

Withdrawn # 1

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3989
OFFERED BY MR. FARENTHOLD OF TEXAS**

Add at the appropriate place the following new section:

1 **SEC. ___ PENALTIES FOR UNAUTHORIZED QUERIES.**

2 (a) UNAUTHORIZED QUERIES.—Subsection (a) of
3 section 109 (50 U.S.C. 1809) is amended—

4 (1) in paragraph (1), by striking “; or” and in-
5 serting a semicolon;

6 (2) in paragraph (2), by striking the period at
7 the end and inserting “; or”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(3) makes a query of communications acquired
11 under subsection (a) of section 702 that is not con-
12 ducted pursuant to the procedures required by sub-
13 section (j) of such section.”.

14 (b) CONSIDERATION OF PENALTIES.—Subsection (c)
15 of such section is amended to read as follows:

16 “(c) PENALTY.—An offense described in this section
17 is punishable by—

1 (d) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Attorney General should, in accordance with
3 the purpose of the amendments made by this section, vig-
4 orously prosecute those who engage in conduct that vio-
5 lates section 109(a)(2) or (3) of the Foreign Intelligence
6 Surveillance Act of 1978.

