AMENDMENT NO. ________ Calendar No. ________

Purpose: To provide an exception for emergency disclosures of communications.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 356

To improve the provisions relating to the privacy of electronic communications.

Referred to the Committee on ____________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. Sessions

Viz:

1. In subsection (a)(1) of section 2703 of title 18, United States Code, as amended by the bill, strike “subsections (i) and (j)” and insert “subsections (i), (j), and (k)”.

2. In subsection (b)(1)(A) of section 2703 of title 18, United States Code, as amended by the bill, strike “subsections (i) and (j)” and insert “subsections (i), (j), and (k)”.

3. In subsection (c)(1) of section 2703 of title 18, United States Code, as amended by the bill, strike “subsections (i) and (j)” and insert “subsections (i), (j), and (k)”.

4. In subsection (d)(1) of section 2703 of title 18, United States Code, as amended by the bill, strike “subsections (i) and (j)” and insert “subsections (i), (j), and (k)”.

5. In subsection (e)(1) of section 2703 of title 18, United States Code, as amended by the bill, strike “subsections (i) and (j)” and insert “subsections (i), (j), and (k)”.
sections (i) and (j)” and insert “subsections (i), (j), and (k)”.

In section 2703 of title 18, United States Code, as amended by the bill, add at the end the following:

“(k) EXCEPTION FOR EMERGENCY DISCLOSURES OF COMMUNICATIONS.—

“(1) IN GENERAL.—A provider of electronic communication service or remote computing service shall disclose to a governmental entity a wire or electronic communication (including the contents of the communication) and a record or other information pertaining to a subscriber or customer if a representative of the governmental entity reasonably certifies under penalty of perjury that an emergency involving the danger of death or serious physical injury requires disclosure without delay.

“(2) REQUIREMENTS.—A certification under paragraph (1) regarding an emergency shall include—

“(A) a short statement of facts in support of the emergency; and

“(B) an explanation of why the facts require disclosure without delay.”.