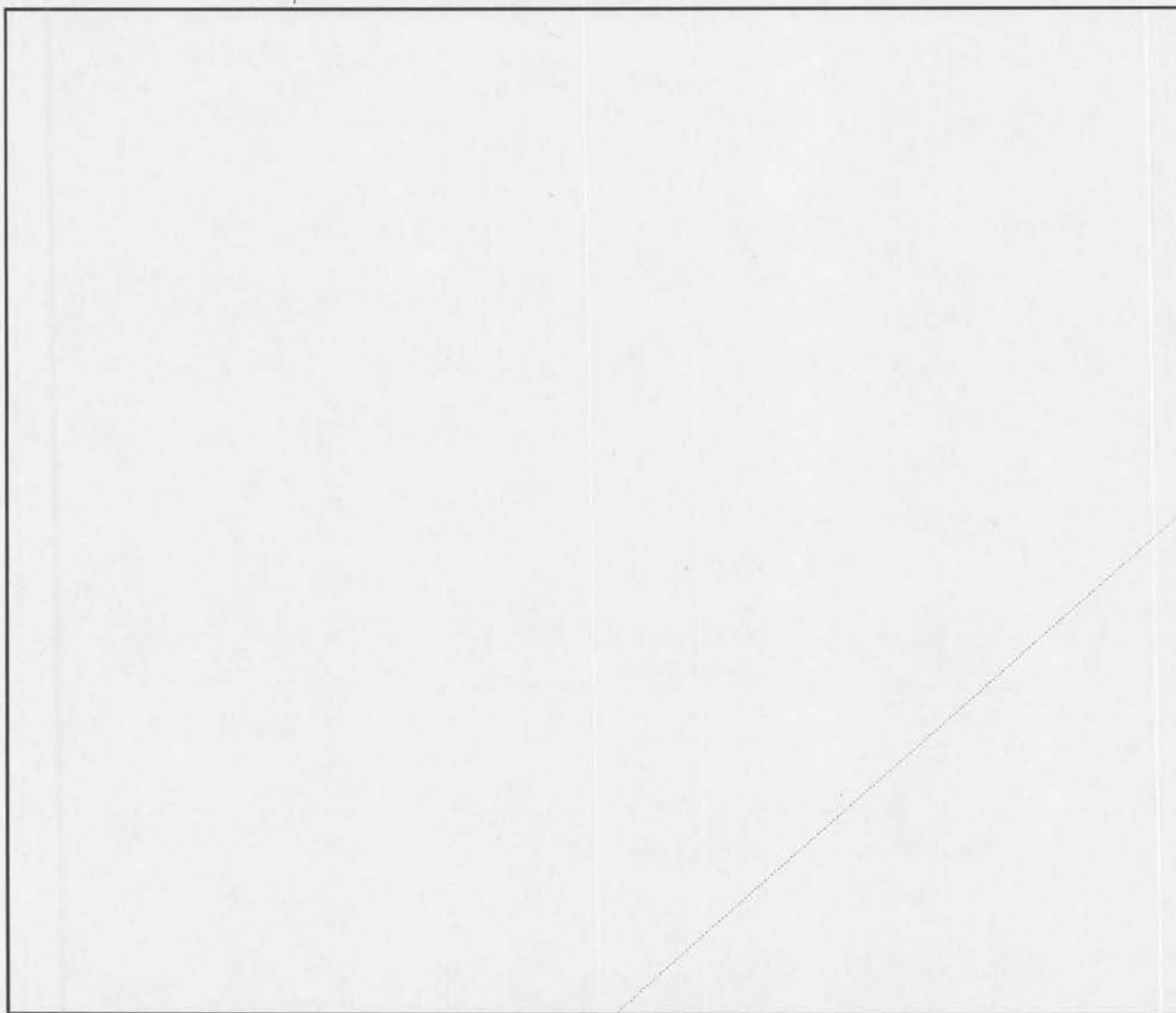




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