

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

At the end of title III, add the following new section:

1 **SEC. 303. 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) (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 nated, 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”;

14 (3) in paragraph (1)(B) (as redesignated by  
15 paragraphs (1) and (2) of this section), by striking  
16 “the purpose” and inserting “a purpose”; and

17 (4) by adding at the end the following new  
18 paragraph:

1           “(2) CLARIFICATION ON PROHIBITION ON  
2           SEARCHING OF COLLECTIONS OF COMMUNICATIONS  
3           OF UNITED STATES PERSONS.—

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

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

16                 “(i) such United States person is the  
17                 subject of an order or emergency author-  
18                 ization authorizing electronic surveillance  
19                 or physical search under section 105, 304,  
20                 703, 704, or 705, or title 18, United  
21                 States Code, for the effective period of that  
22                 order;

23                 “(ii) the entity carrying out the  
24                 search has a reasonable belief that the life  
25                 or safety of such United States person is

1                   threatened and the information is sought  
2                   for the purpose of assisting that person; or  
3                   “(iii) such United States person has  
4                   consented to the search.”.

