

AMENDMENT TO RULES COMMITTEE PRINT 115-

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OFFERED BY MR. POE OF TEXAS

Page 3, strike lines 22 and all that follows through page 7, line 23, and insert the following:

1 “(2) CLARIFICATION ON PROHIBITION ON
2 QUERYING OF COLLECTIONS OF COMMUNICATIONS
3 OF UNITED STATES PERSONS.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (C) or (D), no officer, agent or
6 employee of the United States may conduct a
7 query of information acquired under subsection
8 (a) in an effort to find communications of or
9 about a particular person if there is reason to
10 believe such person is a United States person
11 without—

12 “(i) an application by the Attorney
13 General to a judge of the Foreign Intel-
14 ligence Surveillance Court that describes
15 the determination of the Attorney General
16 that—

17 “(I) there is probable cause to
18 believe that—

1 “(aa) such communications
2 provide evidence of a crime speci-
3 fied in section 2516 of title 18,
4 United States Code; or

5 “(bb) such person is a for-
6 eign power or an agent of a for-
7 eign power;

8 “(II) such communications are
9 relevant to an authorized investigation
10 or assessment, provided that such in-
11 vestigation or assessment is not con-
12 ducted solely on the basis of activities
13 protected by the first amendment to
14 the Constitution of the United States;
15 and

16 “(III) any use of such commu-
17 nications pursuant to section 706 will
18 be carried out in accordance with such
19 section; and

20 “(ii) an order of the judge under sub-
21 paragraph (B) approving such application.

22 “(B) ORDER.—

23 “(i) APPROVAL.—Upon an application
24 made under subparagraph (A), the Foreign
25 Intelligence Surveillance Court shall enter

1 an order as requested or as modified by
2 the Court approving the query of contents
3 of communications covered by the applica-
4 tion if the Court determines that, based on
5 an independent review—

6 “(I) the application contains all
7 information required by clause (i) of
8 such subparagraph;

9 “(II) on the basis of the facts in
10 the application, there is probable
11 cause to believe that—

12 “(aa) such communications
13 provide evidence of a crime speci-
14 fied in section 2516 of title 18,
15 United States Code; or

16 “(bb) such person is a for-
17 eign power or an agent of a for-
18 eign power; and

19 “(III) the minimization proce-
20 dures adopted pursuant to subsection
21 (e) will ensure compliance with sub-
22 paragraph (A)(i)(III).

23 “(ii) REVIEW.—A denial of an appli-
24 cation made under subparagraph (A) may
25 be reviewed as provided in section 103.

1 “(C) REQUIREMENTS TO QUERY NONCON-
2 TENTS INFORMATION.—Notwithstanding sub-
3 paragraph (A), and except as provided by sub-
4 paragraph (D), information acquired under sub-
5 section (a) relating to the dialing, routing, ad-
6 dressing, signaling, or other similar information
7 may be queried in an effort to find information
8 about the communications of a person reason-
9 ably believed to be a United States person
10 only—

11 “(i)(I) upon an application by the At-
12 torney General and order of a court using
13 the same process required under section
14 402 or section 3122 of title 18, United
15 States Code; or

16 “(II) during a time of war as specified
17 in section 404;

18 “(ii) if an order based on probable
19 cause would not be required by law to ob-
20 tain such information if requested as part
21 of an investigation of a Federal crime; and

22 “(iii) if any use of such communica-
23 tions pursuant to section 706 will be car-
24 ried out in accordance with such section.

1 “(D) EXCEPTIONS.—The requirement for
2 an order of a judge pursuant to subparagraph
3 (A) and the requirements under subparagraph
4 (C), respectively, shall not apply to querying
5 communications acquired under subsection (a)
6 if one or more of the following conditions are
7 met:

8 “(i) The Attorney General makes a
9 determination that the person identified by
10 the queried term is the subject of an order
11 based upon a finding of probable cause, or
12 emergency authorization, that authorizes
13 electronic surveillance or physical search
14 under this Act or title 18, United States
15 Code (other than such emergency author-
16 izations under title IV of this Act or sec-
17 tion 3125 of title 18, United States Code).

18 “(ii) The Attorney General—

19 “(I) reasonably determines that
20 an emergency situation requires the
21 accessing or dissemination of the com-
22 munications before an order pursuant
23 to subparagraph (A) authorizing such
24 query, or before the requirements
25 under subparagraph (C), as the case

1 may be, can with due diligence be ob-
2 tained;

3 “(II) reasonably believes that the
4 factual basis for the issuance of such
5 an order or such approval exists; and

6 “(III) with respect to the query
7 of the contents of communications
8 under subparagraph (A)—

9 “(aa) informs the Court at
10 the time the Attorney General re-
11 quires the emergency query that
12 the decision has been made to
13 employ the authority under this
14 clause;

15 “(bb) makes an application
16 for an order under such subpara-
17 graph as soon as practicable, but
18 not more than 7 days after the
19 Attorney General requires such
20 emergency production; and

21 “(cc) may not use such com-
22 munications pursuant to section
23 706 if the Court finds that the
24 determination by the Attorney
25 General with respect to the emer-

1 agency situation was not appro-
2 priate.

3 “(iii) In the case of obtaining the con-
4 sent of a person who is a party to the com-
5 munications acquired under subsection (a),
6 or a person who otherwise has lawful au-
7 thority to provide consent, and who con-
8 sents to such queries.

9 “(E) RULE OF CONSTRUCTION.—A query
10 designed to exclude information acquired under
11 subsection (a) from the query results is not a
12 query in an effort to find such communications
13 of or about a particular United States person,
14 and as such, does not violate subparagraph
15 (A).”.

Strike section 103 and insert the following:

16 **SEC. 103. LIMITATION ON ABOUTS COLLECTION.**

17 Subsection (d) of section 702 (50 U.S.C. 1881a(d))
18 is amended—

19 (1) in paragraph (1), by striking “The Attorney
20 General” and inserting “In accordance with para-
21 graphs (3), the Attorney General”; and

22 (2) by adding at the end the following new
23 paragraph:

1 “(3) LIMITATION.—The procedures adopted in
2 accordance with paragraph (1) shall require that the
3 targeting of a person is limited to communications
4 to or from the targeted person.”.

Page 44, line 15, strike “December 31, 2023” and
insert “September 30, 2022”.

Page 44, line 21, strike “December 31, 2023” and
insert “September 30, 2022”.

Page 45, beginning line 3, strike “DECEMBER 31,
2023” and insert “SEPTEMBER 30, 2022”.

