AMENDMENT TO H.R. 1981
OFFERED BY MR. SMITH OF TEXAS

Page 2, line 3, insert “(a) IN GENERAL.—” before “Whoever”.

Page 2, line 9, strike the close quotation mark and the period which follows.

Page 2, after line 9, insert the following:

“(b) EXCLUSION FROM OFFENSE.—This section does not apply to a financial transaction conducted by a person in cooperation with, or with the consent of, any Federal, State, or local law enforcement agency.”.

Page 2, line 19, insert “and” after the semicolon.

Page 2, line 22, strike “; and” and insert a period.

Page 2, strike lines 23 through 25.

Page 3, strike line 6 and all that follows through line 12 and insert the following:

“(h) RETENTION OF CERTAIN RECORDS.—

“(1) A commercial provider of an electronic communication service shall retain for a period of at least one year a log of the temporarily assigned net-
work addresses the provider assigns to a subscriber to or customer of such service that enables the identification of the corresponding customer or subscriber information under subsection (c)(2) of this section.

“(2) Access to a record or information required to be retained under this subsection may not be compelled by any person or other entity that is not a governmental entity.

“(3) In this subsection—

“(A) the term ‘commercial provider’ means a provider of electronic communication service that offers Internet access capability for a fee to the public or to such classes of users as to be effectively available to the public, regardless of the facilities used; and

“(B) the term ‘Internet’ has the same meaning given that term in section 230(f) of the Communications Act of 1934.”.

Page 3, after line 17 insert the following:

(e) TRANSITION RULE.—The amendment made by this section shall not apply until 180 days after the date of the enactment of this Act to a provider of an electronic communications service that does not, on that date of en-
actment, have in effect a system of retention of records that complies with the requirements of that amendment.

Page 3, line 22, strike “or” and insert a comma.

Page 8, lines 14 and 23, insert “of Chapter 2” after “Part J”

Page 9, line 18, insert “not” before “more”.