AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3361
OFFERED BY MS. LOFGREN OF CALIFORNIA

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

SEC. 303. CLARIFICATION ON PROHIBITION ON SEARCHING
OF COLLECTIONS OF COMMUNICATIONS TO
CONDUCT WARRANTLESS SEARCHES FOR
THE COMMUNICATIONS OF UNITED STATES
PERSONS.

Section 702(b) (50 U.S.C. 1881a(b)) is amended—

(1) by redesignating paragraphs (1) through
(5) as subparagraphs (A) through (E), respectively,
and indenting such subparagraphs, as so redesign-
ated, an additional two ems from the left margin;

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

“(1) IN GENERAL.—An acquisition”;

(3) in paragraph (1)(B) (as redesignated by
paragraphs (1) and (2) of this section), by striking
“the purpose” and inserting “a purpose”; and

(4) by adding at the end the following new
paragraph:
“(2) Clarification on prohibition on searching of collections of communications of United States persons.—

“(A) In general.—Except as provided in subparagraph (B), no officer or employee of the United States may conduct a search of a collection of communications acquired under this section in an effort to find communications of a particular United States person (other than a corporation).

“(B) Concurrent authorization and exception for emergency situations.—Subparagraph (A) shall not apply to a search for communications related to a particular United States person if—

“(i) such United States person is the subject of an order or emergency authorization authorizing electronic surveillance or physical search under section 105, 304, 703, 704, or 705, or title 18, United States Code, for the effective period of that order;

“(ii) the entity carrying out the search has a reasonable belief that the life or safety of such United States person is
threatened and the information is sought
for the purpose of assisting that person; or
“(iii) such United States person has
consented to the search.”.