

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**The Foreign Intelligence  
Surveillance Act (FISA)  
Amendments Act  
of 2008 (FAA):  
Section 702**

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1

**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.

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2

**Section 702  
(50 U.S.C. §1881a)**

b1

- History leading to Section 702
  - President's Terrorist Surveillance Program (TSP) disclosed during a radio address
    - Targeting non-USPERs located outside the U.S.

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- Implicit recognition that communications by non-USPERs outside the U.S. have little or no protections

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**Section 702  
(50 U.S.C. §1881a)**

b1

- "Acquire Foreign Intelligence Information"

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4

**Section 702  
(50 U.S.C. §1881a)**

b2  
b7E

- "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")

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**Section 702  
(50 U.S.C. §1881a)**

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b4  
b7D  
b7E

- "Assistance of an Electronic Communication Service Provider"
  - Collections occur in U.S.
- 702 Working Group discussing expansion

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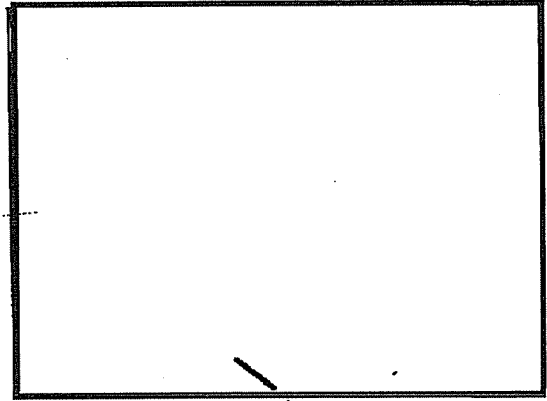
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**Section 702  
(50 U.S.C. §1881a)**

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

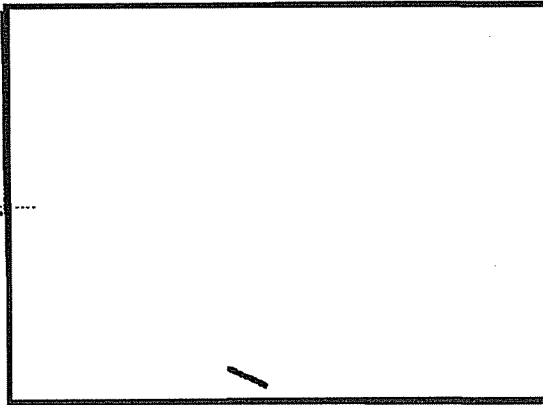
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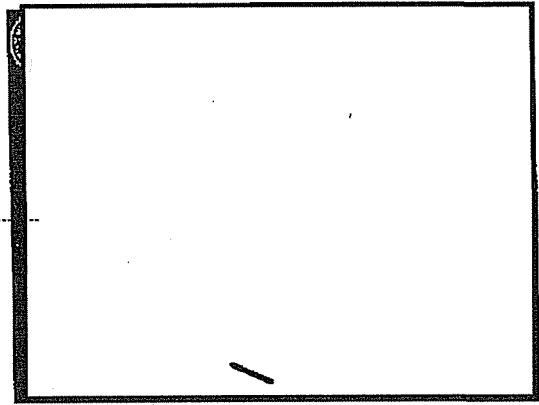


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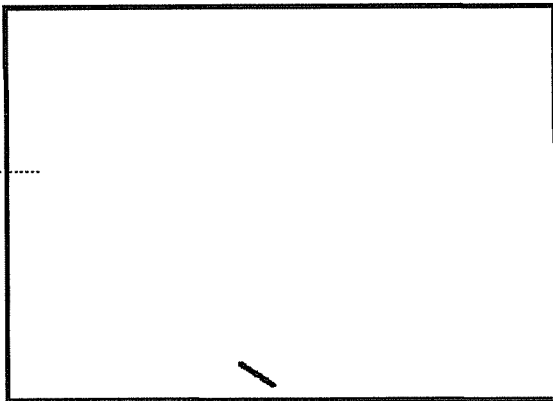


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**Questions?**

- Contact
  - AGC [redacted]
  - AGC [redacted]
  - [redacted]

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