



NCTC FOREIGN INTELLIGENCE SURVEILLANCE ACT

SECTION 702

The Foreign Intelligence Surveillance Court (FISC) recently approved minimization procedures that permit the National Counterterrorism Center (NCTC) to receive certain unevaluated counterterrorism information acquired pursuant to Section 702 of the Foreign Intelligence Surveillance Act (FISA) of 1978, as amended.

NCTC is the primary organization within the U.S. government responsible for analyzing and integrating all terrorism and counterterrorism information possessed or acquired by U.S. government agencies. NCTC's capabilities in this regard will be enhanced by receiving unevaluated Section 702-acquired counterterrorism information, which will not only permit the Center's analysts to develop independent analytical judgments and apply analytic tools to an important source of relevant intelligence, but to receive this intelligence more expeditiously. Unevaluated Section 702 information will significantly advance NCTC's efforts to prioritize and pursue terrorism threat threads and to assist the intelligence, law enforcement, and homeland security communities in responding to identified threats.

NCTC's handling of unevaluated Section 702-acquired counterterrorism information will be governed by standard minimization procedures adopted by the Attorney General and approved for use by the FISC. These procedures are modeled on the previously-approved minimization procedures that apply to NCTC's receipt of information under other titles of FISA, with modifications intended to address issues unique to Section 702 collection and to harmonize them with those used by FBI, NSA, and CIA in their handling of Section 702-acquired information. As required by statute, the procedures are carefully and reasonably designed to minimize the retention and prohibit the dissemination of nonpublicly available information concerning unconsenting United States persons, consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information. NCTC's compliance with its minimization procedures and the Section 702 statutory requirements will be subject to oversight by DOJ and ODNI, including joint on-site reviews, the results of which are reported to Congress.

These new procedures do not authorize NCTC to engage in targeting or acquisition. Rather, they authorize NCTC to receive certain intelligence information already collected by other agencies targeting non-U.S. persons outside the United States pursuant to Section 702 of FISA. NCTC is not authorized to receive so-called "upstream" FISA collection.

For additional background on Section 702 of the Foreign Intelligence Surveillance Act of 1978, as amended, please refer to the [ODNI FISA Amendments Act Q&A](#).

