

103^D CONGRESS
1ST SESSION

H. R. 175

IN THE SENATE OF THE UNITED STATES

MARCH 31 (legislative day, MARCH 3), 1993

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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—

10 “(1) request the name, address, length of serv-
11 ice, and toll billing records of a person or entity if
12 the Director (or his designee in a position not lower

1 than Deputy Assistant Director) certifies in writing
2 to the wire or electronic communication service pro-
3 vider to which the request is made that—

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

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

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

21 “(A) the information sought is relevant to
22 an authorized foreign counterintelligence inves-
23 tigation; and

24 “(B) there are specific and articulable
25 facts giving reason to believe that communica-

1 tion facilities registered in the name of the per-
2 son or entity have been used, through the serv-
3 ices of such provider, in communication with—

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

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

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

21 Section 2709(e) of title 18, United States Code, is
22 amended by adding after “Senate” the following: “, and
23 the Committee on the Judiciary of the House of Rep-

1 representatives and the Committee on the Judiciary of the
2 Senate.”.

Passed the House of Representatives March 29,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.