

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.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

**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 IN-**  
3 **TELLIGENCE SURVEILLANCE ACT OF 1978.**

4 (a) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF  
5 1978.—

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

1                   **“TITLE IX—LIMITATIONS**

2   **“SEC. 901. LIMITATIONS ON AUTHORITIES TO SURVEIL**  
3                   **UNITED STATES PERSONS AND ON USE OF IN-**  
4                   **FORMATION CONCERNING UNITED STATES**  
5                   **PERSONS.**

6           “(a) DEFINITIONS.—In this section:

7                   “(1) PEN REGISTER AND TRAP AND TRACE DE-  
8           VICE.—The terms ‘pen register’ and ‘trap and trace  
9           device’ have the meanings given such terms in sec-  
10          tion 3127 of title 18, United States Code.

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

14          “(b) LIMITATION ON AUTHORITIES.—Notwith-  
15          standing any other provision of this Act, an officer of the  
16          United States may not under this Act request an order  
17          for, and the Foreign Intelligence Surveillance Court may  
18          not under this Act order—

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

21                   “(2) a physical search of a premises, informa-  
22          tion, material, or property used exclusively by, or  
23          under the open and exclusive control of, a United  
24          States person;

1           “(3) approval of the installation and use of a  
2           pen register or trap and trace device to obtain infor-  
3           mation concerning a United States person;

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

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

9           “(c) LIMITATION ON USE OF INFORMATION CON-  
10          CERNING UNITED STATES PERSONS.—

11           “(1) DEFINITION OF AGGRIEVED PERSON.—In  
12           this subsection, the term ‘aggrieved person’ means a  
13           person who is the target of any surveillance activity  
14           under this Act or any other person whose commu-  
15           nications or activities were subject to any surveil-  
16           lance activity under this Act.

17           “(2) IN GENERAL.—Except as provided in para-  
18           graph (3), any information concerning a United  
19           States person acquired under this Act shall not be  
20           used in evidence against that United States person  
21           in any criminal, civil, or administrative proceeding or  
22           as part of any criminal, civil, or administrative in-  
23           vestigation.

24           “(3) USE BY AGGRIEVED PERSONS.—An ag-  
25           grieved person who is a United States person may

1 use information concerning such person acquired  
2 under this Act in a criminal, civil, or administrative  
3 proceeding or as part of a criminal, civil, or adminis-  
4 trative investigation.

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

15 (2) CLERICAL AMENDMENT.—The table of con-  
16 tents preceding section 101 is amended by adding at  
17 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.”.

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

20 (1) DEFINITIONS.—In this subsection:

21 (A) AGGRIEVED PERSON.—The term “ag-  
22 grievied person” means a person who is the tar-  
23 get of any surveillance activity under Executive

1 Order 12333 (50 U.S.C. 3001 note; relating to  
2 United States intelligence activities) or any  
3 other person whose communications or activities  
4 were subject to any surveillance activity under  
5 such Executive Order.

6 (B) PEN REGISTER; TRAP AND TRACE DE-  
7 VICE; UNITED STATES PERSON.—The terms  
8 “pen register”, “trap and trace device”, and  
9 “United States person” have the meanings  
10 given such terms in section 901 of the Foreign  
11 Intelligence Surveillance Act of 1978, as added  
12 by subsection (a).

13 (2) LIMITATION.—Except as provided in para-  
14 graph (3), any information concerning a United  
15 States person acquired under Executive Order  
16 12333 (50 U.S.C. 3001 note; relating to United  
17 States intelligence activities) shall not be used in evi-  
18 dence against that United States person in any  
19 criminal, civil, or administrative proceeding or as  
20 part of any criminal, civil, or administrative inves-  
21 tigation.

22 (3) USE BY AGGRIEVED PERSONS.—An ag-  
23 grievied person who is a United States person may  
24 use information concerning such person acquired  
25 under Executive Order 12333 in a criminal, civil, or

- 1 administrative proceeding or as part of a criminal,
- 2 civil, or administrative investigation.