



Guide to Section 702 Value Examples December 4, 2017



Set forth below is a guide to officially released information on the value of information collected under Section 702 of the Foreign Intelligence Surveillance Act (FISA). This information has been made available consistent with the [Principles of Intelligence Transparency for the IC](#). Note that the October 2017 version has been updated with additional examples from NSA, found at the end of this document.

Five Value Examples - Listed in *FISA Amendments Act: Q&A (April 2017)*

The IC prepared a [Q&A document](#) describing Section 702 and other provisions of FISA.

Why is FISA Section 702 necessary to protect national security?

Title VII of FISA is vital to keeping the nation safe. These authorities provide the government with a uniquely effective way to acquire information about the plans and identities of terrorists and terrorist organizations, including how they function and receive support. These authorities also enable collection of information about the intentions and capabilities of weapons proliferators and other foreign adversaries who threaten the U.S., and inform cybersecurity efforts. Losing these authorities would greatly impair the ability of the United States to respond to threats and to exploit important intelligence collection opportunities. Some examples of the significant information collected through FISA Section 702 include:

- NSA has used collection authorized under FISA Section 702 to acquire extensive insight into the highest level decision-making of a Middle Eastern government. This reporting from Section 702 collection provided U.S. policymakers with the clearest picture of a regional conflict and, in many cases, directly informed U.S. engagement with the country. Section 702 collection provides NSA with sensitive internal policy discussions of foreign intelligence value.
- NSA has used collection authorized under FISA Section 702 to develop a body of knowledge regarding the proliferation of military communications equipment and sanctions evasion activity by a sanctions-restricted country. Additionally, Section 702 collection provided foreign intelligence information that was key to interdicting shipments of prohibited goods by the target country.
- Based on FISA Section 702 collection, CIA alerted a foreign partner to the presence within its borders of an al-Qaeda sympathizer. Our foreign partner investigated the individual and

subsequently recruited him as a source. Since his recruitment, the individual has continued to work with the foreign partner against al-Qaeda and ISIS affiliates within the country.

- CIA has used FISA Section 702 collection to uncover details, including a photograph that enabled an African partner to arrest two ISIS-affiliated militants who had traveled from Turkey and were connected to planning a specific and immediate threat against U.S. personnel and interests. Data recovered from the arrest enabled CIA to learn additional information about ISIS and uncovered actionable intelligence on an ISIS facilitation network and ISIS attack planning.
- NSA FISA Section 702 collection against an email address used by an al-Qaeda courier in Pakistan resulted in the acquisition of a communication sent to that address by an unknown individual located in the United States. The message indicated that the United States-based individual was urgently seeking advice regarding how to make explosives. The NSA passed this information to the FBI. Using a National Security Letter (NSL), the FBI was able to quickly identify the individual as Najibullah Zazi. Further investigation revealed that Zazi and a group of confederates had imminent plans to detonate explosives on subway lines in Manhattan. Zazi and his co-conspirators were arrested and pled guilty or were convicted of their roles in the planned attack. As the Privacy and Civil Liberties Oversight Board (PCLOB) found in its report, “[w]ithout the initial tip-off about Zazi and his plans, which came about by monitoring an overseas foreigner under Section 702, the subway bombing plot might have succeeded.

Hajji Iman – Described in DNI Testimony (June 2017)

Director of National Intelligence (DNI) Daniel Coats [testified](#) before the Senate Select Committee on Intelligence (SSCI) on June 7, 2017.

Before I wrap up my remarks I want to provide one final example that I have for the purposes of today's hearing chosen to declassify using my authority as the director of National Intelligence to further illustrate the value of Section 702. Before rising through the ranks to become at one point the second in command of the self-proclaimed Islamic State of Iraq in Al Sham, ISIS, Hajji Iman was a high school teacher and imam.

His transformation from citizen to terrorist caused the U.S. government to offer a \$7 million reward for information leading to him. It also made him a top focus of the NSA's counter terrorism efforts. NSA, along with its IC partners, spent over two years from 2014 to 2016 looking for Hajji Iman. This search was ultimately successful primarily because of FISA section 702.

Indeed, based almost exclusively on intelligence activities under Section 702, NSA collected a significant body of foreign intelligence about the activities of Hajji Iman and his associates.

Beginning with non-Section 702 collection, NSA learned of an individual closely associated with Hajji Iman. NSA used collection, permitted and authorized under Section 702 to collect intelligence on the close associates of Hajji Iman which allowed NSA to develop a robust body of knowledge concerning the personal network of his -- of Hajji Iman and his close associates.

Over a two-year period, using FISA Section 702 collection and in close collaboration with our IC partners, NSA produced more intelligence on Hajji Iman's associates including their location. NSA and its tactical partners then combined this information, the Section 702 collection which was continuing and other intelligence assets to identify the reclusive Hajji Iman and track his movements.

