

## **SEC. 210. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.**

Section 2703(c)(2) of title 18, United States Code, as redesignated by section 212, is amended--

(1) by striking `entity the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber' and inserting the following: `entity the--

`(A) name;

`(B) address;

`(C) local and long distance telephone connection records, or records of session times and durations;

`(D) length of service (including start date) and types of service utilized;

`(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

`(F) means and source of payment for such service (including any credit card or bank account number),

of a subscriber'; and

(2) by striking `and the types of services the subscriber or customer utilized,'.

## **SEC. 211. CLARIFICATION OF SCOPE.**

Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended--

(1) in subsection (c)(2)--

(A) in subparagraph (B), by striking `or';

(B) in subparagraph (C), by striking the period at the end and inserting `; or'; and

(C) by inserting at the end the following:

`(D) to a government entity as authorized under chapters 119, 121, or 206 of title 18, United States Code, except that such disclosure shall not include records revealing cable subscriber selection of video programming from a cable operator.'; and

(2) in subsection (h), by striking `A governmental entity' and inserting `Except as provided in subsection (c)(2)(D), a governmental entity'.

## **SEC. 212. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.**

(a) DISCLOSURE OF CONTENTS-

(1) IN GENERAL- Section 2702 of title 18, United States Code, is amended--

(A) by striking the section heading and inserting the following:

**`Sec. 2702. Voluntary disclosure of customer communications or records';**

(B) in subsection (a)--

(i) in paragraph (2)(A), by striking `and' at the end;

(ii) in paragraph (2)(B), by striking the period and inserting `; and'; and

(iii) by inserting after paragraph (2) the following:

`(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2)) to any governmental entity.';

(C) in subsection (b), by striking `EXCEPTIONS- A person or entity' and inserting `EXCEPTIONS FOR DISCLOSURE OF COMMUNICATIONS- A provider described in subsection (a)';

(D) in subsection (b)(6)--

(i) in subparagraph (A)(ii), by striking `or';

(ii) in subparagraph (B), by striking the period and inserting `; or'; and

(iii) by adding after subparagraph (B) the following:

`(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay.'; and

(E) by inserting after subsection (b) the following:

`(c) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER RECORDS- A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))--

`(1) as otherwise authorized in section 2703;

`(2) with the lawful consent of the customer or subscriber;

`(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

`(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

`(5) to any person other than a governmental entity.'.

(2) TECHNICAL AND CONFORMING AMENDMENT- The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2702 and inserting the following:

`2702. Voluntary disclosure of customer communications or records.'.

(b) REQUIREMENTS FOR GOVERNMENT ACCESS-

(1) IN GENERAL- Section 2703 of title 18, United States Code, is amended--

(A) by striking the section heading and inserting the following:

**`Sec. 2703. Required disclosure of customer communications or records';**

(B) in subsection (c) by redesignating paragraph (2) as paragraph (3);

(C) in subsection (c)(1)--

(i) by striking `(A) Except as provided in subparagraph (B), a provider of electronic communication service or remote computing service may' and inserting `A governmental entity may require a provider of electronic communication service or remote computing service to';

(ii) by striking `covered by subsection (a) or (b) of this section) to any person other than a governmental entity.

`(B) A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a) or (b) of this section) to a governmental entity' and inserting `)';

(iii) by redesignating subparagraph (C) as paragraph (2);

(iv) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively;

(v) in subparagraph (D) (as redesignated) by striking the period and inserting `; or'; and

(vi) by inserting after subparagraph (D) (as redesignated) the following:

`(E) seeks information under paragraph (2).'; and

(D) in paragraph (2) (as redesignated) by striking `subparagraph (B)' and insert `paragraph (1)'.

(2) TECHNICAL AND CONFORMING AMENDMENT- The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2703 and inserting the following:

2703. Required disclosure of customer communications or records.'

## **SEC. 217. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.**

Chapter 119 of title 18, United States Code, is amended--

(1) in section 2510--

(A) in paragraph (18), by striking 'and' at the end;

(B) in paragraph (19), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (19) the following:

(20) 'protected computer' has the meaning set forth in section 1030; and

(21) 'computer trespasser'--

(A) means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer; and

(B) does not include a person known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer.'; and

(2) in section 2511(2), by inserting at the end the following:

(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser transmitted to, through, or from the protected computer, if--

(I) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

(II) the person acting under color of law is lawfully engaged in an investigation;

(III) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

(IV) such interception does not acquire communications other than those transmitted to or from the computer trespasser.'