AMENDMENT TO RULES COMMITTEE PRINT 118-

27

Offered by $M_{_}$.

Add at the end the following new section:

1	SEC DEFINITION OF ELECTRONIC COMMUNICATION
2	SERVICE PROVIDER.
3	(a) Section 701(b)(4) is amended—
4	(1) by redesignating subparagraph (E) as sub-
5	paragraph (F);
6	(2) in subparagraph (D), by striking "; or" and
7	inserting a semicolon;
8	(3) by inserting after subparagraph (D) the fol-
9	lowing new subparagraph:
10	"(E) any other service provider who has
11	access to equipment that is being or may be
12	used to transmit or store wire or electronic
13	communications, but not including any entity
14	that serves primarily as—
15	"(i) a public accommodation facility,
16	as that term is defined in section 501(4);
17	"(ii) a dwelling, as that term is de-
18	fined in section 802 of the Fair Housing
19	Act (42 U.S.C. 3602);

1	"(iii) a community facility, as that
2	term is defined in section 315 of the De-
3	fense Housing and Community Facilities
4	and Services Act of 1951 (42 U.S.C.
5	1592n); or
6	"(iv) a food service establishment, as
7	that term is defined in section 281 of the
8	Agricultural Marketing Act of 1946 (7
9	U.S.C. 1638); or";
10	(4) in subparagraph (F), as redesignated—
11	(A) by inserting "custodian," after "em-
12	ployee,";
13	(B) by striking "or" before "(D)"; and
14	(C) by inserting ", or (E)" after "(D)".
15	(b) Paragraph (6) of section 801 of the Foreign Intel-
16	ligence Surveillance Act of 1978 is amended—
17	(1) by redesignating subparagraphs (E) and
18	(F) as subparagraphs (F) and (G), respectively;
19	(2) in subparagraph (F), as redesignated, by
20	striking "; or" and inserting a semicolon;
21	(3) by inserting after subparagraph (D) the fol-
22	lowing new subparagraph:
23	"(E) any other service provider who has
24	access to equipment that is being or may be
25	used to transmit or store wire or electronic

1	communications, but not including any entity
2	that serves primarily as—
3	"(i) a public accommodation facility,
4	as that term is defined in section 501(4);
5	"(ii) a dwelling, as that term is de-
6	fined in section 802 of the Fair Housing
7	Act (42 U.S.C. 3602);
8	"(iii) a community facility, as that
9	term is defined in section 315 of the De-
10	fense Housing and Community Facilities
11	and Services Act of 1951 (42 U.S.C.
12	1592n); or
13	"(iv) a food service establishment, as
14	that term is defined in section 281 of the
15	Agricultural Marketing Act of 1946 (7
16	U.S.C. 1638);"; and
17	(4) in subparagraph (G), as redesignated—
18	(A) by inserting "custodian," after "em-
19	ployee,";
20	(B) by striking "or" before "(E)"; and
21	(C) by inserting ", or (F)" after "(E)".
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