

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

Add at the end of amendment number 1 the following:

Add at the end of title IV the following:

1 **SEC. 4 ____ . 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 X—EXCLUSIONS**

8 **“SEC. 1001. 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).

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

5 “(3) PHYSICAL SEARCH.—The term ‘physical
6 search’ has the meaning given such term in section
7 301.

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

11 **“SEC. 1002. EXCLUSION OF UNITED STATES CITIZENS.**

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

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

19 “(2) Physical searches—

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

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

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

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

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

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

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

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

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

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

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

“TITLE X—EXCLUSIONS

“Sec. 1001. Definitions.

“Sec. 1002. Exclusion of United States citizens.”.

