

**COMMITTEE AMENDMENT IN THE NATURE OF A  
SUBSTITUTE TO H.R. 5018**

**(As ordered reported from the Committee on the Judiciary on  
26 September 2000)**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Electronic Communica-  
3 tions Privacy Act of 2000”.

4 **SEC. 2. USE AS EVIDENCE.**

5 (a) IN GENERAL.—Section 2515 of title 18, United  
6 States Code, is amended—

7 (1) by striking “**WIRE OR ORAL**” in the head-  
8 ing and inserting “**WIRE, ORAL, OR ELEC-**  
9 **TRONIC**”.

10 (2) by striking “Whenever any wire or oral  
11 communication has been intercepted” and inserting  
12 “(a) Except as provided in subsection (b), whenever  
13 any wire, oral, or electronic communication has been  
14 intercepted, or any electronic communication in elec-  
15 tronic storage has been disclosed”;

16 (3) by inserting “or chapter 121” after “this  
17 chapter”; and

18 (4) by adding at the end the following:



1           “(b) Subsection (a) does not apply to the disclosure,  
2 before a grand jury or in a criminal trial, hearing, or other  
3 criminal proceeding, of the contents of a communication,  
4 or evidence derived therefrom, against a person alleged to  
5 have intercepted, used, or disclosed the communication in  
6 violation of this chapter, or chapter 121, or participated  
7 in such violation.”.

8           (b) SECTION 2517.—Paragraphs (1) and (2) of sec-  
9 tion 2517 are each amended by inserting “or under the  
10 circumstances described in section 2515(b)” after “by this  
11 chapter”.

12           (c) SECTION 2518.—Section 2518 of title 18, United  
13 States Code, is amended—

14                 (1) in subsection (7)(b), by striking “subsection  
15 (d)” and inserting “subsection (8)(d);

16                 (2) in paragraph (10)—

17                         (A) by striking “or oral” each place it ap-  
18 pears and inserting “, oral, or electronic”;

19                         (B) in paragraph (a)—

20                                 (i) by striking the period at the end of  
21 clause (iii) and inserting a semicolon; and

22                                 (ii) by inserting “except that no  
23 supresssion may be ordered under the cir-  
24 cumstances described in section 2515(b).”

25                                 before “Such motion”; and



1 (C) by striking paragraph (c).

2 (d) CLERICAL AMENDMENT.—The item relating to  
3 section 2515 in the table of sections at the beginning of  
4 chapter 119 of title 18, United States Code, is amended  
5 to read as follows

“2515. Prohibition of use as evidence of intercepted wire, oral, or electronic  
communications.”.

6 **SEC. 3. REPORTS CONCERNING THE DISCLOSURE OF THE**  
7 **CONTENTS OF ELECTRONIC COMMUNICA-**  
8 **TIONS.**

9 Section 2703 of title 18, United States Code, is  
10 amended by adding at the end the following:

11 “(g) REPORTS CONCERNING THE DISCLOSURE OF  
12 THE CONTENTS OF ELECTRONIC COMMUNICATIONS.—

13 “(1) By January 31 of each calendar year, the  
14 judge issuing or denying an order, warrant, or sub-  
15 poena, or the authority issuing or denying a sub-  
16 poena, under subsection (a) or (b) of this section  
17 during the preceding calendar year shall report on  
18 each such order, warrant, or subpoena to the Ad-  
19 ministrative Office of the United States Courts—

20 “(A) the fact that the order, warrant, or  
21 subpoena was applied for;

22 “(B) the kind of order, warrant, or sub-  
23 poena applied for;



1           “(C) the fact that the order, warrant, or  
2 subpoena was granted as applied for, was modi-  
3 fied, or was denied;

4           “(D) the offense specified in the order,  
5 warrant, subpoena, or application;

6           “(E) the identity of the agency making the  
7 application; and

8           “(F) the nature of the facilities from which  
9 or the place where the contents of electronic  
10 communications were to be disclosed.

11           “(2) In January of each year the Attorney Gen-  
12 eral or an Assistant Attorney General specially des-  
13 igned by the Attorney General shall report to the  
14 Administrative Office of the United States Courts—

15           “(A) the information required by subpara-  
16 graphs (A) through (F) of paragraph (1) of this  
17 subsection with respect to each application for  
18 an order, warrant, or subpoena made during  
19 the preceding calendar year; and

20           “(B) a general description of the disclo-  
21 sures made under each such order, warrant, or  
22 subpoena, including—

23           “(i) the approximate number of all  
24 communications disclosed and, of those,



1 the approximate number of incriminating  
2 communications disclosed;

3 “(ii) the approximate number of other  
4 communications disclosed; and

5 “(iii) the approximate number of per-  
6 sons whose communications were disclosed.

