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**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. ____ . UNLAWFUL UNMASKING OF NONPUBLIC INFOR-**
2 **MATION OF UNITED STATES PERSONS.**

3 Section 798 of title 18, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(e)(1) Whoever knowingly makes a covered unmask-
7 ing request to access classified information for any reason
8 other than a reason described in paragraph (3) shall be
9 imprisoned not more than ten years.

10 “(2) Whoever intentionally, knowingly, or negligently
11 discloses classified information acquired pursuant to the
12 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
13 1801 et seq.) to a person, unless such person is authorized
14 to receive such information for a reason described in para-
15 graph (3), shall be imprisoned not more than ten years.

16 “(3) A reason described in this paragraph is any of
17 the following:

1 “(A) To understand foreign intelligence infor-
2 mation.

3 “(B) To assess the importance of foreign intel-
4 ligence information.

5 “(C) To determine whether the classified infor-
6 mation is evidence of a crime which has been, is
7 being, or is about to be committed, so long as the
8 individual making the covered unmasking request
9 under paragraph (1) or disclosing the information
10 under paragraph (2) has documented in writing in
11 such request or disclosure that a reasonable sus-
12 picion exists that a specific crime is suspected and
13 such documentation specifies that crime.

14 “(4) In this subsection:

15 “(A) The term ‘covered unmasking request’
16 means a request to unmask information pursuant to
17 section 101, 301, 402, 501, or 702 of the Foreign
18 Intelligence Surveillance Act of 1978 (50 U.S.C.
19 1801 et seq.) using the specific procedures as de-
20 scribed in subsection (e)(4) of such section 702.

21 “(B) The terms ‘foreign intelligence informa-
22 tion’ and ‘United States person’ have the meaning
23 given such terms in section 101 of the Foreign Intel-
24 ligence Surveillance Act of 1978 (50 U.S.C. 1801).

1 “(C) The term ‘unmask’ has the meaning given
2 that term in section 701 of the Foreign Intelligence
3 Surveillance Act of 1978 (50 U.S.C. 1881).”.



