

FISA SECTION 702

TOP HEADLINES

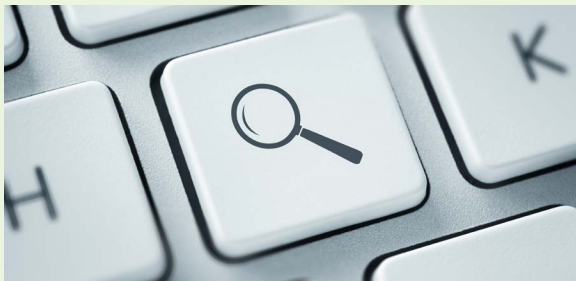
UNCLASSIFIED

Section 702 of the Foreign Intelligence Surveillance Act authorizes the Intelligence Community to collect critical foreign intelligence information about foreign targets located outside the United States with the compelled assistance of U.S. electronic communication service providers. In the fifteen years since its enactment, Section 702 has proven indispensable to U.S. national security. Every day it helps protect Americans from a host of new and emerging threats — such as terrorist plots, weapons of mass destruction, malicious cyber activity, and hostile state behavior from China and Russia.

VALUE OF U.S. PERSON QUERIES

The government cannot use Section 702 to target U.S. persons or anyone located in the United States. It is possible that a foreign person who has been targeted under Section 702 may communicate with, or discuss information concerning, a U.S. person. With proper justification and authorization, IC analysts can review 702 data using a query term — like an email address or phone number — associated with a U.S. person. These queries do not acquire any new information; they help an analyst review information that has already been lawfully acquired. U.S. person query terms are particularly useful in identifying further information about the plans, capabilities, and activities of foreign targets directed against Americans, U.S. businesses, or the U.S. Government.

Changes to the IC's limited authority to conduct queries using U.S. person query terms, including the imposition of a specific prior Foreign Intelligence Surveillance Court authorization or warrant requirement on some or all such queries, would jeopardize the IC's ability to discover and report on actionable (i.e. timely) threats to the national security interests of the United States and its citizens.



In 2023, U.S. person queries of FISA Section 702 information identified intelligence on the potential illicit transfer of export-controlled technology that could be used in bioweapons production, including possible connections to a foreign government.

After receiving intelligence from another agency that a U.S. person was in contact with intelligence officers from a particular threat country, FBI queried that U.S. person's identifiers against the FBI's FISA Section 702 collection. The queries returned results from collection on intelligence officers of a different threat country. Those results confirmed that the U.S. person had been in contact with officers from the first threat country. The FBI subsequently investigated, determined the U.S. person to be unwitting of the illicit activities of the intelligence officers, and interviewed the U.S. person, obtaining important intelligence on a hostile foreign state's attempts to acquire sensitive information relating to proliferation of weapons of mass destruction.

FISA Section 702-acquired information has supported the FBI's investigation of state-supported hackers' efforts to spear-phish a wide variety of U.S. victims. U.S. person queries of FISA Section 702 holdings allowed the FBI to determine that the hackers were in the process of gathering information on one of the possible victims, a former head of a U.S. Federal department. With this information, the government was able to notify and warn the potential victim, and provide defensive advice to stay ahead of the threat.

The FBI used U.S. person queries of Section 702-acquired information to identify the extent of a foreign government's efforts against an activist, which included a kidnapping and assassination plot. The timely identification of a foreign government's plans and intentions in Section 702-acquired information contributed to the FBI's disruption of the plots.

The CIA relied on FISA Section 702-acquired information, including U.S. person queries of Section 702-acquired information, to support U.S. efforts to prevent an adversary from purchasing dozens of items from the United States that were essential to the development of advanced technical capabilities.

702 FAST FACTS

100%

of the President's intelligence priorities topics reported on by NSA were supported by FISA Section 702 information in 2023.

70%

of CIA's illicit synthetic drug disruptions with partners in 2023 stemmed from FISA Section 702 data.

60%

of articles in the President's Daily Brief contained FISA Section 702 information reported by NSA in 2023.

