

**AMENDMENT TO H.R. 2048, AS REPORTED
OFFERED BY MR. MASSIE OF KENTUCKY**

At the end of title III, add the following new section:

1 **SEC. 3___ . CLARIFICATION ON PROHIBITION ON SEARCH-**
2 **ING OF COLLECTIONS OF COMMUNICATIONS**
3 **TO CONDUCT WARRANTLESS SEARCHES FOR**
4 **THE COMMUNICATIONS OF UNITED STATES**
5 **PERSONS.**

6 Section 702(b) (50 U.S.C. 1881a(b)) is amended—

7 (1) by redesignating paragraphs (1) through
8 (5) as subparagraphs (A) through (E), respectively,
9 and indenting such subparagraphs, as so redesign-
10 nated, an additional two ems from the left margin;

11 (2) by striking “An acquisition” and inserting
12 the following:

13 “(1) IN GENERAL.—An acquisition”; and

14 (3) by adding at the end the following new
15 paragraph:

16 “(2) CLARIFICATION ON PROHIBITION ON
17 SEARCHING OF COLLECTIONS OF COMMUNICATIONS
18 OF UNITED STATES PERSONS.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), no officer or employee of the

1 United States may conduct a search of a collec-
2 tion of communications acquired under this sec-
3 tion in an effort to find communications of a
4 particular United States person (other than a
5 corporation).

6 “(B) CONCURRENT AUTHORIZATION AND
7 EXCEPTION FOR EMERGENCY SITUATIONS.—
8 Subparagraph (A) shall not apply to a search
9 for communications related to a particular
10 United States person if—

11 “(i) such United States person is the
12 subject of an order or emergency author-
13 ization authorizing electronic surveillance
14 or physical search under section 105, 304,
15 703, 704, or 705, or title 18, United
16 States Code, for the effective period of that
17 order;

18 “(ii) the entity carrying out the
19 search has a reasonable belief that the life
20 or safety of such United States person is
21 threatened and the information is sought
22 for the purpose of assisting that person; or

23 “(iii) such United States person has
24 consented to the search.”.

Add at the end the following new title:

1 **TITLE IX—OTHER MATTERS**

2 **SEC. 9___ . PROHIBITION ON DATA SECURITY VULNER-**
3 **ABILITY MANDATES.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), no agency may mandate or request that a manufac-
6 turer, developer, or seller of covered products design or
7 alter the security functions in its product or service to
8 allow the surveillance of any user of such product or serv-
9 ice, or to allow the physical search of such product, by
10 any agency.

11 (b) EXCEPTION.—Subsection (a) shall not apply to
12 mandates authorized under the Communications Assist-
13 ance for Law Enforcement Act (47 U.S.C. 1001 et seq.).

14 (c) DEFINITIONS.—In this section—

15 (1) the term “agency” has the meaning given
16 the term in section 3502 of title 44, United States
17 Code; and

18 (2) the term “covered product” means any com-
19 puter hardware, computer software, or electronic de-
20 vice that is made available to the general public.

