

Failed 11-21

**AMENDMENT TO H.R. 1800
OFFERED BY MR. NADLER OF NEW YORK**

At the end of the bill, add the following new section:

1 **SEC. ____.** **ORDERS FOR ACCESS TO CERTAIN BUSINESS**
2 **RECORDS AND TANGIBLE THINGS.**

3 (a) **IN GENERAL.**—Section 501 of the Foreign Intel-
4 ligence Surveillance Act of 1978 (50 U.S.C. 1861) is
5 amended—

6 (1) in the section heading, by inserting “**AND**
7 **OTHER TANGIBLE THINGS**” after “**CERTAIN**
8 **BUSINESS RECORDS**”;

9 (2) in subsection (b)(2), by striking subpara-
10 graph (B) and inserting the following:

11 “(B) if the records sought contain book-
12 seller records, or are from a library and contain
13 personally identifiable information about a pa-
14 tron of the library, a statement of specific and
15 articulable facts showing that there are reason-
16 able grounds to believe that the records
17 sought—

18 “(i) are relevant to an authorized in-
19 vestigation (other than a threat assess-
20 ment) conducted in accordance with sub-

1 section (a)(2) to obtain foreign intelligence
 2 information not concerning a United
 3 States person or to protect against inter-
 4 national terrorism or clandestine intel-
 5 ligence activities; and

6 “(ii)(I) pertain to a foreign power or
 7 an agent of a foreign power;

8 “(II) are relevant to the activities
 9 of a suspected agent of a foreign
 10 power who is the subject of such au-
 11 thorized investigation; or

12 “(III) pertain to an individual in
 13 contact with, or known to, a suspected
 14 agent of a foreign power who is the
 15 subject of such authorized investiga-
 16 tion; and

17 “(C) a statement of proposed minimization
 18 procedures.”;

19 (3) in subsection (c)(1)—

20 (A) by inserting “, and that the proposed
 21 minimization procedures meet the definition of
 22 minimization procedures under subsection (g)”
 23 after “subsections (a) and (b)”;

1 (B) by inserting “and directing that the
2 minimization procedures be followed” after “re-
3 lease of tangible things”; and

4 (C) by striking the second sentence; and

5 (4) by adding at the end the following:

6 “(i) DEFINITIONS.—In this section—

7 “(1) the term ‘bookseller records’ means trans-
8 actional records reflecting the purchase (including
9 subscription purchase) or rental of books, journals,
10 or magazines, whether in digital form or in print, of
11 an individual or entity engaged in the sale or rental
12 of books, journals, or magazines;

13 “(2) the term ‘library’ has the meaning given
14 that term in section 213(1) of the Library Services
15 and Technology Act (20 U.S.C. 9122(1));

16 “(3) the term ‘patron’ means a purchaser,
17 renter, borrower, user, or subscriber of goods or
18 services from a library; and

19 “(4) the term ‘personally identifiable informa-
20 tion’ includes information that identifies a person as
21 having used, requested, or obtained specific reading
22 materials or services from a library.”

23 (b) TRANSITION PROCEDURES.—Notwithstanding
24 the amendments made by this Act, an order entered under
25 section 501(c)(1) of the Foreign Intelligence Surveillance

1 Act of 1978 (50 U.S.C. 1861(c)(1)) that is in effect on
2 the effective date of the amendments made by this section
3 shall remain in effect until the expiration of the order.

4 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

5 (1) DEFINITIONS.—Title V of the Foreign In-
6 telligence Surveillance Act of 1978 (50 U.S.C. 1861
7 et seq.) is amended by adding at the end the fol-
8 lowing:

9 “SEC. 503. DEFINITIONS.

10 “In this title, the terms ‘Attorney General’, ‘foreign
11 intelligence information’, ‘international terrorism’, ‘per-
12 son’, ‘United States’, and ‘United States person’ have the
13 meanings given such terms in section 101.”

14 (2) TITLE HEADING.—Title V of the Foreign
15 Intelligence Surveillance Act of 1978 (50 U.S.C.
16 1861 et seq.) is amended in the title heading by in-
17 serting “AND OTHER TANGIBLE THINGS”
18 after “CERTAIN BUSINESS RECORDS”.

19 (3) TABLE OF CONTENTS.—The table of con-
20 tents in the first section of the Foreign Intelligence
21 Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)
22 is amended—

23 (A) by striking the items relating to title
24 V and section 501 and inserting the following:

“TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER
TANGIBLE THINGS FOR FOREIGN INTELLIGENCE PURPOSES

"Sec. 501. Access to certain business records and other tangible things for foreign intelligence purposes and international terrorism investigations.";

1 and

2 (B) by inserting after the item relating to

3 section 502 the following:

"Sec. 503. Definitions."



