The Foreign Intelligence Surveillance Act of 1978, referred to in par. (2)(e), (f), is Pub. L. 95–511, Oct. 25, 1978, 92 Stat. 1783, which is classified principally to chapter 36 (§1801 et seq.) of Title 50, War and National Defense. Section 101 of the Foreign Intelligence Surveillance Act of 1978, referred to in par. (2)(a)(i), (ii), and (f), is classified to section 1801 of Title 50. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 50 and Tables.

Sections 633, 705, and 706 of the Communications Act of 1934, referred to in par. (2)(e), (f), (g)(iii), are classified to sections 553, 665, and 666 of Title 47, Telephones, Telegraphs, and Radiotelegraphs, respectively.

AMENDMENTS

1996—Par. (1)(e)(i). Pub. L. 104–294 substituted “sections 2331(2)(a)(ii), 2511(2)(b)—(c), 2511(2)(e), 2516, and 2518 of this chapter” for “sections 2511(2)(a)(ii), 2511(2)(b)—(c), 2511(e), 2516, and 2518 of this subchapter”.


Par. (2)(a)(i). Pub. L. 103–414, §202(b)(1), inserted “a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit,” after “cellular telephone communication,”.

Par. (4)(b)(ii). Pub. L. 103–414, §202(b)(2), inserted “a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit,” after “cellular telephone communication,”.

Pub. L. 103–322, §330016(1)(G), substituted “fined under this title” for “fined not more than $500”.


Par. (1). Pub. L. 99–508, §101(c)(1)(A), (d)(1), (f)(1)(i), substituted “intentionally” for “willfully” in subpars. (a) to (d) and “wire, oral, or electronic” for “wire or oral” wherever appearing in subpars. (a), (c), and (d), and in concluding provisions substituted “shall be punished as provided in subsection (4) or shall be subject to suit as provided in subsection (5)” for “shall be fined not more than $10,000 or imprisoned not more than five years, or both”.

Par. (2)(a)(i). Pub. L. 99–508, §101(c)(5), substituted “a provider of wire or electronic communication service for “any communication common carrier” and “the provider of that service, except that a provider of wire communication service to the public” for “of the carrier of such communication: Provided, That said com-
munication common carriers”.

Par. (2)(a)(ii). Pub. L. 99–508, §101(b)(1), (c)(1)(A), (6), substituted “providers of wire or electronic communication service for “communication common carriers”, “wire, oral, or electronic” for “wire or oral”, “if such provider” for “if the common carrier”, “provider of wire or electronic communication service for “communication common carrier whenever appearing, “such disclosure” for “violation of this subparagraph by a communication common carrier or an officer, employee, or agent thereof”, “render such person liable”, “the carrier liable”, and “is a court order or certification under this chapter” for “an order or cer-
tification under this subparagraph” in two places.


Par. (2)(c). Pub. L. 99–508, §101(c)(1)(A), substituted “wire, oral, or electronic” for “wire or oral”.

Par. (2)(d). Pub. L. 99–508, §101(b)(2), (c)(1)(A), substituted “wire, oral, or electronic” for “wire or oral” and struck out “or for the purpose of committing any other injurious act” after “of any State”.

Par. (2)(e). Pub. L. 99–508, §101(b)(3), inserted “or chapter 121” in two places and substituted “foreign communications, or foreign intelligence activities conducted in accordance with other applicable Federal law involving a foreign electronic communications system, utilizing a means” for “foreign communications by a means”.

Par. (2)(g), (h). Pub. L. 99–508, §101(b)(4), added subpars. (g) and (h).


1984—Par. (2)(e), Pub. L. 98–549, §6(b)(2)(A), substituted “section 705 or 706” for “section 605 or 606”.


1978—Par. (2)(a)(ii). Pub. L. 95–511, §201(a), substituted provisions authorizing communication common carriers etc., to provide information to designated persons, prohibiting disclosure of intercepted information, and rendering violators civilly liable for provision exempting communication common carriers from criminality for giving information to designated officers.

Par. (2)(e), (f). Pub. L. 95–511, §201(b), added par. (2)(e) and (f).

Par. (3). Pub. L. 95–511, §201(c), struck out par. (3) which provided that nothing in this chapter or section 605 of title 47 limited the President’s constitutional power to gather necessary intelligence to protect the national security and stated the conditions necessary for “for the reception into evidence and disclosure of communications intercepted by the President.


AMENDMENT BY PUB. L. 99–508—

The Foreign Intelligence Surveillance Act of 1978, as amended by Pub. L. 99–508, §101(c)(1)(A), §101(c)(5), is referred to in this title as “the Act”. All references in this Act to Title 50, War and National Defense, are to be read as references to chapter 36 of Title 50, as amended by Pub. L. 99–508.

This Act is referred to in sections 2513, 2516, 2520, 2702, 2707 of this title.

AMENDMENTS

1986—Pub. L. 99–508 effective 90 days after Oct. 21, 1986, and, in case of conduct pursuant to court order or extension, applicable only with respect to court orders and extensions made after such date, with special rule for State authorizations of interceptions, see section 9(a) of Pub. L. 98–549, set out as a note under section 521 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

This section is referred to in sections 2513, 2516, 2520, 2702, 2707 of this title.

AMENDMENT

This Act is referred to in sections 2513, 2516, 2520, 2702, 2707 of this title.
§ 2513. Confiscation of wire, oral, or electronic communication intercepting devices

Any electronic, mechanical, or other device used, sent, carried, manufactured, assembled, possessed, sold, or advertised in violation of section 2511 or section 2512 of this chapter may be seized and forfeited to the United States. All provisions of law relating to (1) the seizure, summary and judicial forfeiture, and condemnation of vessels, vehicles, merchandise, and baggage for violations of the customs laws contained in title 19 of the United States Code, (2) the disposition of such vessels, vehicles, merchandise, and baggage or the proceeds from the sale thereof, (3) the remission or mitigation of such forfeiture, (4) the compromise of claims, and (5) the award of compensation to informers in respect of such forfeitures, shall apply to seizures and forfeitures incurred or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions of this section; except that such duties as are imposed upon the collector of customs shall apply to such seizures and forfeitures.