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

Add at the end of title IV the following:

SEC. 409. EXCLUSION OF UNITED STATES CITIZENS FROM FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) EXCLUSION.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new title:

“TITLE IX—EXCLUSIONS

“SEC. 901. DEFINITIONS.

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

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

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

“(2) PEN REGISTER; TRAP AND TRACE DEVICE.—The terms ‘pen register’ and ‘trap and trace device’ have the meanings given such terms in section 3127 of title 18, United States Code.
“(3) PHYSICAL SEARCH.—The term ‘physical search’ has the meaning given such term in section 301.

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

“SEC. 902. EXCLUSION OF UNITED STATES CITIZENS.

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

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

“(2) Physical searches—

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

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

“(3) Installation or use of a pen register or trap and trace device—
“(A) with respect to a telephone line or other facility leased to or listed in the name of a United States citizen; or

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

“(4) Production of any tangible things (including books, records, papers, documents, and other items)—

“(A) of a United States citizen; or

“(B) to obtain information concerning a United States citizen, regardless of whether a United States citizen is the owner of such tangible thing.

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

“(b) WARRANTS.—The activities described in subsection (a) may only be authorized by and conducted pursuant to a search warrant or court order of a court of competent jurisdiction other than the Foreign Intelligence Surveillance Court.”.

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

“TITLE IX—EXCLUSIONS
“Sec. 901. Definitions.
“Sec. 902. Exclusion of United States citizens.”