

AMENDMENT TO H.R. 2048
OFFERED BY MR. POE OF TEXAS
(USA FREEDOM Act of 2015)

At the appropriate place in the bill, insert the following new sections:

1 **SEC. ____ . CLARIFICATION ON PROHIBITION ON SEARCH-**
2 **ING OF COLLECTIONS OF COMMUNICATIONS**
3 **TO CONDUCT WARRANTLESS SEARCHES FOR**
4 **THE COMMUNICATIONS OF UNITED STATES**
5 **PERSONS.**

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

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

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

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

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

16 “(2) CLARIFICATION ON PROHIBITION ON
17 SEARCHING OF COLLECTIONS OF COMMUNICATIONS
18 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. ____ . PROHIBITION ON DATA SECURITY VULNER-**
4 **ABILITY MANDATES.**

5 (a) **IN GENERAL.**—Except as provided in subsection
6 (b), no agency may mandate or request that a manufac-
7 turer, developer, or seller of covered products design or
8 alter the security functions in its product or service to
9 allow the surveillance of any user of such product or serv-
10 ice, or to allow the physical search of such product, by
11 any agency.

12 (b) **EXCEPTION.**—Subsection (a) shall not apply to
13 mandates authorized under the Communications Assist-
14 ance for Law Enforcement Act (47 U.S.C. 1001 et seq.).

15 (c) **DEFINITIONS.**—In this section—

16 (1) the term “agency” has the meaning given
17 the term in section 3502 of title 44, United States
18 Code; and

19 (2) the term “covered product” means any com-
20 puter hardware, computer software, or electronic de-
21 vice that is made available to the general public.

