

**AMENDMENT TO RULES COMMITTEE PRINT 113-44**  
**OFFERED BY MR. GOSAR OF ARIZONA**

Page 504, insert after line 5 the following (and conform the table of contents accordingly):

1 **SEC. 1617. INCREASED PROTECTIONS RELATING TO INFOR-**  
2 **MATION SECURITY OF PRIVATE PERSONS.**

3 (a) PROTECTIONS RELATING TO VOLUNTARY DIS-  
4 CLOSURE OF PASSWORD INFORMATION.—Section 2702 of  
5 title 18, United States Code, is amended Section 2702 of  
6 title 18, United States Code, is amended—

7 (1) in subsection (a)—

8 (A) in the matter preceding paragraph (1),  
9 by striking “subsection (b) or (c)” and insert-  
10 ing “subsection (b), (c), or (d)”;

11 (B) in paragraph (2), by striking “and” at  
12 the end;

13 (C) in paragraph (3)—

14 (i) by inserting after “(not including  
15 the contents of communications covered by  
16 paragraph (1) or (2)” the following: “, or  
17 the password information covered by para-  
18 graph (4)”;

1 (ii) by striking the period at the end  
2 and inserting “; and”; and

3 (D) by inserting after paragraph (3) the  
4 following:

5 “(4) a person or entity providing an electronic  
6 communication service or a remote computing serv-  
7 ice to the public shall not knowingly divulge to any  
8 person or entity the password information pertaining  
9 to a subscriber or customer of such service.”;

10 (2) in subsection (c), by inserting after “(not  
11 including the contents of communications covered by  
12 subsection (a)(1) or (2)” the following: “, or the  
13 password information covered by subsection (a)(4)”;

14 (3) by redesignating subsection (d) as sub-  
15 section (e);

16 (4) by inserting after subsection (c) the fol-  
17 lowing:

18 “(d) EXCEPTIONS FOR DISCLOSURE OF PASSWORD  
19 INFORMATION.— A provider described in subsection (a)  
20 may divulge the password information pertaining to a sub-  
21 scriber or customer of such service—

22 “(1) as otherwise authorized in 2703 of this  
23 title;

24 “(2) with the lawful consent of the subscriber  
25 or customer;

1           “(3) as may be necessarily incident to the ren-  
2           dition of the service or to the protection of the rights  
3           or property of the provider of that service;

4           “(4) to the National Center for Missing and  
5           Exploited Children, in connection with a report sub-  
6           mitted thereto under section 2258A; or

7           “(5) to a governmental entity, if the provider,  
8           in good faith, believes that an emergency involving  
9           danger of death or serious physical injury to any  
10          person requires disclosure without delay of password  
11          information relating to the emergency.”; and

12          (5) in subsection (e), as so redesignated, by in-  
13          serting after “subsection (b)(8)” each place it ap-  
14          pears, the following: “or (d)(5)”.

15          (b) PROTECTIONS RELATING TO REQUIRED DISCLO-  
16          SURE OF CUSTOMER COMMUNICATIONS AND PASSWORD  
17          INFORMATION.—

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

20                         (A) in subsection (a)—

21                                 (i) in the first sentence, by inserting  
22                                 after “A governmental entity may require  
23                                 the disclosure by a provider of electronic  
24                                 communication service” the following: “or  
25                                 remote computing service”;

1 (ii) by striking “in an electronic com-  
2 munications system for one hundred and  
3 eighty days or less”; and

4 (iii) by striking the second sentence;

5 (B) by amending subsection (b) to read as  
6 follows:

7 “(b) PASSWORD INFORMATION.—A governmental en-  
8 tity may require a provider of electronic communication  
9 service or remote computing service to disclose the pass-  
10 word information pertaining to a subscriber or customer  
11 of such service only pursuant to a warrant issued using  
12 the procedures described in the Federal Rules of Criminal  
13 Procedure (or in the case of a State court, issued using  
14 State warrant procedures) by a court of competent juris-  
15 diction.”;

16 (C) in subsection (c)(1), by inserting after  
17 “(not including the contents of communica-  
18 tions” the following: “or the password informa-  
19 tion pertaining to a subscriber or customer of  
20 such service”; and

21 (D) in subsection (d), by striking “sub-  
22 section (b) or (c)” and inserting “subsection  
23 (c)”.

24 (2) CONFORMING AMENDMENTS.—Chapter 121  
25 of title 18, United States Code, is amended—

1 (A) in section 2701(c)(3), by striking “,  
2 2704,”;

3 (B) by repealing sections 2704 and 2705;  
4 and

5 (C) in section 2706, by striking “section  
6 2702, 2703, or 2704” and inserting “section  
7 2702 or 2703”.

8 (c) PASSWORD INFORMATION EXCLUDED FROM  
9 TRANSACTIONAL RECORDS AVAILABLE PURSUANT TO A  
10 COUNTERINTELLIGENCE REQUEST.—Section 2709 of title  
11 18, United States Code, is amended by inserting after sub-  
12 section (f), the following:

13 “(g) PASSWORD INFORMATION.—A request made  
14 pursuant to subsection (b) for electronic communication  
15 transactional records may not include a request for the  
16 password information pertaining to a subscriber or cus-  
17 tomer of a provider of electronic communication service  
18 or remote computing service.”.

19 (d) PASSWORD INFORMATION EXCLUDED FROM  
20 TANGIBLE THINGS REQUIRED TO BE PRODUCED  
21 THROUGH A FISA COURT ORDER.—Section 501(a)(1) of  
22 the Foreign Intelligence Surveillance Act of 1978 (50  
23 U.S.C. 1861(a)(1)) is amended by inserting after “tan-  
24 gible things (including books, records, papers, documents,  
25 and other items” the following: “, but not including pass-

1 word information pertaining to a customer or subscriber  
2 of a provider of electronic communication service or re-  
3 mote computing service (as such terms are defined in sec-  
4 tion 2510 and 2711 of title 18, United States Code, re-  
5 spectively)”.