

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,
2 United States Code, as amended by the bill, strike “sub-
3 sections (i) and (j)” and insert “subsections (i), (j), and
4 (k)”.

5 In subsection (b)(1)(A) of section 2703 of title 18,
6 United States Code, as amended by the bill, strike “sub-
7 sections (i) and (j)” and insert “subsections (i), (j), and
8 (k)”.

9 In subsection (c)(1) of section 2703 of title 18,
10 United States Code, as amended by the bill, strike “sub-

1 sections (i) and (j)” and insert “subsections (i), (j), and
2 (k)”.

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

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

7 “(1) IN GENERAL.—A provider of electronic
8 communication service or remote computing service
9 shall disclose to a governmental entity a wire or elec-
10 tronic communication (including the contents of the
11 communication) and a record or other information
12 pertaining to a subscriber or customer if a rep-
13 resentative of the governmental entity reasonably
14 certifies under penalty of perjury that an emergency
15 involving the danger of death or serious physical in-
16 jury requires disclosure without delay.

17 “(2) REQUIREMENTS.—A certification under
18 paragraph (1) regarding an emergency shall in-
19 clude—

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

22 “(B) an explanation of why the facts re-
23 quire disclosure without delay.”.