

404 of Pub. L. 110-261, set out as a Transition Procedures note under section 1801 of this title, the repeals made by section 403(b)(1) are effective Dec. 31, 2012.

**§ 1881d. Joint applications and concurrent authorizations**

**(a) Joint applications and orders**

If an acquisition targeting a United States person under section 1881b or 1881c of this title is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 1881b(a)(1) or 1881c(a)(1) of this title may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of sections 1881b(b) and 1881c(b) of this title, orders under sections 1881b(c) and 1881c(c) of this title, as appropriate.

**(b) Concurrent authorization**

If an order authorizing electronic surveillance or physical search has been obtained under section 1805 or 1824 of this title, the Attorney General may authorize, for the effective period of that order, without an order under section 1881b or 1881c of this title, the targeting of that United States person for the purpose of acquiring foreign intelligence information while such person is reasonably believed to be located outside the United States.

(Pub. L. 95-511, title VII, §705, as added Pub. L. 110-261, title I, §101(a)(2), July 10, 2008, 122 Stat. 2457.)

REPEAL OF SECTION

*Pub. L. 110-261, title IV, §403(b)(1), July 10, 2008, 122 Stat. 2474, provided that, except as provided in section 404 of Pub. L. 110-261, set out as a note under section 1801 of this title, effective Dec. 31, 2012, this section is repealed.*

EFFECTIVE DATE OF REPEAL

Pub. L. 110-261, title IV, §403(b)(1), July 10, 2008, 122 Stat. 2474, provided that, except as provided in section 404 of Pub. L. 110-261, set out as a Transition Procedures note under section 1801 of this title, the repeals made by section 403(b)(1) are effective Dec. 31, 2012.

**§ 1881e. Use of information acquired under this subchapter**

**(a) Information acquired under section 1881a**

Information acquired from an acquisition conducted under section 1881a of this title shall be deemed to be information acquired from an electronic surveillance pursuant to subchapter I for purposes of section 1806 of this title, except for the purposes of subsection (j) of such section.

**(b) Information acquired under section 1881b**

Information acquired from an acquisition conducted under section 1881b of this title shall be deemed to be information acquired from an electronic surveillance pursuant to subchapter I for purposes of section 1806 of this title.

(Pub. L. 95-511, title VII, §706, as added Pub. L. 110-261, title I, §101(a)(2), July 10, 2008, 122 Stat. 2457.)

REPEAL OF SECTION

*Pub. L. 110-261, title IV, §403(b)(1), July 10, 2008, 122 Stat. 2474, provided that, except as*

*provided in section 404 of Pub. L. 110-261, set out as a note under section 1801 of this title, effective Dec. 31, 2012, this section is repealed.*

EFFECTIVE DATE OF REPEAL

Pub. L. 110-261, title IV, §403(b)(1), July 10, 2008, 122 Stat. 2474, provided that, except as provided in section 404 of Pub. L. 110-261, set out as a Transition Procedures note under section 1801 of this title, the repeals made by section 403(b)(1) are effective Dec. 31, 2012.

**§ 1881f. Congressional oversight**

**(a) Semiannual report**

Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees and the Committees on the Judiciary of the Senate and the House of Representatives, consistent with the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution, concerning the implementation of this subchapter.

**(b) Content**

Each report under subsection (a) shall include—

(1) with respect to section 1881a of this title—

(A) any certifications submitted in accordance with section 1881a(g) of this title during the reporting period;

(B) with respect to each determination under section 1881a(c)(2) of this title, the reasons for exercising the authority under such section;

(C) any directives issued under section 1881a(h) of this title during the reporting period;

(D) a description of the judicial review during the reporting period of such certifications and targeting and minimization procedures adopted in accordance with subsections (d) and (e) of section 1881a of this title and utilized with respect to an acquisition under such section, including a copy of an order or pleading in connection with such review that contains a significant legal interpretation of the provisions of section 1881a of this title;

