

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.

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

S. 356

To improve the provisions relating to the privacy of electronic communications.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . COUNTERINTELLIGENCE ACCESS TO TELE-**
3 **PHONE TOLL AND TRANSACTIONAL**
4 **RECORDS.**

5 Section 2709 of title 18, United States Code, is
6 amended by striking subsection (b) and inserting the fol-
7 lowing:

8 “(b) **REQUIRED CERTIFICATION.**—

9 “(1) **IN GENERAL.**—The Director of the Fed-
10 eral Bureau of Investigation, or his or her designee
11 in a position not lower than Deputy Assistant Direc-

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

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

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