

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3989
OFFERED BY MR. CONYERS OF MICHIGAN**

Page 8, strike line 24 and all that follows through
page 10, line 7, and insert the following:

1 “(iv)(I) Subject to section 706(a)(2),
2 based on a review described in subclause
3 (II), the Attorney General reasonably de-
4 termines that the person identified by the
5 queried term is, or is communicating
6 with—

7 “(aa) a person reasonably be-
8 lieved to be engaged in international
9 terrorism (as defined in section
10 101(c)) or activities in preparation
11 therefore; or

12 “(bb) a person reasonably be-
13 lieved to be engaged in providing ma-
14 terial support or resources to terror-
15 ists or foreign terrorist organizations
16 (as described in sections 2339A and
17 2339B of title 18, United States
18 Code).

1 “(II) A review described in this sub-
2 clause is a review of information of com-
3 munications acquired under subsection (a)
4 relating to the dialing, routing, addressing,
5 signaling, or other similar noncontents in-
6 formation, that causes the Attorney Gen-
7 eral to reasonably suspect that—

8 “(aa) a person (other than the
9 person identified by the queried term
10 under subclause (I)) who is a party to
11 such communications is engaged in an
12 act of terrorism specified in clauses (i)
13 through (iii) of section
14 2332b(g)(5)(B) of title 18, United
15 States Code, or activities in prepara-
16 tion therefore; and

17 “(bb) a failure or delay in access-
18 ing or disseminating the contents of
19 such communications would result in
20 harm to the national security.

21 “(III) As soon as practicable, but no
22 more than 7 days after the Attorney Gen-
23 eral makes a determination under sub-
24 clause (I), the Attorney General shall in-
25 form the Court that it has made such a de-

1 termination and provide the Court with the
2 factual basis for such determination.

3 “(IV) If the Court finds that the de-
4 termination by the Attorney General with
5 respect to the determination under sub-
6 clause (I) was not appropriate, or that the
7 factual basis for such determination was in
8 error, the Attorney General may not use
9 such communications pursuant to section
10 706.”.

Page 25, line 7, strike “and”.

Page 25, line 9, strike “section.” and inserting “sec-
tion;”.

Page 25, after line 9, insert the following:

11 “(4) the number of determinations made by the
12 Attorney General pursuant to section
13 702(j)(2)(D)(iii);

14 “(5) the number of such determinations that
15 the Court disagreed with pursuant to subclause
16 (III)(bb) of such section;

17 “(6) the number of determinations made by the
18 Attorney General pursuant to section
19 702(j)(2)(D)(iv); and

1 “(7) the number of such determinations that
2 the Court disagreed with pursuant to subclause (IV)
3 of such section.”.

