

Public Law 103-142
103d Congress

An Act

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

Nov. 17, 1993
[H.R. 175]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Counter-
intelligence.

SECTION 1. REQUIRED CERTIFICATION.

Section 2709(b) of title 18, United States Code, is amended to read as follows:

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

“(1) request the name, address, length of service, and toll billing records of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

“(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

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

“(2) request the name, address, and length of service of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

“(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

“(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of such provider, in communication with—

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

“(ii) a foreign power or an agent of a foreign power under circumstances giving reason to believe that the communication concerned international terrorism as

defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.”.

SEC. 2. REPORT TO JUDICIARY COMMITTEES.

Section 2709(e) of title 18, United States Code, is amended by adding after “Senate” the following: “, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,”.

Approved November 17, 1993.

LEGISLATIVE HISTORY—H.R. 175:

HOUSE REPORTS: No. 103-46 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Mar. 29, considered and passed House.
Nov. 4, considered and passed Senate.