AMENDMENT NO. Calendar No.

Purpose: To provide clarification on the prohibition on searching of collections of communications to conduct warrantless searches for the communications United States persons.

IN THE SENATE OF THE UNITED STATES-114th Cong., 1st Sess.

H.R.1735

To authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on ______ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. BALDWIN to the amendment (No. 1463) proposed by Mr. McCAIN

Viz:

1 At the appropriate place, insert the following:

2 SEC. ____. CLARIFICATION ON PROHIBITION ON SEARCH-

- 3 ING OF COLLECTIONS OF COMMUNICATIONS
- 4 TO CONDUCT WARRANTLESS SEARCHES FOR
- 5 THE COMMUNICATIONS OF UNITED STATES
- 6 PERSONS.

7 Section 702(b) of the Foreign Intelligence Surveil8 lance Act of 1978 (50 U.S.C. 1881a(b)) is amended—

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1	(1) by redesignating paragraphs (1) through
2	(5) as subparagraphs (A) through (E), respectively,
3	and indenting such subparagraphs, as so redesig-
4	nated, an additional two ems from the left margin;
5	(2) by striking "An acquisition" and inserting
6	the following:
7	"(1) IN GENERAL.—An acquisition"; and
8	(3) by adding at the end the following:
9	"(2) CLARIFICATION ON PROHIBITION ON
10	SEARCHING OF COLLECTIONS OF COMMUNICATIONS
11	OF UNITED STATES PERSONS.—
12	"(A) IN GENERAL.—Except as provided in
13	subparagraph (B), no officer or employee of the
14	United States may conduct a search of a collec-
15	tion of communications acquired under this sec-
16	tion in an effort to find communications of a
17	particular United States person (other than a
18	corporation).
19	"(B) CONCURRENT AUTHORIZATION AND
20	EXCEPTION FOR EMERGENCY SITUATIONS.—
21	Subparagraph (A) shall not apply to a search
22	for communications related to a particular
23	United States person if—
24	"(i) such United States person is the
25	subject of an order or emergency author-

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1	ization authorizing electronic surveillance
2	or physical search under section 105, 304,
3	703, 704, or 705 of this Act, or under title
4	18, United States Code, for the effective
5	period of that order;
6	"(ii) the entity carrying out the
7	search has a reasonable belief that the life
8	or safety of such United States person is
9	threatened and the information is sought
10	for the purpose of assisting that person; or
11	"(iii) such United States person has
12	consented to the search.".