

AMENDMENT TO H.R. 6172
OFFERED BY MR. GOHMERT OF TEXAS

Add at the end of title IV the following:

1 **SEC. 409. EXCLUSION OF UNITED STATES CITIZENS FROM**
2 **FOREIGN INTELLIGENCE SURVEILLANCE ACT**
3 **OF 1978.**

4 (a) **EXCLUSION.**—The Foreign Intelligence Surveil-
5 lance Act of 1978 (50 U.S.C. 1801 et seq.) is amended
6 by adding at the end the following new title:

7 **“TITLE IX—EXCLUSIONS**

8 **“SEC. 901. DEFINITIONS.**

9 “(a) **IN GENERAL.**—In this title, the terms ‘Attorney
10 General’, ‘electronic surveillance’, and ‘United States’
11 have the meanings given such terms in section 101.

12 “(b) **ADDITIONAL DEFINITIONS.**—In this title:

13 “(1) **FOREIGN INTELLIGENCE SURVEILLANCE**
14 **COURT.**—The term ‘Foreign Intelligence Surveillance
15 Court’ means the court established under section
16 103(a).

17 “(2) **PEN REGISTER; TRAP AND TRACE DE-**
18 **VICE.**—The terms ‘pen register’ and ‘trap and trace
19 device’ have the meanings given such terms in sec-
20 tion 3127 of title 18, United States Code.

1 “(3) PHYSICAL SEARCH.—The term ‘physical
2 search’ has the meaning given such term in section
3 301.

4 “(4) UNITED STATES CITIZEN.—The term
5 ‘United States citizen’ means an individual who is a
6 citizen of the United States.

7 **“SEC. 902. EXCLUSION OF UNITED STATES CITIZENS.**

8 “(a) IN GENERAL.—Notwithstanding any other pro-
9 vision of this Act, the United States Government may not
10 under this Act authorize or make an application for an
11 order or an extension of an order authorizing, approving,
12 or requiring the following activities:

13 “(1) Electronic surveillance of a United States
14 citizen.

15 “(2) Physical searches—

16 “(A) directed at a premises, information,
17 material, or property used exclusively by, or
18 under the open and exclusive control of, a
19 United States citizen; or

20 “(B) involving the premises, information,
21 material, or property of a United States citizen.

22 “(3) Installation or use of a pen register or
23 trap and trace device—

1 “(A) with respect to a telephone line or
2 other facility leased to or listed in the name of
3 a United States citizen; or

4 “(B) to obtain information concerning a
5 United States citizen, regardless of whether the
6 telephone line or other facility is leased to or
7 listed in the name of a United States citizen.

8 “(4) Production of any tangible things (includ-
9 ing books, records, papers, documents, and other
10 items)—

11 “(A) of a United States citizen; or

12 “(B) to obtain information concerning a
13 United States citizen, regardless of whether a
14 United States citizen is the owner of such tan-
15 gible thing.

16 “(5) Targeting of a United States citizen for
17 the purpose of acquiring intelligence information.

18 “(b) WARRANTS.—The activities described in sub-
19 section (a) may only be authorized by and conducted pur-
20 suant to a search warrant or court order of a court of
21 competent jurisdiction other than the Foreign Intelligence
22 Surveillance Court.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 preceding title I of such Act is amended by adding at the
25 end the following new items:

“TITLE IX—EXCLUSIONS

“Sec. 901. Definitions.

“Sec. 902. Exclusion of United States citizens.”.