Ultimately this collaboration enabled U.S. forces to attempt an apprehension of Hajji Iman and two of his associates. On March 24th, 2016, during the attempted apprehension operation shots were fired at the U.S. forces' aircraft from Hajji Iman's location. U.S. forces returned fire killing Hajji Iman and the other associates at that location. Subsequent Section 702 collection confirmed Hajji Iman's death.

As you can see from this sensitive example, Section 702 is an extremely valuable intelligence collection tool and one that is subject to a rigorous, effective oversight program and therefore, allow me to reiterate my call on behalf of the Intelligence Community without hesitation, my call for permanent reauthorization of the FISA Amendments Act without further amendment.

ISIS Recruiter Shawn Parson – Described in FBI Testimony (June 2017)

On June 27, 2017, Carl Ghattas testified at a [hearing](#) before the Senate Judiciary Committee. He is the Executive Assistant Director for the FBI's National Security Branch.

Section 702 is an extremely valuable and critical investigative tool for the FBI. Every FBI division conducting national security investigations benefits from information collected by 702. That's whether the information is shared by the NSA as a tip or whether the information is collected on a target relevant to an FBI investigation. Let me share with you an example which I, exercising my discretion as an original classification authority, have determined can be declassified to help the American people better understand the value of Section 702, especially with respect to its fight with ISIS.

In October 2013, the FBI started investigating Shawn Parson, a foreign person from Trinidad and Tobago. This was done after he posted comments online expressing his desire to commit an attack against Western interests. As in any investigation, we used a range of investigative tools and techniques, including Section 702, in the investigation of Parson. We did this in an effort to detect any attack planning that was underway and assess the extent of his influence.

In November 2014 Parson traveled from Trinidad and Tobago to Syria and became increasingly vocal online. The FBI's investigation, including information collected pursuant to 702, revealed that Parson was a trusted member of a prolific ISIS network. Parson was a key player in this network.

The network used the Internet and more importantly social media to distribute prolific amounts of English language terrorist propaganda. They encouraged their online followers to carry out attacks in Western Europe and across the United States. They used social media daily—they used those postings daily—and directed communications with people rapid fire and spread their message encouraging people to attack. Parson was a native English speaker and he even appeared in an ISIS recruiting video.

This network identified American military men and women and posted their names and addresses online. They instructed their online followers to “kill them in their own lands, behead them in their own homes, stab them to death as they walk their streets thinking they are safe.” Parson personally encouraged his followers to attack U.S. policy officers, U.S. military bases located in Colorado, Ohio, and soft targets in New York City, Chicago and Los Angeles.

Information obtained through Section 702 coverage not only revealed Parson's persistent terrorist propaganda but it also was instrumental in identifying additional members of Parson's network. The FBI shared this information about Parson's network with the rest of the Intelligence Community. We also shared it with trusted international partners. Sharing Parson's contacts with our international partners was critical as it led to the identification of additional ISIS facilitators and supporters in those countries and it potentially prevented attacks in those countries as well.

Parson was eventually killed in Syria in September 2015.

Attack on Nightclub in Turkey – Described in FBI Testimony (June 2017)

On June 27, 2017, Carl Ghattas testified at a [hearing](#) before the Senate Judiciary Committee (same hearing as above).

I can also walk the committee and the American public through something that impacted Americans overseas. This occurred ... on December 31st of last year in Istanbul, Turkey.

There was a particular individual who was targeting a night club in Turkey and was going to conduct a terrorist attack at that particular nightclub. He did, in fact, conduct that attack... And he was responsible for the deaths or injuries of 38 people from 14 different countries. [Note: Media reporting indicates 39 deaths and 70 injuries]. One of those individuals was an American who was shot in the hip.

In working together with our foreign service partners in Turkey, we were able to identify the individual who conducted that attack. And we were able to go up on Section 702 collection on that particular individual. Based on that collection, we were able to identify where that

individual was located and pass that information to the appropriate Turkish authorities who apprehended him and took him into custody.

So it was instrumental in helping us find an individual who perpetrated an attack in another country, helped us find an individual who had shot an American, and it helped us prevent that individual from acting any more on his own planning and ideology.

Counterterrorism Example – Described in NSA Public Statement (August 2017)

NSA statement [posted](#) on its website.

Section 702 Saves Lives, Protects the Nation and Allies. The U.S. Intelligence Community relies on Section 702 of the Foreign Intelligence Surveillance Act in the constant hunt for information about foreign adversaries determined to harm the nation or our allies. The National Security Agency, for example, uses this law to uncover the identities or plans of terrorists.

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Last year a foreign attack resulted in the deaths of more than 20 people. Who was behind it? Had they also taught others how to carry out such malicious acts? It was NSA's Section 702 collection that revealed the identities of the overseas terrorists who were responsible.

This collection provided the necessary insights and reporting on the attack that refuted the terrorist organization's denial of any involvement. Specifically, Section 702 collection provided a direct claim of responsibility from the terror group's leaders and included a list of terrorists trained for the operation. This was crucial for supporting timely U.S. and coalition force planning and operations against terrorists in the region.