(E) any actions taken to challenge or enforce a directive under paragraph (4) or (5) of section 1881a(h) of this title;

(F) any compliance reviews conducted by the Attorney General or the Director of National Intelligence of acquisitions authorized under section 1881a(a) of this title;

(G) a description of any incidents of non-compliance—

(i) with a directive issued by the Attorney General and the Director of National Intelligence under section 1881a(h) of this title, including incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under section 1881a(h) of this title; and

(ii) by an element of the intelligence community with procedures and guidelines adopted in accordance with subsections

(d), (e), and (f) of section 1881a of this title; and

(H) any procedures implementing section 1881a of this title;

(2) with respect to section 1881b of this title—

(A) the total number of applications made for orders under section 1881b(b) of this title;

(B) the total number of such orders—

- (i) granted;
- (ii) modified; and
- (iii) denied; and

(C) the total number of emergency acquisitions authorized by the Attorney General under section 1881b(d) of this title and the total number of subsequent orders approving or denying such acquisitions; and

(3) with respect to section 1881c of this title—

(A) the total number of applications made for orders under section 1881c(b) of this title;

(B) the total number of such orders—

- (i) granted;
- (ii) modified; and
- (iii) denied; and

(C) the total number of emergency acquisitions authorized by the Attorney General under section 1881c(d) of this title and the total number of subsequent orders approving or denying such applications.

(Pub. L. 95-511, title VII, §707, as added Pub. L. 110-261, title I, §101(a)(2), July 10, 2008, 122 Stat. 2457.)

#### REPEAL OF SECTION

*Pub. L. 110-261, title IV, §403(b)(1), July 10, 2008, 122 Stat. 2474, provided that, except as provided in section 404 of Pub. L. 110-261, set out as a note under section 1801 of this title, effective Dec. 31, 2012, this section is repealed.*

#### REFERENCES IN TEXT

Senate Resolution 400 of the 94th Congress, referred to in subsec. (a), was agreed to May 19, 1976, and was subsequently amended by both Senate resolution and public law. The Resolution, which established the Senate Select Committee on Intelligence, is not classified to the Code.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 110-261, title IV, §403(b)(1), July 10, 2008, 122 Stat. 2474, provided that, except as provided in section 404 of Pub. L. 110-261, set out as a Transition Procedures note under section 1801 of this title, the repeals made by section 403(b)(1) are effective Dec. 31, 2012.

#### § 1881g. Savings provision

Nothing in this subchapter shall be construed to limit the authority of the Government to seek an order or authorization under, or otherwise engage in any activity that is authorized under, any other subchapter of this chapter.

(Pub. L. 95-511, title VII, §708, as added Pub. L. 110-261, title I, §101(a)(2), July 10, 2008, 122 Stat. 2458.)

#### REPEAL OF SECTION

*Pub. L. 110-261, title IV, §403(b)(1), July 10, 2008, 122 Stat. 2474, provided that, except as*

*provided in section 404 of Pub. L. 110-261, set out as a note under section 1801 of this title, effective Dec. 31, 2012, this section is repealed.*

#### EFFECTIVE DATE OF REPEAL

Pub. L. 110-261, title IV, §403(b)(1), July 10, 2008, 122 Stat. 2474, provided that, except as provided in section 404 of Pub. L. 110-261, set out as a Transition Procedures note under section 1801 of this title, the repeals made by section 403(b)(1) are effective Dec. 31, 2012.

### SUBCHAPTER VII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

#### § 1885. Definitions

In this subchapter:

##### (1) Assistance

The term “assistance” means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

##### (2) Civil action

The term “civil action” includes a covered civil action.

##### (3) Congressional intelligence committees

The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

##### (4) Contents

The term “contents” has the meaning given that term in section 1801(n) of this title.

##### (5) Covered civil action

The term “covered civil action” means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

##### (6) Electronic communication service provider

The term “electronic communication service provider” means—

(A) a telecommunications carrier, as that term is defined in section 153 of title 47;

(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or