

103^D CONGRESS
1ST SESSION

H. R. 175

To amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain telephone subscriber information.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. EDWARDS of California (for himself and Mr. HYDE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain telephone subscriber information.

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

3 **SECTION 1. REQUIRED CERTIFICATION.**

4 Section 2709(b) of title 18, United States Code, is
5 amended to read as follows:

6 “(b) REQUIRED CERTIFICATION.—The Director of
7 the Federal Bureau of Investigation, or his designee in
8 a position not lower than Deputy Assistant Director,
9 may—

1 “(1) request the name, address, length of serv-
2 ice, and toll billing records of a person or entity if
3 the Director (or his designee in a position not lower
4 than Deputy Assistant Director) certifies in writing
5 to the wire or electronic communication service pro-
6 vider to which the request is made that—

7 “(A) the name, address, length of service,
8 and toll billing records sought are relevant to
9 an authorized foreign counterintelligence inves-
10 tigation; and

11 “(B) there are specific and articulable
12 facts giving reason to believe that the person or
13 entity to whom the information sought pertains
14 is a foreign power or an agent of a foreign
15 power as defined in section 101 of the Foreign
16 Intelligence Surveillance Act of 1978 (50
17 U.S.C. 1801); and

18 “(2) request the name, address, and length of
19 service of a person or entity if the Director (or his
20 designee in a position not lower than Deputy Assist-
21 ant Director) certifies in writing to the wire or elec-
22 tronic communication service provider to which the
23 request is made that—

1 “(A) the information sought is relevant to
2 an authorized foreign counterintelligence inves-
3 tigation; and

4 “(B) there are specific and articulable
5 facts giving reason to believe that communica-
6 tion facilities registered in the name of the per-
7 son or entity have been used, through the serv-
8 ices of such provider, in communication with—

9 “(i) an individual who is engaging or
10 has engaged in international terrorism as
11 defined in section 101(c) of the Foreign
12 Intelligence Surveillance Act or clandestine
13 intelligence activities that involve or may
14 involve a violation of the criminal statutes
15 of the United States; or

16 “(ii) a foreign power or an agent of a
17 foreign power under circumstances giving
18 reason to believe that the communication
19 concerned international terrorism as de-
20 fined in section 101(c) of the Foreign In-
21 telligence Surveillance Act or clandestine
22 intelligence activities that involve or may
23 involve a violation of the criminal statutes
24 of the United States.”.

1 **SEC. 2. REPORT TO JUDICIARY COMMITTEES.**

2 Section 2709(e) of title 18, United States Code, is
3 amended by adding after “Senate” the following: “, and
4 the Committee on the Judiciary of the House of Rep-
5 resentatives and the Committee on the Judiciary of the
6 Senate,”.

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