

AMENDMENT TO H.R. _____
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) of the Foreign Intelligence Sur-
4 veillance Act of 1978 is amended—

5 (1) by redesignating subparagraph (E) as sub-
6 paragraph (F);

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

9 (3) by inserting after subparagraph (D) the fol-
10 lowing new subparagraph:

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

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

18 “(ii) a dwelling, as that term is de-
19 fined in section 802 of the Fair Housing
20 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)”;

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)”.

