

NSA Internet Talking Points

- Recent Washington Post and Guardian news articles have made allegations about an NSA Internet collection process that purportedly obtained communications from U.S. companies. While many of the details are classified, the following points provide an overview of how the collection process works, consistent with our national security laws.
- These NSA Internet-based collections refer to foreign intelligence collections under Section 702 of the Foreign Intelligence Surveillance Act (FISA), codified at 50 U.S.C. § 1881a. The articles referenced above contain numerous inaccuracies that imply the United States Government is spying on Americans. That is just plain false.
- Section 702 is a vital legal tool that Congress reauthorized in December 2012, as part of the FISA Amendments Act Reauthorization Act, after extensive hearings and debate. Under Section 702, the Foreign Intelligence Surveillance Court (FISA Court) certifies foreign intelligence collection. There is no secret program involved – it is strictly authorized by a U.S. statute.
- Section 702 allows the Government to acquire foreign intelligence information concerning Non-U.S. persons (foreign, non-Americans) located outside the United States.
- Section 702 cannot be used to target any U.S. person. Section 702 also cannot be used to target any person located in the United States, whether that person is an American or a foreigner.
- Section 702 prohibits the Government from “reverse targeting” a Non-U.S. Person as a way to obtain communications of any American or any person located in the United States.
- Section 702 authority does not permit any backdoor collections on Americans. A court-authorized warrant based on probable cause is, and always has been, required before the Government can obtain content communications of any U.S. Person (no matter where they are located), or any person located in the U.S.
- Section 702 allows the government to obtain critical information about foreign adversaries that threaten Americans and U.S. interests. Section 702 collections provide intelligence about:
 - Terrorists’ plots, including operational planning and financial support.
 - Cyber threats to the United States, including potential attacks to computer networks.
 - Weapons of mass destruction and nuclear proliferation networks.
- Section 702 collections are subject to rigorous, ongoing oversight by the FISA Court, the Executive Branch, and Congress. For example:
 - The FISA Court must approve Section 702 collections to ensure that only Non-U.S. Persons are targeted. The FISA Court also ensures that any incidentally acquired information about U.S. persons is scrubbed and purged.
 - Every 60 days, the Department of Justice and the Director of National Intelligence conduct detailed on-site reviews to ensure compliance with Section 702.
 - The House and Senate Intelligence Committees conduct regular oversight of the intelligence collection under the FISA Amendments Act.
- The unauthorized disclosure of information about this critical legal tool puts our national security in grave danger, puts Americans at risk of terrorist and cyber attacks, and puts our military intelligence resources in danger of being revealed to our adversaries.