AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3361
OFFERED BY MR. GOHMERT OF TEXAS

After section 101, insert the following new section:

SEC. 102. INVESTIGATIONS TO PROTECT AGAINST CLANDESTINE INTELLIGENCE ACTIVITIES.

Section 501 (50 U.S.C. 1861) is amended—

(1) in subsection (a)(1), by striking “person or to protect against international terrorism or clandestine intelligence activities” and inserting “person, to protect against international terrorism, or to protect against clandestine intelligence activities conducted by a foreign power or an agent of a foreign power”;

and

(2) in subparagraph (B) of subsection (b)(2) (as redesignated by section 101(a)), by striking “person or to protect against international terrorism or clandestine intelligence activities” and inserting “person, to protect against international terrorism, or to protect against clandestine intelligence activities conducted by a foreign power or an agent of a foreign power”.

May 20, 2014 (3:51 p.m.)
After section 201, insert the following new section:

SEC. 202. INVESTIGATIONS TO PROTECT AGAINST CLANDESTINE INTELLIGENCE ACTIVITIES.

Title IV (50 U.S.C. 1841 et seq.) is amended—

(1) in section 402 (as amended by section 201 of this Act)—

(A) in subsection (a)(1), by striking “person or to protect against international terrorism or clandestine intelligence activities” and inserting “person, to protect against international terrorism, or to protect against clandestine intelligence activities conducted by a foreign power or an agent of a foreign power”; and

(B) in subsection (c)(2), by striking “or clandestine intelligence activities” and inserting “or to protect against clandestine intelligence activities conducted by a foreign power or an agent of a foreign power”; and

(2) in section 403—

(A) in subsection (a) in the matter preceding paragraph (1), by striking “or clandestine intelligence activities” and inserting “or to protect against clandestine intelligence activities conducted by a foreign power or an agent of a foreign power”; and
(B) in subsection (b)(1), by striking “or clandestine intelligence activities” and inserting “or to protect against clandestine intelligence activities conducted by a foreign power or an agent of a foreign power”.

At the end of title V, add the following new section:

SEC. 502. INVESTIGATIONS TO PROTECT AGAINST CLANDESTINE INTELLIGENCE ACTIVITIES.

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “or clandestine intelligence activities” and inserting “or to protect against clandestine intelligence activities conducted by a foreign power or an agent of a foreign power”; and

(2) in paragraph (2), by striking “or clandestine intelligence activities” and inserting “or to protect against clandestine intelligence activities conducted by a foreign power or an agent of a foreign power”.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended by striking “or clan-
destine intelligence activities” and inserting “or to protect against clandestine intelligence activities conducted by a foreign power or an agent of a foreign power”.

(c) DISCLOSURES TO FBI OF CERTAIN CONSUMER RECORDS FOR COUNTERINTELLIGENCE PURPOSES.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) in subsection (a), by striking “or clandestine intelligence activities” and inserting “or to protect against clandestine intelligence activities conducted by a foreign power or an agent of a foreign power”; 

(2) in subsection (b), by striking “or clandestine intelligence activities” and inserting “or to protect against clandestine intelligence activities conducted by a foreign power or an agent of a foreign power”; and 

(3) in subsection (c), by striking “or clandestine intelligence activities” and inserting “or to protect against clandestine intelligence activities conducted by a foreign power or an agent of a foreign power”.