23%

of NSA's intelligence reports in 2023 contained FISA Section 702 information.

4%

of NSA's collection budget in 2022 accounted for the unique cost of the FISA Section 702 program.



FISA SECTION 702 TOP HEADLINES, CONTINUED

U.S.-BOUND FENTANYL PRODUCTION DISRUPTED



The CIA leveraged FISA Section 702 intelligence on a foreign actor overseas who supplied pill press machinery and other equipment to a drug cartel in Mexico making illicit fentanyl. The CIA used this intelligence to alert a partner and, following further investigation, the partner raided a location tied to the network and seized machinery made in China and otherwise destined for illicit fentanyl production in the United States and Mexico. This machinery would have been capable of producing millions of fentanyl pills per hour. Synthetic opioids like fentanyl are now the leading cause of death for Americans aged 18 to 49. We are losing 110,000 Americans a year to drug overdoses. Without Section 702's support to the disruption of drug traffickers, the loss of life undoubtedly would be even higher.

RUSSIAN ATROCITIES IN UKRAINE UNCOVERED

FISA Section 702 has helped uncover gruesome atrocities committed by Russia in Ukraine, including the murder of noncombatants, the forced relocation of children from Russian-occupied Ukraine to the Russian Federation, and the detention of refugees fleeing violence by Russian personnel. This and other information have helped the U.S. to galvanize accountability efforts related to Ukraine by confidently and accurately speaking to the international community about Russia's atrocities.

ESPIONAGE PLOTS, RECRUITMENT REVEALED



FISA Section 702 resulted in the identification and disruption of hostile foreign actors' attempts to recruit spies in the United States or send their operatives to the United States.

FISA Section 702-acquired information allowed the FBI to disrupt a foreign state actor's operation and prevent them from gaining access to sensitive technology that is used around the world. Specifically, an ally informed the United States it was investigating a spy who was attempting to recruit individuals who could gain access to U.S. companies, leading to the United States and the ally jointly investigating the spy. Using information collected under its Section 702 authority, the United States was able to confirm connections between the spy and the company that was developing the technology. The United States warned the company and provided Section 702-acquired information to the allied country, which that country was not otherwise able to obtain.

CYBERATTACKS OF U.S. TRANSPORTATION HUB, UTILITIES THWARTED

FISA Section 702-acquired information helped the FBI to identify intrusion efforts against a transportation hub in the United States. U.S. person queries helped the FBI to identify where the foreign hackers had achieved successful compromises of network infrastructure. This enabled the FBI to alert the network operators so they could take action to mitigate the intrusions.

In 2022, FISA Section 702 allowed the FBI to discover that state-sponsored hackers had infiltrated computer systems on utilities in several locations in the U.S. The FBI was able to warn the systems' operators, help them expel the hackers from their systems, and monitor other infrastructure for further victims.

ATTACK ON U.S. FACILITY DISRUPTED, TERRORIST LEADER REMOVED

In 2022, FISA Section 702-acquired information allowed analysts to identify members of a terrorist cell that was planning an attack on a U.S. facility in a Middle Eastern country. Analysts were able to monitor the group's communications through Section 702 information. As U.S. intelligence-gathering focused on this plot, Section 702 was a critical, unique collection method in gathering information for the Government because of the terrorists' travel through multiple countries. The U.S. Government, working with allies in the region, was able to disrupt the attack.



FISA Section 702 informed planning for the February 2022 U.S. military operation that resulted in the death in Syria of Hajji 'Abdallah, the leader of ISIS. Section 702 collection on Hajji 'Abdallah contributed to the U.S. assessment of the ISIS leaders' presence in Syria. This information provided military planners and senior policymakers' confidence in their decision to send U.S. troops on the mission.

FISA Section 702 collection is vital for insights into foreign terrorist organizations including HAMAS. What's more, when the U.S. Government is looking for understanding of major world events including the Gaza conflict or Russia's further aggression in Ukraine, FISA Section 702 is an essential resource.

