

**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 “(1) a fine of not more than \$10,000 or impris-
2 onment for not more than 5 years, or both; or

3 “(2) a fine under title 18, United States Code,
4 or imprisonment for not more than 15 years, or both
5 in the case of an offender who—

6 “(A) engages in a pattern or practice of
7 conduct in violation of paragraph (2) or (3) of
8 subsection (a); or

9 “(B) commits a violation of paragraph (2)
10 or (3) of subsection (a) with regard to a per-
11 sonal acquaintance.”.

12 (c) REPORTS.—Such section is further amended by
13 adding at the end the following new subsection:

14 “(e) REPORTS.—On an annual basis, the Attorney
15 General shall submit to the Committees on the Judiciary
16 of the House of Representatives and the Senate and the
17 congressional intelligence committees a report on offenses
18 under paragraphs (2) and (3) of subsection (a). Each such
19 report shall include, with respect to the year covered by
20 the report—

21 “(1) the number of cases investigated by the
22 Attorney General with respect to such offenses;

23 “(2) the number of individuals charged with
24 such an offense; and

25 “(3) the final disposition of such cases.”.

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.



