

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 4435  
OFFERED BY MR. AMASH OF MICHIGAN**

Subtitle B of title XVI is amended by adding at the  
end the following new section:

1 **SEC. \_\_\_\_ . PROHIBITION OF BULK COLLECTION OF TAN-**  
2 **GIBLE THINGS.**

3 (a) PROHIBITION.—None of the funds authorized to  
4 be appropriated by this Act may be used to apply for or  
5 carry out a Foreign Intelligence Surveillance Court order  
6 pursuant to section 501 of the Foreign Intelligence Sur-  
7 veillance Act of 1978 (50 U.S.C. 1861) requiring the pro-  
8 duction of any tangible things unless—

9 (1) the application for such order includes a  
10 specific selection term to be used as the basis for the  
11 production of the tangible things sought;

12 (2) in the case of an application for an order  
13 requiring the production of call detail records cre-  
14 ated on or after the date of the application, the ap-  
15 plication includes a statement of facts showing  
16 that—

17 (A) there are reasonable grounds to believe  
18 that the call detail records sought to be pro-

1           duced based on the specific selection term are  
2           relevant to an authorized investigation (other  
3           than a threat assessment) conducted in accord-  
4           ance with section 501(a)(2) of the Foreign In-  
5           telligence Surveillance Act of 1978 (50 U.S.C.  
6           1861(a)(2)) to protect against international ter-  
7           rorism; and

8                   (B) there are facts giving rise to a reason-  
9                   able, articulable suspicion that such specific se-  
10                  lection term is associated with a foreign power  
11                  or an agent of a foreign power;

12                  (3) the order includes each specific selection  
13                  term to be used as the basis for production and pro-  
14                  hibits the collection of tangible things without the  
15                  use of such specific selection term; and

16                  (4) in the case of an order requiring the pro-  
17                  duction of call detail records created on or after the  
18                  date of the application, the order—

19                          (A) authorizes the production of call detail  
20                          records for a period not to exceed 180 days;

21                          (B) provides that an order for such pro-  
22                          duction may be extended upon—

23                                  (i) submission of an application under  
24                                  subsection (b) of section 501 of the For-  
25                                  eign Intelligence Surveillance Act of 1978

1 (50 U.S.C. 1861) that complies with para-  
2 graph (2) of this subsection; and

3 (ii) a judicial finding under subsection  
4 (c)(1) of such section 501 that includes a  
5 finding that the application meets the re-  
6 quirements of paragraph (2) of this sub-  
7 section;

8 (C) provides that the Government may re-  
9 quire the production of call detail records—

10 (i) using the specific selection term  
11 that satisfies the standard required under  
12 paragraph (2)(B) as the basis for produc-  
13 tion; and

14 (ii) using the results of the production  
15 under clause (i) as the basis for produc-  
16 tion;

17 (D) directs each person the Government  
18 directs to produce call detail records under the  
19 order to furnish the Government forthwith all  
20 information, facilities, or technical assistance  
21 necessary to accomplish the production in such  
22 a manner as will protect the secrecy of the pro-  
23 duction and produce a minimum of interference  
24 with the services that such person is providing  
25 to each subject of the production; and

1 (E) directs the Government to—

2 (i) adopt minimization procedures  
3 that require the prompt destruction of all  
4 call detail records produced under the  
5 order that the Government determines are  
6 not foreign intelligence information; and

7 (ii) destroy all call detail records pro-  
8 duced under the order as prescribed by  
9 such procedures.

10 (b) DEFINITIONS.—In this section:

11 (1) AGENT OF A FOREIGN POWER; FOREIGN  
12 POWER.—The terms “agent of a foreign power” and  
13 “foreign power” have the meaning given such terms  
14 in section 101 of the Foreign Intelligence Surveil-  
15 lance Act of 1978 (50 U.S.C. 1801).

16 (2) CALL DETAIL RECORD.—The term “call de-  
17 tail record”—

18 (A) means session identifying information  
19 (including originating or terminating telephone  
20 number, International Mobile Subscriber Iden-  
21 tity number, or International Mobile Station  
22 Equipment Identity number), a telephone call-  
23 ing card number, or the time or duration of a  
24 call; and

25 (B) does not include—

1 (i) the contents of any communication  
2 (as defined in section 2510(8) of title 18,  
3 United States Code);

4 (ii) the name, address, or financial in-  
5 formation of a subscriber or customer; or

6 (iii) cell site location information.

7 (3) FOREIGN INTELLIGENCE SURVEILLANCE  
8 COURT.—The term “Foreign Intelligence Surveil-  
9 lance Court” means the court established under sec-  
10 tion 103(a) of the Foreign Intelligence Surveillance  
11 Act of 1978 (50 U.S.C. 1803(a)).

12 (4) SPECIFIC SELECTION TERM.—The term  
13 “specific selection term” means a term used to  
14 uniquely describe a person, entity, or account.

