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U.S. House of Representatives
Permanent Select Committee on
INTELLIGENCE

FISA Section 702 Debate
Important Facts about FISA Section 702

- FISA Section 702 is a critical legal authority that allows the government to target the communications of foreigners outside the United States. **It is not bulk collection and cannot be used to target Americans.**
- For example, the government could use FISA Section 702 to obtain the e-mails or phone calls of an ISIL member in Syria who is plotting an attack. The government cannot use FISA Section 702 to target the e-mails or phone calls of any American.
- The government can only use FISA Section 702 with the approval of the Foreign Intelligence Surveillance Court.
 - The Court must approve “targeting procedures” to ensure that the government only targets the communications of foreigners outside the United States.
 - The Court must also approve “minimization procedures” to ensure the government removes incidentally collected information about Americans.
- Federal courts and the Privacy and Civil Liberties Oversight Board have found FISA Section 702 to be constitutional and legal.
- **FISA Section 702 is one of the most important legal authorities to stop terrorist attacks.** Over a quarter of NSA’s intelligence reports on international terrorism include information from FISA Section 702 collection.
 - For example, FISA Section 702 allowed the government to monitor the e-mail of an al-Qaeda courier in Pakistan. That monitoring allowed the FBI to find, and ultimately stop, a plot to bomb the New York subway in 2009.
 - FISA Section 702 also yields extremely valuable foreign intelligence about hostile adversaries.