

**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 SEARCH-**  
2 **ING OF COLLECTIONS OF COMMUNICATIONS**  
3 **TO CONDUCT WARRANTLESS SEARCHES FOR**  
4 **THE COMMUNICATIONS OF UNITED STATES**  
5 **PERSONS.**

6 Section 702(b) (50 U.S.C. 1881a(b)) is amended—

7 (1) by redesignating paragraphs (1) through  
8 (5) as subparagraphs (A) through (E), respectively,  
9 and indenting such subparagraphs, as so redesign-  
10 ated, an additional two ems from the left margin;

11 (2) by striking “An acquisition” and inserting  
12 the following:

13 “(1) IN GENERAL.—An acquisition”; and

14 (3) by adding at the end the following new  
15 paragraph:

16 “(2) CLARIFICATION ON PROHIBITION ON  
17 SEARCHING OF COLLECTIONS OF COMMUNICATIONS  
18 OF UNITED STATES PERSONS.—

1           “(A) IN GENERAL.—Except as provided in  
2           subparagraph (B), no officer or employee of the  
3           United States may conduct a search of a collec-  
4           tion of communications acquired under this sec-  
5           tion in an effort to find communications of a  
6           particular United States person (other than a  
7           corporation).

8           “(B) CONCURRENT AUTHORIZATION AND  
9           EXCEPTION FOR EMERGENCY SITUATIONS.—  
10          Subparagraph (A) shall not apply to a search  
11          for communications related to a particular  
12          United States person if—

13               “(i) such United States person is the  
14               subject of an order or emergency author-  
15               ization authorizing electronic surveillance  
16               or physical search under section 105, 304,  
17               703, 704, or 705, or title 18, United  
18               States Code, for the effective period of that  
19               order;

20               “(ii) the entity carrying out the  
21               search has a reasonable belief that the life  
22               or safety of such United States person is  
23               threatened and the information is sought  
24               for the purpose of assisting that person; or

1 “(iii) such United States person has  
2 consented to the search.”.

3 **SEC. \_\_\_\_ . PROHIBITION ON DATA SECURITY VULNER-**  
4 **ABILITY MANDATES.**

5 (a) IN GENERAL.—Except as provided in subsection  
6 (b), no agency may mandate or request that a manufac-  
7 turer, developer, or seller of covered products design or  
8 alter the security functions in its product or service to  
9 allow the surveillance of any user of such product or serv-  
10 ice, or to allow the physical search of such product, by  
11 any agency.

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

15 (c) DEFINITIONS.—In this section—

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

19 (2) the term “covered product” means any com-  
20 puter hardware, computer software, or electronic de-  
21 vice that is made available to the general public.

