

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. _____
OFFERED BY M. _____**

Add, at the end of the bill, the following:

1 **SEC. 23. PROHIBITION ON REVERSE TARGETING OF**
2 **UNITED STATES PERSONS AND PERSONS LO-**
3 **CATED IN THE UNITED STATES.**

4 Section 702 of the Foreign Intelligence Surveillance
5 Act of 1978 (50 U.S.C. 1881a) is amended—

6 (1) in subsection (b)(2)—

7 (A) by striking “may not intentionally”
8 and inserting the following “may not—
9 “(A) intentionally”;

10 (B) in subparagraph (A), as designated by
11 subparagraph (A) of this paragraph, by striking
12 “if the purpose of such acquisition is to target
13 a particular, known person reasonably believed
14 to be in the United States;” and inserting the
15 following: “if a significant purpose of such ac-
16 quisition is to acquire the information of 1 or
17 more United States persons or persons reason-
18 ably believed to be located in the United States

1 at the time of acquisition or communication,
2 unless—

3 “(i)(I) there is a reasonable belief that
4 an emergency exists involving an imminent
5 threat of death or serious bodily harm to
6 such United States person or person rea-
7 sonably believed to be located in the
8 United States at the time of the query or
9 the time of acquisition or communication;

10 “(II) the information is sought for the purpose
11 of assisting that person; and

12 “(III) a description of the targeting is provided
13 to the Foreign Intelligence Surveillance Court and
14 the appropriate committees of Congress in a timely
15 manner; or

16 “(ii) the United States person or per-
17 sons reasonably believed to be located in
18 the United States at the time of acquisi-
19 tion or communication has provided con-
20 sent to the targeting, or if such person is
21 incapable of providing consent, a third
22 party legally authorized to consent on be-
23 half of such person has provided consent;
24 and

1 “(B) in the case of information acquired
2 pursuant to subparagraph (A)(i) or evidence de-
3 rived from such targeting, be used, received in
4 evidence, or otherwise disseminated in any in-
5 vestigation, trial, hearing, or other proceeding
6 in or before any court, grand jury, department,
7 office, agency, regulatory body, legislative com-
8 mittee, or other authority of the United States,
9 a State, or political subdivision thereof, except
10 in proceedings or investigations that arise from
11 the threat that prompted the targeting;”;

12 (2) in subsection (d)(1), by amending subpara-
13 graph (A) to read as follows:

14 “(A) ensure that—

15 “(i) any acquisition authorized under
16 subsection (a) is limited to targeting per-
17 sons reasonably believed to be non-United
18 States persons located outside the United
19 States; and

20 “(ii) except as provided in subsection
21 (b)(2), a significant purpose of an acquisi-
22 tion is not to acquire the information of 1
23 or more United States persons or persons
24 reasonably believed to be in the United

1 States at the time of acquisition or com-
2 munication; and”;

3 (3) in subsection (h)(2)(A)(i), by amending sub-
4 clause (I) to read as follows:

5 “(I) ensure that—

6 “(aa) an acquisition author-
7 ized under subsection (a) is lim-
8 ited to targeting persons reason-
9 ably believed to be non-United
10 States persons located outside
11 the United States; and

12 “(bb) except as provided in
13 subsection (b)(2), a significant
14 purpose of an acquisition is not
15 to acquire the information of 1 or
16 more United States persons or
17 persons reasonably believed to be
18 in the United States at the time
19 of acquisition or communication;
20 and”;

21 (4) in subsection (j)(2)(B), by amending clause
22 (i) to read as follows:

23 “(i) ensure that—

24 “(I) an acquisition authorized
25 under subsection (a) is limited to tar-

1 getting persons reasonably believed to
2 be non-United States persons located
3 outside the United States; and
4 “(II) except as provided in sub-
5 section (b)(2), a significant purpose of
6 an acquisition is not to acquire the in-
7 formation of 1 or more United States
8 persons or persons reasonably believed
9 to be in the United States at the time
10 of acquisition or communication;
11 and”.

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