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ADM Michael S. Rogers - Commander of U.S. Cyber Command and NSA Director - has emphasized that this law is an absolutely essential tool to help secure both our nation and allies.

Additional Examples Provided by NSA (November 2017)

NSA compiled a number of additional examples at the unclassified level that serve to further illustrate the scope of the role Section 702 has played in national security.

Combating Terrorism:

- In late September 2015, NSA received information from a partner nation concerning the activities of an extremist, who aspired to either travel to the Middle East in order to join an extremist group, or conduct a terrorist attack on European soil. Based on that tip, NSA used

Section 702 collection to acquire the communications of the extremist. Specifically, NSA obtained a number of the extremist's communications, which allowed NSA to tip the partner nation to the individual's plans to carry out an attack on a public area. This timely foreign intelligence information assisted partner nation authorities with pinpointing the extremist's location and activities. NSA was credited by the partner with providing key information for the investigation, which resulted in the extremist's overseas arrest.

- NSA produced a body of reporting based on Section 702 collection highlighting the 2015 travel of several extremists from the Middle East to Europe, likely for the purpose of conducting terror attacks. One of these travelers was directed by and maintained contact with one of the planners of the 2015 Paris attacks, reporting the problems and difficulties he encountered throughout his journeys. NSA provided identifying information to foreign partners, who located and detained the individual who now faces terrorism charges.
- In mid-to-late 2015, while monitoring terrorists and associates active in the Middle East, NSA used collection authorized under Section 702 to monitor an individual targeting specific U.S. and Western individuals. Section 702 allowed NSA to understand some of the plans and intentions of the operative, and it helped determine his whereabouts. This information was critical to the discovery and disruption of this threat to Americans and allies.
- Section 702 has been critical to monitoring the activities of potential suicide bombers who threaten U.S. forces in Afghanistan. For example, in June 2016, NSA's timely reporting based on Section 702 collection enabled U.S. and coalition forces to detain a potential suicide bomber and seize various IED components, disrupting planned attacks on U.S. convoys and a U.S. base in Northern Afghanistan.
- NSA analysis of Section 702 collection discovered the communications of a member of a major terrorist group in the Middle East who was communicating with an extremist in Europe who was sharing ideas on how to commit a terrorist attack. Specifically, NSA discovered communications where the individual in Europe was discussing with the terrorist buying material to build a suicide belt. NSA shared this critical information with European partners in an attempt to disrupt further attacks against U.S. and allied interests.
- Section 702 collection enables NSA to monitor the expansion of terrorist groups in Southeast Asia. During 2013 and 2014, Section 702 collection provided information that terror groups in Southeast Asia planned attacks against U.S. interests in the region and enabled warnings to be issued to the appropriate locations.

Detecting and Countering Cyber Threats:

- In 2016, using Section 702, NSA was able to identify cybersecurity information relating to a hostile foreign government. NSA was able to identify the specific foreign individuals and observe their tactics, techniques, and procedures. By identifying the actors and their

tactics, NSA gained an understanding of the foreign adversary that would help NSA stop malicious cyber-attacks if they were to be used against the United States.

- In 2016, thanks in part to NSA's Section 702 collection technique, NSA was able to obtain intelligence on a foreign government's state-sponsored phone application that impacted cybersecurity and was not publicly known. Because of this discovery, the app was ultimately removed from the various phone application marketplaces.
- Section 702 collection allowed NSA to discover key cybersecurity information concerning actors who planned to use United States infrastructure to enable spearphishing techniques on multiple targets that could have resulted in the compromise of personal and sensitive information.
- Section 702 enables NSA to protect U.S. government networks by providing unique cybersecurity insights. For example, Section 702 collection provided significant understanding of specific cybersecurity vulnerabilities of networks and infrastructure. This discovery helped to defend against these vulnerabilities.

Uncovering Support to Hostile Powers:

- NSA Section 702 reporting helped thwart the efforts of front companies seeking to obtain weapons probably bound for a rebel group in the Middle East that is hostile to U.S. interests. Information derived from Section 702 was shared with a European government, which prompted that government to prevent a nearly \$1 million shipment of weapons and ammunition. This European government also revoked the export license of multiple arms companies based on the intelligence.
- During 2016, Section 702 collection provided NSA unprecedented details concerning a hostile nation's efforts to directly supply another hostile regime with war material. Section 702 collection also revealed military training occurring between the nations.

Intelligence on Foreign Adversary Militaries

- Section 702 collection is critical to understanding strategic plans and intentions of foreign adversary militaries and is extremely valuable when developing countermeasures to mitigate the threat posed by those adversaries. During 2015, NSA used Section 702 to gather unprecedented details concerning military weapon systems research, development, and testing by a hostile foreign power. This information allows the U.S. military, if desired, to create a functional duplicate of the system, providing a significant strategic and tactical advantage.