

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4435
OFFERED BY MR. AMASH OF MICHIGAN**

Subtitle B of title XVI is amended by adding at the
end the following new section:

1 **SEC. ____ . REQUIRED STATEMENT CONCERNING BULK COL-**
2 **LECTION OF TANGIBLE THINGS.**

3 None of the funds authorized to be appropriated by
4 this Act may be used to carry out an order issued under
5 section 501 of the Foreign Intelligence Surveillance Act
6 of 1978 (50 U.S.C. 1861) requiring the production of tan-
7 gible things unless such order includes the following state-
8 ment:

9 “(a) The Court finds that each specific selection term
10 to be used as the basis for production is included in this
11 order. No collection of tangible things made pursuant to
12 this order is authorized without the use of the specific se-
13 lection terms approved in this order. If this order requires
14 the production of call detail records, this Court finds that
15 there are reasonable grounds to believe that the call detail
16 records sought to be produced based on each specific selec-
17 tion term are relevant to an authorized investigation
18 (other than a threat assessment) conducted in accordance

1 with section 501(a)(2) of the Foreign Intelligence Surveil-
2 lance Act of 1978 (50 U.S.C. 1861(a)(2)) to protect
3 against international terrorism and there are facts giving
4 rise to a reasonable, articulable suspicion that such spe-
5 cific selection terms are associated with a foreign power
6 or an agent of a foreign power.

7 “(b) If this order requires the production of call detail
8 records, this order authorizes the production of call detail
9 records for a period not to exceed 180 days. If this order
10 requires the production of call detail records, this order
11 may be extended upon application under subsection (b) of
12 section 501 of the Foreign Intelligence Surveillance Act
13 of 1978 (50 U.S.C. 1861), the judicial finding under sub-
14 section (c)(1) of such section, and upon the finding of this
15 court that there are reasonable grounds to believe that the
16 call detail records sought to be produced based on each
17 specific selection term are relevant to an authorized inves-
18 tigation (other than a threat assessment) conducted in ac-
19 cordance with section 501(a)(2) of the Foreign Intel-
20 ligence Surveillance Act of 1978 (50 U.S.C. 1861(a)(2))
21 to protect against international terrorism and there are
22 facts giving rise to a reasonable, articulable suspicion that
23 such specific selection terms are associated with a foreign
24 power or an agent of a foreign power.

1 “(c) If this order requires the production of call detail
2 records, the Government may require the production of
3 such records—

4 “(1) using this order’s approved specific selec-
5 tion terms as the basis for production; and

6 “(2) using the results of the production under
7 paragraph (1) as the basis for production.

8 “(d) If this order requires the production of call de-
9 tail records, this order directs each person the Government
10 directs to produce call detail records under this order to
11 furnish the Government forthwith all information, facili-
12 ties, or technical assistance necessary to accomplish the
13 production in such a manner as will protect the secrecy
14 of the production and produce a minimum of interference
15 with the services that such person is providing to each sub-
16 ject of the production.

17 “(e) If this order requires the production of call detail
18 records, this order directs the Government to adopt mini-
19 mization procedures that require the prompt destruction
20 of all call detail records produced under the order that
21 the Government determines are not foreign intelligence in-
22 formation and to destroy all call detail records produced
23 under this order as prescribed by such procedures.

24 “(f) In this statement:

1 “(1) AGENT OF A FOREIGN POWER; FOREIGN
2 POWER.—The terms ‘agent of a foreign power’ and
3 ‘foreign power’ have the meaning given such terms
4 in section 101 of the Foreign Intelligence Surveil-
5 lance Act of 1978 (50 U.S.C. 1801).

6 “(2) CALL DETAIL RECORD.—The term ‘call de-
7 tail record’—

8 “(A) means session identifying information
9 (including originating or terminating telephone
10 number, International Mobile Subscriber Iden-
11 tity number, or International Mobile Station
12 Equipment Identity number), a telephone call-
13 ing card number, or the time or duration of a
14 call; and

15 “(B) does not include—

16 “(i) the contents of any communica-
17 tion (as defined in section 2510(8) of title
18 18, United States Code);

19 “(ii) the name, address, or financial
20 information of a subscriber or customer; or

21 “(iii) cell site location information.

22 “(3) SPECIFIC SELECTION TERM.—The term
23 ‘specific selection term’ means a term used to
24 uniquely describe a person, entity, or account.”.

