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:

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

Section 702(b) of the Foreign Intelligence Surveil-
8 lance Act of 1978 (50 U.S.C. 1881a(b)) is amended—
(1) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting such subparagraphs, as so redesignated, an additional two ems from the left margin;

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

“(1) IN GENERAL.—An acquisition”; and

(3) by adding at the end the following:

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

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no officer or employee of the United States may conduct a query of information acquired under this section in an effort to find communications of or about a particular United States person or a person inside the United States.

“(B) CONCURRENT AUTHORIZATION AND EXCEPTION FOR EMERGENCY SITUATIONS.—Subparagraph (A) shall not apply to a query for communications related to a particular United States person or person inside the United States if—
“(i) such United States person or person inside the United States is the subject of an order or emergency authorization authorizing electronic surveillance or physical search under section 105, 304, 703, 704, or 705 of this Act, or under title 18, United States Code, for the effective period of that order;

“(ii) the entity carrying out the query has a reasonable belief that the life or safety of such United States person or person inside the United States is threatened and the information is sought for the purpose of assisting that person;

“(iii) such United States person or person in the United States is a corporation; or

“(iv) such United States person or person inside the United States has consented to the query.

“(C) QUERIES OF FEDERATED DATA SETS AND MIXED DATA.—If an officer or employee of the United States conducts a query of a data set, or of federated data sets, that includes any information acquired under this section, the
system shall be configured not to return such information unless the officer or employee enters a code or other information indicating that—

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

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

“(D) MATTERS RELATING TO EMERGENCY QUERIES.—

“(i) TREATMENT OF DENIALS.—In the event that a query for communications related to a particular United States person or a person inside the United States is conducted pursuant to an emergency authorization authorizing electronic surveillance or a physical search described in subsection (B)(i) and the application for such emergency authorization is denied, or in any other case in which the query has been
conducted and no order is issued approving the query—

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

“(II) no information concerning any United States person acquired from such query may subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(ii) ASSESSMENT OF COMPLIANCE.— The Attorney General shall assess compli-
ance with the requirements under clause (i).”.