

**Union Calendar No. 22**

103D CONGRESS  
1ST SESSION

**H. R. 175**

[Report No. 103-46]

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**A BILL**

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

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MARCH 29, 1993

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## 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

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**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:

1       “(b) REQUIRED CERTIFICATION.—The Director of  
2 the Federal Bureau of Investigation, or his designee in  
3 a position not lower than Deputy Assistant Director,  
4 may—

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

11                       “(A) the name, address, length of service,  
12 and toll billing records sought are relevant to  
13 an authorized foreign counterintelligence inves-  
14 tigation; and

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

22               “(2) request the name, address, and length of  
23 service of a person or entity if the Director (or his  
24 designee in a position not lower than Deputy Assist-  
25 ant Director) certifies in writing to the wire or elec-

1 tronic communication service provider to which the  
2 request is made that—

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

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

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

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

1                   involve a violation of the criminal statutes  
2                   of the United States.”.

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

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