

Pub. L. 118–49, §13(a)(1)(B)(i), inserted “intentionally” before “engages in”.

Subsec. (a)(2). Pub. L. 118–49, §13(a)(1)(C)(i), which directed the substitution of “intentionally discloses” for “disclose”, was executed by making the substitution for “discloses” to reflect the probable intent of Congress.

Subsec. (a)(3). Pub. L. 118–49, §13(a)(1)(C)(ii), (D), added par. (3).

Subsec. (b). Pub. L. 118–49, §13(a)(2), substituted “under paragraph (1) or (2) of subsection (a)” for “under subsection (a)”.

Subsec. (c). Pub. L. 118–49, §13(b), amended subsec. (c) generally. Prior to amendment, text read as follows: “An offense described in this section is punishable by a fine of not more than \$10,000 or imprisonment for not more than five years, or both.”

2010—Subsec. (a)(1). Pub. L. 111–259, §801(3)(A), substituted “section 1812 of this title;” for “section 1812 of this title.”.

Subsec. (a)(2). Pub. L. 111–259, §801(3)(B), substituted “title.” for “title..”

2008—Subsec. (a). Pub. L. 110–261 substituted “authorized by this chapter, chapter 119, 121, or 206 of title 18, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 1812 of this title.” for “authorized by statute” in pars. (1) and (2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–261 effective July 10, 2008, except as provided in section 404 of Pub. L. 110–261, set out as a Transition Procedures note under section 1801 of this title, see section 402 of Pub. L. 110–261, set out as an Effective Date of 2008 Amendment note under section 1801 of this title.

§ 1810. Civil liability

An aggrieved person, other than a foreign power or an agent of a foreign power, as defined in section 1801(a) or (b)(1)(A) of this title, respectively, who has been subjected to an electronic surveillance or about whom information obtained by electronic surveillance of such person has been disclosed or used in violation of section 1809 of this title shall have a cause of action against any person who committed such violation and shall be entitled to recover—

(a) actual damages, but not less than liquidated damages equal to the greater of—

(1) if the aggrieved person is a United States person, \$10,000 or \$1,000 per day for each day of violation; or

(2) for any other aggrieved person, \$1,000 or \$100 per day for each day of violation;

(b) punitive damages; and

(c) reasonable attorney’s fees and other investigation and litigation costs reasonably incurred.

(Pub. L. 95–511, title I, §110, Oct. 25, 1978, 92 Stat. 1796; Pub. L. 118–49, §15(a), Apr. 20, 2024, 138 Stat. 882.)

Editorial Notes

AMENDMENTS

2024—Subsec. (a). Pub. L. 118–49 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “actual damages, but not less than liquidated damages of \$1,000 or \$100 per day for each day of violation, whichever is greater;”.

§ 1810a. Reporting requirements for civil actions

(a) Report to Congress

If a court finds that a person has violated this chapter in a civil action under section 1810 of this title, the head of the agency that employs that person shall report to Congress on the administrative action taken against that person pursuant to section 1803(m) of this title or any other provision of law.

(b) Report to Foreign Intelligence Surveillance Court

If a court finds that a person has violated this chapter in a civil action under section 1810 of this title, the head of the agency that employs that person shall report the name of such person to the Foreign Intelligence Surveillance Court. The Foreign Intelligence Surveillance Court shall maintain a list of each person about whom it received a report under this subsection.

(Pub. L. 95–511, title I, §110A, as added Pub. L. 118–49, §15(b), Apr. 20, 2024, 138 Stat. 883.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 95–511, Oct. 25, 1978, 92 Stat. 1783, known as the Foreign Intelligence Surveillance Act of 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

§ 1811. Authorization during time of war

Notwithstanding any other law, the President, through the Attorney General, may authorize electronic surveillance without a court order under this subchapter to acquire foreign intelligence information for a period not to exceed fifteen calendar days following a declaration of war by the Congress.

(Pub. L. 95–511, title I, §111, Oct. 25, 1978, 92 Stat. 1796.)

§ 1812. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted

(a) Except as provided in subsection (b), the procedures of chapters 119, 121, and 206 of title 18 and this chapter shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communications may be conducted.

(b) Only an express statutory authorization for electronic surveillance or the interception of domestic wire, oral, or electronic communications, other than as an amendment to this chapter or chapters 119, 121, or 206 of title 18 shall constitute an additional exclusive means for the purpose of subsection (a).

(Pub. L. 95–511, title I, §112, as added Pub. L. 110–261, title I, §102(a), July 10, 2008, 122 Stat. 2459.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 95–511, Oct. 25, 1978, 92