

110TH CONGRESS  
1ST SESSION

# H. R. 3138

To amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2007

Mrs. WILSON of New Mexico (for herself, Mr. BOEHNER, Mr. SENSENBRENNER, Mr. HOEKSTRA, Mr. BLUNT, Ms. FOXX, Mrs. MILLER of Michigan, Mr. ISSA, Mr. MCHUGH, Mr. ROGERS of Michigan, Mr. EVERETT, Mr. THORNBERRY, Ms. PRYCE of Ohio, Mr. TIAHRT, Ms. GRANGER, Mrs. BACHMANN, Mr. GALLEGLY, Mr. PUTNAM, Mr. FOSSELLA, Mrs. CAPITO, Mr. MARIO DIAZ-BALART of Florida, Mr. BURGESS, Ms. GINNY BROWN-WAITE of Florida, Mr. LATOURETTE, Mr. REGULA, Mr. KUHL of New York, Mr. CASTLE, Mr. FRELINGHUYSEN, Mr. SHAYS, Mr. ENGLISH of Pennsylvania, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Select Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ELECTRONIC SURVEILLANCE.**

2 Section 101(f) of the Foreign Intelligence Surveil-  
3 lance Act of 1978 (50 U.S.C. 1801(f)) is amended to read  
4 as follows:

5 “(f) ‘Electronic surveillance’ means—

6 “(1) the installation or use of an electronic, me-  
7 chanical, or other surveillance device for acquiring  
8 information by intentionally directing surveillance at  
9 a particular known person who is reasonably believed  
10 to be in the United States under circumstances in  
11 which that person has a reasonable expectation of  
12 privacy and a warrant would be required for law en-  
13 forcement purposes; or

14 “(2) the intentional acquisition of the contents  
15 of any communication under circumstances in which  
16 a person has a reasonable expectation of privacy and  
17 a warrant would be required for law enforcement  
18 purposes, if both the sender and all intended recipi-  
19 ents are reasonably believed to be located within the  
20 United States.”.

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