

**AMENDMENT TO RULES COMMITTEE PRINT 115-**

**51**

**OFFERED BY MR. DAVIDSON OF OHIO**

Page 6, line 21, after “of” insert “subsection (b)(2) and”.

Page 7, strike line 13 and all that follows through page 9, line 18 (and redesignate the subsequent paragraph accordingly).

Page 18, strike line 1 and all that follows through page 19, line 21, and insert the following: “paragraph (1) in any criminal proceeding unless such information was accessed pursuant to subsection (b)(2).”.

Insert after section 201, the following new section:

1 **SEC. 201A. 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           ated, 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).”.

