AMENDMENT NO._________ Calendar No.______

Purpose: To amend the Foreign Intelligence Surveillance Act of 1978 to prohibit the use of authorities under such Act to surveil United States persons and to prohibit the use of information acquired under such Act in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation, and for other purposes.


H.R. 6172

To amend the Foreign Intelligence Surveillance Act of 1978 to prohibit the production of certain business records, 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 Mr. PAUL

Viz:

1 At the appropriate place, insert the following:

2 SEC. _____ LIMITATION ON AUTHORITIES IN FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

3 (a) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

4 (1) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:


“TITLE IX—LIMITATIONS

“SEC. 901. LIMITATIONS ON AUTHORITIES TO SURVEIL UNITED STATES PERSONS AND ON USE OF INFORMATION CONCERNING UNITED STATES PERSONS.

“(a) DEFINITIONS.—In this section:

“(1) PEN REGISTER AND TRAP AND TRACE DEVICE.—The terms ‘pen register’ and ‘trap and trace device’ have the meanings given such terms in section 3127 of title 18, United States Code.

“(2) UNITED STATES PERSON.—The term ‘United States person’ has the meaning given such term in section 101.

“(b) LIMITATION ON AUTHORITIES.—Notwithstanding any other provision of this Act, an officer of the United States may not under this Act request an order for, and the Foreign Intelligence Surveillance Court may not under this Act order—

“(1) electronic surveillance of a United States person;

“(2) a physical search of a premises, information, material, or property used exclusively by, or under the open and exclusive control of, a United States person;
“(3) approval of the installation and use of a pen register or trap and trace device to obtain information concerning a United States person;

“(4) the production of tangible things (including books, records, papers, documents, and other items) concerning a United States person; or

“(5) the targeting of a United States person for the acquisition of information.

“(e) LIMITATION ON USE OF INFORMATION CONCERNING UNITED STATES PERSONS.—

“(1) DEFINITION OF AGGRIEVED PERSON.—In this subsection, the term ‘aggrieved person’ means a person who is the target of any surveillance activity under this Act or any other person whose communications or activities were subject to any surveillance activity under this Act.

“(2) IN GENERAL.—Except as provided in paragraph (3), any information concerning a United States person acquired under this Act shall not be used in evidence against that United States person in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.

“(3) USE BY AGGRIEVED PERSONS.—An aggrieved person who is a United States person may
use information concerning such person acquired
under this Act in a criminal, civil, or administrative
proceeding or as part of a criminal, civil, or adminis-
tative investigation.

“(d) WARRANTS.—An officer of the United States
seeking to conduct electronic surveillance, a physical
search, installation and use of a pen register or trap and
trace device, production of tangible things, or targeting
for acquisition of information with respect to a United
States person as described in subsection (b) may only con-
duct such activities pursuant to a warrant issued using
the procedures described in the Federal Rules of Criminal
Procedure by a Federal court other than the Foreign In-
telligence Surveillance Court.”.

(2) CLERICAL AMENDMENT.—The table of con-
tents preceding section 101 is amended by adding at
the end the following:

“TITLE IX—LIMITATIONS

“Sec. 901. Limitations on authorities to surveil United States persons and on
use of information concerning United States persons.”.

(b) LIMITATION ON SURVEILLANCE UNDER EXECU-
TIVE ORDER 12333.—

(1) DEFINITIONS.—In this subsection:

(A) AGGRIEVED PERSON.—The term “ag-
grieved person” means a person who is the tar-
get of any surveillance activity under Executive
Order 12333 (50 U.S.C. 3001 note; relating to
United States intelligence activities) or any
other person whose communications or activities
were subject to any surveillance activity under
such Executive Order.

(B) Pen register; trap and trace de-
vice; United States person.—The terms
“pen register”, “trap and trace device”, and
“United States person” have the meanings
given such terms in section 901 of the Foreign
Intelligence Surveillance Act of 1978, as added
by subsection (a).

(2) Limitation.—Except as provided in para-
graph (3), any information concerning a United
States person acquired under Executive Order
12333 (50 U.S.C. 3001 note; relating to United
States intelligence activities) shall not be used in evi-
dence against that United States person in any
criminal, civil, or administrative proceeding or as
part of any criminal, civil, or administrative inves-
tigation.

(3) Use by aggrieved persons.—An ag-
grieved person who is a United States person may
use information concerning such person acquired
under Executive Order 12333 in a criminal, civil, or
1 administrative proceeding or as part of a criminal,
2 civil, or administrative investigation.