

**AMENDMENT TO H.R. 2048, AS REPORTED
OFFERED BY MR. POLIS OF COLORADO**

Page 30, after line 18, insert the following:

1 **SEC. 302. CLARIFICATION ON PROHIBITION ON SEARCHING**
2 **OF COLLECTIONS OF COMMUNICATIONS TO**
3 **CONDUCT WARRANTLESS SEARCHES FOR**
4 **THE COMMUNICATIONS OF UNITED STATES**
5 **PERSONS.**

6 Section 702(b) of the Foreign Intelligence Surveil-
7 lance Act of 1978 (50 U.S.C. 1881a(b)) is amended—

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

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

14 “(1) IN GENERAL.—An acquisition”; and

15 (3) by adding at the end the following new
16 paragraph:

17 “(2) CLARIFICATION ON PROHIBITION ON
18 SEARCHING OF COLLECTIONS OF COMMUNICATIONS
19 OF UNITED STATES PERSONS.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), no officer or employee of the
3 United States may conduct a search of a collec-
4 tion of communications acquired under this sec-
5 tion in an effort to find communications of a
6 particular United States person (other than a
7 corporation).

8 “(B) CONCURRENT AUTHORIZATION AND
9 EXCEPTION FOR EMERGENCY SITUATIONS.—
10 Subparagraph (A) shall not apply to a search
11 for communications related to a particular
12 United States person if—

13 “(i) such United States person is the
14 subject of an order or emergency author-
15 ization authorizing electronic surveillance
16 or physical search under section 105, 304,
17 703, 704, or 705, or title 18, United
18 States Code, for the effective period of that
19 order;

20 “(ii) the entity carrying out the
21 search has a reasonable belief that the life
22 or safety of such United States person is
23 threatened and the information is sought
24 for the purpose of assisting that person; or

1 “(iii) such United States person has
2 consented to the search.”.

3 **SEC. 303. PROTECTION AGAINST COLLECTION OF WHOLLY**
4 **DOMESTIC COMMUNICATIONS.**

5 (a) IN GENERAL.—Section 702 of the Foreign Intel-
6 ligence Surveillance Act of 1978 (50 U.S.C. 1881a) is
7 amended—

8 (1) in subsection (d)(1)—

9 (A) in subparagraph (A), by striking
10 “and” at the end;

11 (B) in subparagraph (B), by striking the
12 period and inserting “; and”; and

13 (C) by adding at the end the following new
14 subparagraph:

15 “(C) limit the acquisition of the contents
16 of any communication to those communica-
17 tions—

18 “(i) to which any party is a target of
19 the acquisition; or

20 “(ii) that contain an account identifier
21 of a target of an acquisition, only if such
22 communications are acquired to protect
23 against international terrorism or the
24 international proliferation of weapons of
25 mass destruction.”; and

1 (2) in subsection (i)(2)(B)—

2 (A) in clause (i), by striking “; and” and
3 inserting a semicolon;

4 (B) in clause (ii), by striking the period
5 and inserting “; and”; and

6 (C) by adding at the end the following new
7 clause:

8 “(iii) limit the acquisition of the con-
9 tents of any communication to those com-
10 munications—

11 “(I) to which any party is a tar-
12 get of the acquisition; or

13 “(II) that contain an account
14 identifier of the target of an acquisi-
15 tion, only if such communications are
16 acquired to protect against inter-
17 national terrorism or the international
18 proliferation of weapons of mass de-
19 struction.”.

20 (b) CONFORMING AMENDMENT.—Section 701 of the
21 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
22 1881) is amended—

23 (1) in subsection (a)—

24 (A) by inserting “‘international ter-
25 rorism’,” after “‘foreign power’,”; and

1 (B) by striking “and ‘United States per-
2 son’” and inserting “‘United States person’,
3 and ‘weapon of mass destruction’”; and
4 (2) in subsection (b)—

5 (A) by redesignating paragraphs (1)
6 through (5) as paragraphs (2) through (6), re-
7 spectively; and

8 (B) by inserting before paragraph (2), as
9 so redesignated, the following new paragraph:

10 “(1) ACCOUNT IDENTIFIER.—The term ‘ac-
11 count identifier’ means a telephone or instrument
12 number, other subscriber number, email address, or
13 username used to uniquely identify an account.”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 subsections (a) and (b) shall take effect on the date that
16 is 180 days after the date of the enactment of this Act.

17 **SEC. 304. PROHIBITION ON REVERSE TARGETING.**

18 Section 702(b)(1)(B) of the Foreign Intelligence Sur-
19 veillance Act of 1978 (50 U.S.C. 1881a), as redesignated
20 by section 301(1) of this Act, is amended by striking “the
21 purpose” and inserting “a significant purpose”.

