

**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:

1       “(b) EXCLUSION FROM OFFENSE.—This section  
2 does not apply to a financial transaction conducted by a  
3 person in cooperation with, or with the consent of, any  
4 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:

5       “(h) RETENTION OF CERTAIN RECORDS.—  
6           “(1) A commercial provider of an electronic  
7 communication service shall retain for a period of at  
8 least one year a log of the temporarily assigned net-

1 work addresses the provider assigns to a subscriber  
2 to or customer of such service that enables the iden-  
3 tification of the corresponding customer or sub-  
4 scriber information under subsection (c)(2) of this  
5 section.

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

10 “(3) In this subsection—

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

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

Page 3, after line 17 insert the following:

20 (c) TRANSITION RULE.—The amendment made by  
21 this section shall not apply until 180 days after the date  
22 of the enactment of this Act to a provider of an electronic  
23 communications service that does not, on that date of en-

1 actment, have in effect a system of retention of records  
2 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”.

