AMENDMENT TO H.R. ____
OFFERED BY M__. ____________

Add at the end the following new section:

SEC. ___. DEFINITION OF ELECTRONIC COMMUNICATION SERVICE PROVIDER.

(a) Section 701(b)(4) of the Foreign Intelligence Surveillance Act of 1978 is amended—

(1) by redesignating subparagraph (E) as subparagraph (F);

(2) in subparagraph (D), by striking “; or” and inserting a semicolon;

(3) by inserting after subparagraph (D) the following new subparagraph:

“(E) any other service provider who has access to equipment that is being or may be used to transmit or store wire or electronic communications, but not including any entity that serves primarily as—

“(i) a public accommodation facility, as that term is defined in section 501(4);

“(ii) a dwelling, as that term is defined in section 802 of the Fair Housing Act (42 U.S.C. 3602);
“(iii) a community facility, as that term is defined in section 315 of the Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1592n); or

“(iv) a food service establishment, as that term is defined in section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638); or”;

(4) in subparagraph (F), as redesignated—

(A) by inserting “custodian,” after “employee,”;

(B) by striking “or” before “(D)”;

(C) by inserting “, or (E)” after “(D)”.

(b) Paragraph (6) of section 801 of the Foreign Intelligence Surveillance Act of 1978 is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(2) in subparagraph (F), as redesignated, by striking “; or” and inserting a semicolon;

(3) by inserting after subparagraph (D) the following new subparagraph:

“(E) any other service provider who has access to equipment that is being or may be used to transmit or store wire or electronic
communications, but not including any entity
that serves primarily as—

“(i) a public accommodation facility,
as that term is defined in section 501(4);

“(ii) a dwelling, as that term is de-
defined in section 802 of the Fair Housing
Act (42 U.S.C. 3602);

“(iii) a community facility, as that
term is defined in section 315 of the De-
fense Housing and Community Facilities
and Services Act of 1951 (42 U.S.C.
1592n); or

“(iv) a food service establishment, as
that term is defined in section 281 of the
Agricultural Marketing Act of 1946 (7
U.S.C. 1638);”; and

(4) in subparagraph (G), as redesignated—

(A) by inserting “custodian,” after “em-
ployee,”;

(B) by striking “or” before “(E)”; and

(C) by inserting “, or (F)” after “(E)”.

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