



# FISA SECTION 702 FACT SHEET

**Section 702 of the Foreign Intelligence Surveillance Act (FISA)** is an invaluable source of intelligence on **foreigners located outside the U. S.** that has repeatedly produced vital information that protects American lives and U.S. national security, while requiring the Intelligence Community (IC) and Department of Justice (DOJ) to comply with robust civil liberties and privacy safeguards, overseen by all three branches of government.

Below, we provide illustrative statistics that exemplify Section 702's value and efficacy along with its privacy and civil liberties safeguards, followed by a series of vignettes that demonstrate how Section 702 protects our national security.

## 702 Is A Critical And Unique Intelligence Authority

In calendar year (CY) 2022, 59% of *President's Daily Brief (PDB) Articles* contained Section 702 information reported by the National Security Agency (NSA).



## 702 Contributes Vital Intelligence Across High Priority Missions



Section 702-acquired information revealed: Insights that have informed the U.S. Government's understanding of the **Chinese origins** of a **chemical used to synthesize fentanyl**; foreign actors' illicit plans **to smuggle methamphetamine** across the U.S. border; the quantities and potency of drugs, including fentanyl, **destined for illegal transfer to the United States**, as well as specific smuggling techniques used to avoid detection; and a foreign narcotics trafficker's purchase of a vast quantity of pills for transfer to the United States.



Section 702 has **helped uncover gruesome atrocities committed by Russia in Ukraine**—including the murder of noncombatants and the forced relocation of children from Russian-occupied Ukraine to the Russian Federation—and the detention of refugees fleeing violence by Russian personnel.



Section 702-acquired information has been used to **identify multiple foreign ransomware attacks on U.S. critical infrastructure**. This intelligence positioned the U.S. Government to respond to and mitigate these events, and in some instances prevent significant attacks on U.S. networks.



Section 702-acquired information related to sanctioned foreign adversaries was used in U.S. Government efforts to **stop weapons of mass destruction components from reaching foreign actors**.



Section 702 has identified threats to U.S. troops and **disrupted planned terrorist attacks at home and abroad, and contributed to the successful operation against Ayman al-Zawahiri** in 2022.



Section 702 has 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.



Section 702 has **identified key economic security risks, including strategic malign investment by foreign actors** in certain U.S. companies.



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## 702 Has Built-In Civil Liberties and Privacy Protections

The Government's use of Section 702 is subject to a robust compliance regime and overseen by all three branches of government:



The **FBI only receives collection on Section 702 targets relevant to full FBI national security investigations**, which amounts to 3.22% of the IC's total targets under 702; this means that FBI queries run against this smaller set of 702 data, not against all unminimized 702 data.



After the FBI implemented a series of reforms in 2021 and 2022 to address concerns about query compliance, the **FBI's U.S. person queries of Section 702 information dropped over 93% from 2021 to 2022.**



Section 702 information has only been **used affirmatively** against a defendant in nine criminal prosecutions; all of the defendants were given notice and an opportunity to challenge its use.



FISA procedures are subject to extensive court review and scrutiny. Every federal court to ever review the Section 702 program has found that it is **constitutional**.



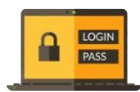
**Congress is kept fully informed on the implementation of Section 702** through Semiannual Reports and Joint Assessments provided to the congressional intelligence and judiciary committees by DOJ and ODNI.



Every year, the Attorney General and Director of National Intelligence submit to the FISC **certifications that specify categories of foreign intelligence that the IC can use Section 702 to collect. Targeting, minimization, and querying procedures are also submitted.**



Every year, the FISC reviews these certifications and procedures to ensure they **comply with FISA and the Fourth Amendment.**



The IC dedicates significant compliance resources to the court-approved Section 702 program, using training, technology, and policy controls in order to **protect privacy and civil liberties.**



DOJ reviews IC compliance with Section 702 targeting, minimization, and querying procedures. **DOJ also reviews 100%** of all Section 702 tasking sheets.



**DOJ reports all identified compliance incidents** to the Foreign Intelligence Surveillance Court (FISC) and Congress