7 “(3) In June of each year, beginning in 2002,  
8 the Director of the Administrative Office of the  
9 United States Courts shall transmit to the Congress  
10 a full and complete report concerning the number of  
11 applications for orders, warrants, or subpoenas au-  
12 thorizing or requiring the disclosure of the contents  
13 of electronic communications pursuant to sub-  
14 sections (a) and (b) of this section and the number  
15 of orders, warrants, or subpoenas granted or denied  
16 pursuant to subsections (a) and (b) of this section  
17 during the preceding calendar year. Such report  
18 shall include a summary and analysis of the data re-  
19 quired to be filed with the Administrative Office by  
20 paragraphs (1) and (2) of this subsection. The Di-  
21 rector of the Administrative Office of the United  
22 States Courts is authorized to issue binding regula-  
23 tions dealing with the content and form of the re-  
24 ports required to be filed by paragraphs (1) and (2)  
25 of this subsection.”.



1 **SEC. 4. PEN REGISTERS AND TRAP AND TRACE DEVICES.**

2 (a) REQUIREMENT FOR SHOWING.—Section  
3 3122(b)(2) of title 18, United States Code, is amended  
4 to read as follows:

5 “(2) a statement of facts showing that the re-  
6 quirements of section 3123 have been met.”.

7 (b) FINDING BY COURT.—Subsection (a) of section  
8 3123 of title 18, United States Code, is amended by strik-  
9 ing “the attorney for the Government” and all that follows  
10 through the end of such subsection and inserting “specific  
11 and articulable facts reasonably indicate that a crime has  
12 been, is being, or will be committed, and information likely  
13 to be obtained by such installation and use is relevant to  
14 the investigation of that crime.”.

15 **SEC. 5. CIVIL DAMAGES.**

16 Section 2520(e)(2) of title 18, United States Code,  
17 is amended—

18 (1) by striking “court may” and inserting  
19 “court shall”;

20 (2) by striking “greater” and inserting “great-  
21 est”;

22 (3) in subparagraph (A), by striking “or” after  
23 the semicolon;

24 (4) in subparagraph (B), by striking “whichever  
25 is the greater of \$100 a day for each day of violation



1 or \$10,000;” and inserting “\$500 a day for each  
2 violation; or”; and

3 (5) by inserting after subparagraph (B), the  
4 following:

5 “(C) statutory damages of \$10,000.”.

6 **SEC. 6. NOTIFICATION.**

7 Section 2705(a)(4) of title 18, United States Code,  
8 is amended by striking “or by certification by a govern-  
9 mental entity, but only in accordance with subsection (b)  
10 of this section.” and inserting “if the court determines  
11 that there is reason to believe that notification of the exist-  
12 ence of the court order or subpoena may have an adverse  
13 result described in paragraph (2) of this subsection.”.

14 **SEC. 7. GOVERNMENT ACCESS TO LOCATION INFORMA-**  
15 **TION.**

16 (a) COURT ORDER REQUIRED.—Section 2703 of title  
17 18, United States Code, as amended by section 3 of this  
18 Act, is further amended by adding at the end the fol-  
19 lowing:

20 “(h) DISCLOSURE OF LOCATION INFORMATION TO  
21 GOVERNMENTAL ENTITIES.—

22 “(1) DISCLOSURE UPON COURT ORDER.—Ex-  
23 cept as provided in paragraph (2), a provider of mo-  
24 bile electronic communication service shall provide to  
25 a governmental entity information generated by and



1 disclosing the current physical location of a sub-  
2 scriber's equipment only if the governmental entity  
3 obtains a court order issued upon a finding that  
4 there is probable cause to believe that—

5 “(A) a person is committing, has com-  
6 mitted, or is about to commit a felony offense;  
7 and

8 “(B) the location information sought to be  
9 obtained concerns the location of the person be-  
10 lieved to have committed, be committing, or be  
11 about to commit that offense or a victim of that  
12 offense.

13 “(2) PERMITTED DISCLOSURES WITHOUT  
14 COURT ORDER.—A provider of mobile electronic  
15 communication service may provide information de-  
16 scribed in paragraph (1)—

17 “(A) to a public safety answering point,  
18 emergency medical service provider or emer-  
19 gency dispatch provider, public safety, fire serv-  
20 ice or law enforcement official, or hospital  
21 emergency or trauma care facility, in order to  
22 respond to the user's call for emergency serv-  
23 ices;

24 “(B) to inform the user's legal guardian or  
25 members of the user's immediate family of the



1 user's location in an emergency situation that  
2 involves the risk of death or serious physical  
3 harm; or

4 "(C) with the express consent of the sub-  
5 scriber or the user of the equipment concerned.

