AMENDMENT NO. _______ Calendar No. _______

Purpose: To amend section 2709 of title 18, United States Code, to clarify that the Government may obtain a specified set of electronic communication transactional records under that section, and to make permanent the authority for individual terrorists to be treated as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2nd Sess.

H.R. 2578

Maki
By
To:
Ref

AMENDMENT NO. 4787

Mr. McConnell

McCa

AMENDMENT N° 4685

merce
fiscal
pur-

Page(s) 3

AMENDMENT intended to be proposed by

Mr. McCa

Mr. Shelby

proposed by Mr. Shelby

Viz:

1. At the appropriate place, insert the following:

2. SEC. _______. Section 2709 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

3. "(b) REQUIRED CERTIFICATION.—

4. "(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or his or her designee
in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may, using a term that specifically identifies a person, entity, telephone number, or account as the basis for a request, request information and records described in paragraph (2) of a person or entity, but not the contents of an electronic communication, if the Director (or his or her designee) certifies in writing to the wire or electronic communication service provider to which the request is made that the information and records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States.

"(2) Obtainable Types of Information and Records.—The information and records described in this paragraph are the following:

"(A) Name, physical address, e-mail address, telephone number, instrument number, and other similar account identifying information.
“(B) Account number, login history, length of service (including start date), types of service, and means and sources of payment for service (including any card or bank account information).

“(C) Local and long distance toll billing records.

“(D) Internet Protocol (commonly known as ‘IP’) address or other network address, including any temporarily assigned IP or network address, communication addressing, routing, or transmission information, including any network address translation information (but excluding cell tower information), and session times and durations for an electronic communication.”.

SEC. _____. Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking subsection (b).