

AMENDMENT TO H.R. 2701, AS REPORTED**OFFERED BY Mr. Thornberry**

At the end of subtitle A of title V, add the following new section:

1 SEC. 505. CLARIFICATION OF DEFINITION OF PEN REG-
2 ISTER UNDER FOREIGN INTELLIGENCE SUR-
3 VEILLANCE ACT OF 1978.

4 Section 401 of the Foreign Intelligence Surveillance
5 Act of 1978 (50 U.S.C. 1841) is amended—

6 (1) by striking paragraph 2 and inserting the
7 following new paragraph:

8 “(2) The term ‘pen register’ means a device or
9 process which records or decodes any dialing, rout-
10 ing, addressing, or signaling information transmitted
11 by an instrument or facility from which a wire or
12 electronic communication is transmitted, provided,
13 however, that such information shall not include the
14 contents of any communication, but such term does
15 not include any device or process used by a provider
16 or customer of a wire or electronic communication
17 service for billing, or recording as an incident to bill-
18 ing, for communications services provided by such
19 provider or any device or process used by a provider

1 or customer of a wire communication service for cost
2 accounting or other like purposes in the ordinary
3 course of its business.”; and

4 (2) by adding at the end the following new
5 paragraph:

6 “(4) The term ‘trap and trace device’ has the
7 meaning given such term in section 3127 of title 18,
8 United States Code.”.

