

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require court orders and institute protections on incidentally collected communications of United States persons.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 139

To implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mrs. FEINSTEIN
(for herself, Ms. HARRIS, Mr. LEAHY, and Mr. LEE)

Viz:

1 Beginning on page 4, strike line 1 and all that follows
2 through page 7, line 16, and insert the following:

3 “(2) REQUIREMENTS FOR ACCESS TO COMMU-
4 NICATIONS OF UNITED STATES PERSONS.—

5 “(A) COURT ORDERS.—Except as provided
6 under subparagraph (C), in response to a query
7 relating to a United States person, the contents
8 of queried communications acquired under sub-
9 section (a) may be accessed only if—

1 “(i) the Attorney General submits to
2 the Foreign Intelligence Surveillance Court
3 an application that demonstrates that
4 there is probable cause to believe that—

5 “(I) such contents may relate to
6 a crime a specified in section 2516 of
7 title 18, United States Code; or

8 “(II) the individual is the agent
9 of a foreign power; and

10 “(ii) a judge of the Foreign Intel-
11 ligence Surveillance Court reviews and ap-
12 proves such application.

13 “(B) EXPEDITIOUS CONSIDERATION.—Any
14 application under subparagraph (A) shall be
15 considered by the Foreign Intelligence Surveil-
16 lance Court expeditiously and without delay.

17 “(C) EXCEPTION.—If the Attorney Gen-
18 eral determines that exigent circumstances re-
19 quire access to contents before an order can be
20 obtained, the Attorney General may access such
21 contents without an order for a maximum pe-
22 riod of 7 days.

23 “(D) REPORTING.—Not less frequently
24 than once every 6 months, the Attorney General
25 shall submit to the Committee on the Judiciary

1 and the Select Committee on Intelligence of the
2 Senate and the Committee on the Judiciary and
3 the Permanent Select Committee on Intelligence
4 of the House of Representatives a report con-
5 taining the number of times the Attorney Gen-
6 eral has made a determination under subpara-
7 graph (C) in the previous 6 months.

8 On page 15, strike lines 20 through 23.

9 On page 42, line 15, strike “Federal Bureau of Inves-
10 tigation” and insert “Attorney General”.