

§ 109(a), Mar. 9, 2006, 120 Stat. 204; Pub. L. 114-23, title VI, § 605(b), June 2, 2015, 129 Stat. 298.)

### Editorial Notes

#### AMENDMENTS

2015—Pub. L. 114-23, in introductory provisions, substituted “Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate” for “Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and the Committee on the Judiciary of the Senate,” and struck out “and the Committee on the Judiciary of the House of Representatives” after “those committees”.

2006—Pub. L. 109-177, § 109(a)(1), (2), in introductory provisions, inserted “, and the Committee on the Judiciary of the Senate,” after “Select Committee on Intelligence of the Senate” and substituted “and the Committee on the Judiciary of the House of Representatives” for “and the Committees on the Judiciary of the House of Representatives and the Senate”.

Par. (4). Pub. L. 109-177, § 109(a)(3)–(5), added par. (4).

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE

Section effective 90 days after Oct. 14, 1994, with exception for certain physical searches approved by the Attorney General to gather foreign intelligence information, see section 807(c) of Pub. L. 103-359, set out as a note under section 1821 of this title.

### § 1827. Penalties

#### (a) Prohibited activities

A person is guilty of an offense if he intentionally—

(1) under color of law for the purpose of obtaining foreign intelligence information, executes a physical search within the United States except as authorized by statute; or

(2) discloses or uses information obtained under color of law by physical search within the United States, knowing or having reason to know that the information was obtained through physical search not authorized by statute, for the purpose of obtaining intelligence information.

#### (b) Defense

It is a defense to a prosecution under subsection (a) that the defendant was a law enforcement or investigative officer engaged in the course of his official duties and the physical search was authorized by and conducted pursuant to a search warrant or court order of a court of competent jurisdiction.

#### (c) Fine or imprisonment

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.

#### (d) Federal jurisdiction

There is Federal jurisdiction over an offense under this section if the person committing the offense was an officer or employee of the United States at the time the offense was committed.

(Pub. L. 95-511, title III, § 307, as added Pub. L. 103-359, title VIII, § 807(a)(3), Oct. 14, 1994, 108 Stat. 3452.)

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### § 1828. 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), respectively, of this title, whose premises, property, information, or material has been subjected to a physical search within the United States or about whom information obtained by such a physical search has been disclosed or used in violation of section 1827 of this title shall have a cause of action against any person who committed such violation and shall be entitled to recover—

(1) actual damages, but not less than liquidated damages of \$1,000 or \$100 per day for each day of violation, whichever is greater;

(2) punitive damages; and

(3) reasonable attorney’s fees and other investigative and litigation costs reasonably incurred.

(Pub. L. 95-511, title III, § 308, as added Pub. L. 103-359, title VIII, § 807(a)(3), Oct. 14, 1994, 108 Stat. 3452.)

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### § 1829. Authorization during time of war

Notwithstanding any other provision of law, the President, through the Attorney General, may authorize physical searches without a court order under this subchapter to acquire foreign intelligence information for a period not to exceed 15 calendar days following a declaration of war by the Congress.

(Pub. L. 95-511, title III, § 309, as added Pub. L. 103-359, title VIII, § 807(a)(3), Oct. 14, 1994, 108 Stat. 3452.)

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### SUBCHAPTER III—PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES

### § 1841. Definitions

As used in this subchapter:

(1) The terms “foreign power”, “agent of a foreign power”, “international terrorism”, “foreign intelligence information”, “Attorney