

AMENDMENT TO RULES COMMITTEE PRINT 115-

53

OFFERED BY MR. DAVIDSON OF OHIO

Page 3, line 6, after “of” insert “subsection (b)(2) and”.

Page 3, strike line 22 and all that follows through page 7, line 12 (and redesignate the subsequent paragraph accordingly).

Page 15, strike line 23 and all that follows through page 17, line 19, and insert the following: “paragraph (1) in any criminal proceeding unless such information was accessed pursuant to subsection (b)(2).”.

Insert after section 101, the following new section:

1 **SEC. 101A. CLARIFICATION ON PROHIBITION ON QUERYING**
2 **OF COLLECTIONS OF COMMUNICATIONS TO**
3 **CONDUCT WARRANTLESS QUERIES FOR THE**
4 **COMMUNICATIONS OF UNITED STATES PER-**
5 **SONS AND PERSONS INSIDE THE UNITED**
6 **STATES.**

7 Section 702(b) of the Foreign Intelligence Surveil-
8 lance Act of 1978 (50 U.S.C. 1881a(b)) is amended—

1 (1) by redesignating paragraphs (1) through
2 (6) as subparagraphs (A) through (F), respectively,
3 and indenting such subparagraphs, as so redesign-
4 nated, an additional two ems from the left margin;

5 (2) by striking “An acquisition” and inserting
6 the following:

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

8 (3) by adding at the end the following:

9 “(2) CLARIFICATION ON PROHIBITION ON
10 QUERYING OF COLLECTIONS OF COMMUNICATIONS
11 OF UNITED STATES PERSONS AND PERSONS INSIDE
12 THE UNITED STATES.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraphs (B) and (C), no officer or em-
15 ployee of the United States may conduct a
16 query of information acquired under this sec-
17 tion in an effort to find communications of or
18 about a particular United States person or a
19 person inside the United States.

20 “(B) CONCURRENT AUTHORIZATION AND
21 EXCEPTION FOR EMERGENCY SITUATIONS.—

22 Subparagraph (A) shall not apply to a query for
23 communications related to a particular United
24 States person or person inside the United
25 States if—

1 “(i) such United States person or per-
2 son inside the United States is the subject
3 of an order or emergency authorization au-
4 thorizing electronic surveillance or physical
5 search under section 105, 304, 703, 704,
6 or 705 of this Act, or under title 18,
7 United States Code, for the effective period
8 of that order;

9 “(ii) the entity carrying out the query
10 has a reasonable belief that the life or safe-
11 ty of such United States person or person
12 inside the United States is threatened and
13 the information is sought for the purpose
14 of assisting that person;

15 “(iii) such United States person or
16 person in the United States is a corpora-
17 tion; or

18 “(iv) such United States person or
19 person inside the United States has con-
20 sented to the query.

21 “(C) QUERIES OF FEDERATED DATA SETS
22 AND MIXED DATA.—If an officer or employee of
23 the United States conducts a query of a data
24 set, or of federated data sets, that includes any
25 information acquired under this section, the

1 system shall be configured not to return such
2 information unless the officer or employee en-
3 ters a code or other information indicating
4 that—

5 “(i) the person associated with the
6 search term is not a United States person
7 or person inside the United States; or

8 “(ii) if the person associated with the
9 search term is a United States person or
10 person inside the United States, one or
11 more of the conditions of subparagraph
12 (B) are satisfied.

13 “(D) MATTERS RELATING TO EMERGENCY
14 QUERIES.—

15 “(i) TREATMENT OF DENIALS.—In
16 the event that a query for communications
17 related to a particular United States per-
18 son or a person inside the United States is
19 conducted pursuant to an emergency au-
20 thorization authorizing electronic surveil-
21 lance or a physical search described in sub-
22 section (B)(i) and the application for such
23 emergency authorization is denied, or in
24 any other case in which the query has been

1 conducted and no order is issued approving
2 the query—

3 “(I) no information obtained or
4 evidence derived from such query may
5 be received in evidence or otherwise
6 disclosed in any trial, hearing, or
7 other proceeding in or before any
8 court, grand jury, department, office,
9 agency, regulatory body, legislative
10 committee, or other authority of the
11 United States, a State, or political
12 subdivision thereof; and

13 “(II) no information concerning
14 any United States person acquired
15 from such query may subsequently be
16 used or disclosed in any other manner
17 by Federal officers or employees with-
18 out the consent of such person, except
19 with the approval of the Attorney
20 General if the information indicates a
21 threat of death or serious bodily harm
22 to any person.

23 “(ii) ASSESSMENT OF COMPLIANCE.—
24 The Attorney General shall assess compli-

1 ance with the requirements under clause
2 (i).”.

