AMENDMENT TO H.R. _______
OFFERED BY MR. POE OF TEXAS
(USA FREEDOM Act of 2015)

At the appropriate place in the bill, insert the following new sections:

1 SEC. _____ CLARIFICATION ON PROHIBITION ON SEARCHING
   OF COLLECTIONS OF COMMUNICATIONS
   TO CONDUCT WARRANTLESS SEARCHES FOR
   THE COMMUNICATIONS OF UNITED STATES
   PERSONS.

Section 702(b) (50 U.S.C. 1881a(b)) is amended—
   (1) by redesignating paragraphs (1) through
   (5) as subparagraphs (A) through (E), respectively,
   and indenting such subparagraphs, as so redesignated, an additional two ems from the left margin;
   (2) by striking “An acquisition” and inserting
   the following:
   “(1) IN GENERAL.—An acquisition”; and
   (3) by adding at the end the following new
   paragraph:
   “(2) CLARIFICATION ON PROHIBITION ON
   SEARCHING OF COLLECTIONS OF COMMUNICATIONS
   OF UNITED STATES PERSONS.—
“(A) IN GENERAL.—Except as provided in subparagraph (B), no officer or employee of the United States may conduct a search of a collection of communications acquired under this section in an effort to find communications of a particular United States person (other than a corporation).

“(B) CONCURRENT AUTHORIZATION AND EXCEPTION FOR EMERGENCY SITUATIONS.—

Subparagraph (A) shall not apply to a search for communications related to a particular United States person if—

“(i) such United States person is the subject of an order or emergency authorization authorizing electronic surveillance or physical search under section 105, 304, 703, 704, or 705, or title 18, United States Code, for the effective period of that order;

“(ii) the entity carrying out the search has a reasonable belief that the life or safety of such United States person is threatened and the information is sought for the purpose of assisting that person; or
“(iii) such United States person has consented to the search.”.

SEC. _____. PROHIBITION ON DATA SECURITY VULNERABILITY MANDATES.

(a) IN GENERAL.—Except as provided in subsection (b), no agency may mandate or request that a manufacturer, developer, or seller of covered products design or alter the security functions in its product or service to allow the surveillance of any user of such product or service, or to allow the physical search of such product, by any agency.

(b) EXCEPTION.—Subsection (a) shall not apply to mandates authorized under the Communications Assistance for Law Enforcement Act (47 U.S.C. 1001 et seq.).

(c) DEFINITIONS.—In this section—

(1) the term “agency” has the meaning given the term in section 3502 of title 44, United States Code; and

(2) the term “covered product” means any computer hardware, computer software, or electronic device that is made available to the general public.