

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., 2d Sess.

H. R. 2578

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McConnell
for
By McCain
To: Amdt. No. 4685

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GPO: 2010 63-070 (mac)

AMENDMENT intended to be proposed by
Mr. McCain to the amendment (No. 4685)
proposed by Mr. SHELBY

Burr
Mr. McConnell
Mr. Cornyn
Mr. Sessions.
Cotton

Viz:

- 1 At the appropriate place, insert the following:
- 2 SEC. _____. Section 2709 of title 18, United States
- 3 Code, is amended by striking subsection (b) and inserting
- 4 the following:
- 5 “(b) REQUIRED CERTIFICATION.—
- 6 “(1) IN GENERAL.—The Director of the Fed-
- 7 eral Bureau of Investigation, or his or her designee

1 in a position not lower than Deputy Assistant Direc-
2 tor at Bureau headquarters or a Special Agent in
3 Charge in a Bureau field office designated by the
4 Director, may, using a term that specifically identi-
5 fies a person, entity, telephone number, or account
6 as the basis for a request, request information and
7 records described in paragraph (2) of a person or
8 entity, but not the contents of an electronic commu-
9 nication, if the Director (or his or her designee) cer-
10 tifies in writing to the wire or electronic communica-
11 tion service provider to which the request is made
12 that the information and records sought are relevant
13 to an authorized investigation to protect against
14 international terrorism or clandestine intelligence ac-
15 tivities, provided that such an investigation of a
16 United States person is not conducted solely on the
17 basis of activities protected by the first amendment
18 to the Constitution of the United States.

19 “(2) OBTAINABLE TYPES OF INFORMATION AND
20 RECORDS.—The information and records described
21 in this paragraph are the following:

22 “(A) Name, physical address, e-mail ad-
23 dress, telephone number, instrument number,
24 and other similar account identifying informa-
25 tion.

1 “(B) Account number, login history, length
2 of service (including start date), types of serv-
3 ice, and means and sources of payment for
4 service (including any card or bank account in-
5 formation).

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

8 “(D) Internet Protocol (commonly known
9 as ‘IP’) address or other network address, in-
10 cluding any temporarily assigned IP or network
11 address, communication addressing, routing, or
12 transmission information, including any net-
13 work address translation information (but ex-
14 cluding cell tower information), and session
15 times and durations for an electronic commu-
16 nication.”.

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