

AMENDMENT TO H.R. 8035

OFFERED BY MR. MASSIE OF KENTUCKY

At the end of the bill, add the following:

SEC. 2. PROHIBITION ON REVERSE TARGETING OF UNITED STATES PERSONS AND PERSONS LOCATED IN THE UNITED STATES.

(a) IN GENERAL.—Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following:

“(6) may not intentionally target a person reasonably believed to be located outside the United States if a significant purpose of such acquisition is to acquire the information of one or more particular, known covered persons, unless—

“(A) (i) there is a reasonable belief that an emergency exists involving an imminent threat of death or serious bodily harm to such covered persons;

“(ii) the information is sought for the purpose of assisting those covered persons; and

“(iii) not later than 14 days after the targeting, a description of the targeting is provided to the Foreign Intelligence Surveillance Court and the appropriate committees of Congress; or

“(B) the covered persons have provided consent to the targeting, or if such persons are incapable of providing consent, a third party legally authorized to consent on behalf of such covered person has provided consent;”;

(2) in subsection (d)(1), by amending subparagraph (A) to read as follows:

“(A) ensure that—

“(i) any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be non-United States persons located outside the United States; and

“(ii) except as provided in subsection (b)(6), it is not a significant purpose of an acquisition to acquire the information of one or more particular, known covered persons; and”;

(3) in subsection (h)(2)(A)(i), by amending subclause (I) to read as follows:

“(I) ensure that—

“(aa) an acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be non-United States persons located outside the United States; and

“(bb) except as provided in subsection (b)(6), it is not a significant purpose of an acquisition to acquire the information of one or more particular, known covered persons; and”;

(4) in subsection (j)(2)(B), by amending clause (i) to read as follows:

“(i) ensure that—

“(I) an acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be non-United States persons located outside the United States; and

“(II) except as provided in subsection (b)(6), it is not a significant purpose of an acquisition to acquire the information of one or more particular, known covered persons; and”.