

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

Strike section 301 in Title III and replace with

SEC. 301. CLARIFICATION ON PROHIBITION ON SEARCHING OF COLLECTIONS OF  
COMMUNICATIONS TO CONDUCT WARRANTLESS SEARCHES FOR THE  
COMMUNICATIONS OF UNITED STATES PERSONS.

Section 702(b) of the Foreign Intelligence Surveillance Act of 1978  
(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 redesignated, an additional two ems from  
the left margin;

(2) by striking "the purpose" and inserting "a purpose"

(3) by striking "An acquisition" and inserting the  
following:

"(1) In general.--An acquisition"; 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."