6 "(3) DEFINITIONS.—The term 'public safety  
7 answering point' means a facility that has been des-  
8 ignated to receive emergency calls and route them to  
9 emergency service personnel."

10 (b) CONFORMING AMENDMENT.—Subsection  
11 (c)(1)(B) of section 2703 of title 18, United States Code,  
12 is amended by striking "(b) of this section" and inserting  
13 "(b), or wireless location information covered by sub-  
14 section (g)".

15 **SEC. 8. COMPUTER CRIME AMENDMENTS.**

16 (a) GENERALLY.—Section 1030 of title 18, United  
17 States Code, is amended—

18 (1) in subsection (a)(3), by striking "such a  
19 computer" and inserting "without or in excess of au-  
20 thorization a computer";

21 (2) in subsection (a)(5), by inserting after sub-  
22 paragraph (C) the following:

23 "(B) whose conduct described in clause (i), (ii),  
24 or (iii) of subparagraph (A)—



1           “(i) caused loss to one or more persons  
2 during any one-year period (including loss re-  
3 sulting from a related course of conduct affect-  
4 ing one or more other protected computers) ag-  
5 gregating at least \$5,000;

6           “(ii) modified or impaired, or potentially  
7 modified or impaired, the medical examination,  
8 diagnosis, treatment, or care of one or more in-  
9 dividuals;

10           “(iii) caused physical injury to any indi-  
11 vidual;

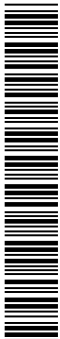
12           “(iv) threatened public health or safety;

13           “(v) caused damage affecting a computer  
14 system used by or for a government entity in  
15 furtherance of the administration of justice, na-  
16 tional defense, or national security; or

17           “(vi) intentionally defaced, damaged, or  
18 destroyed images or information made available  
19 to the public and thereby interfered with the  
20 rights protected under the First Amendment to  
21 the Constitution;”.

22           (3) in subsection (a)(5)(A), by inserting “(i)”  
23 after “(5)(A)”;

24           (4) in subsection (a)(5)(B), by striking “(B)”  
25 and inserting “(ii)”;



1 (5) in subsection (a)(5)(C)—

2 (A) by striking “(C)” and inserting “(iii)”;

3 and

4 (B) by inserting “and” after the semicolon;

5 (6) in subsection (a)(7), by striking “, firm, as-  
6 sociation, educational institution, financial institu-  
7 tion, government entity, or other legal entity,”;

8 (7) in subsection (b), by adding before the pe-  
9 riod “as if such person had committed the completed  
10 offense”;

11 (8) in subsection (c)(1)(A) and (B), by striking  
12 “, or an attempt to commit an offense punishable  
13 under this subparagraph”;

14 (9) in subsection (c)(1)(A), by inserting  
15 “(a)(5)(A)(i) or (5)(A)(ii)” after “(a)(1),”;

16 (10) by amending subsection (c)(2)(A) to read  
17 as follows:

18 “(2)(A) except as provided in subsection  
19 (c)(2)(B), a fine under this title or imprisonment for  
20 not more than one year, or both, in the case of an  
21 offense under subsection (a)(2), (a)(3),  
22 (a)(5)(A)(iii), or (a)(6) of this section which does  
23 not occur after a conviction for another offense  
24 under this section;”;

25 (11) by deleting subsection (c)(2)(C);



1 (12) in subsection (c)(3)—

2 (A) by redesignating subparagraph (A) as  
3 paragraph (3);

4 (B) by striking “, (a)(5)(A), (a)(5)(B),”;

5 (C) by inserting a semicolon after “sec-  
6 tion” the second place it appears and by strik-  
7 ing “, or an attempt to commit an offense pun-  
8 ishable under this subparagraph; and”;

9 (D) by striking subparagraph (B) and in-  
10 sserting:

11 “(4) a fine under this title or imprisonment for  
12 not more than ten years, or both, in the case of an  
13 offense under subsection (a)(2), (a)(3), (a)(4),  
14 (a)(5), (a)(6), or (a)(7) of this section which occurs  
15 after a conviction for another offense under this sec-  
16 tion.”;

17 (13) in subsection (d)—

18 (A) by striking “subsections (a)(2)(A),  
19 (a)(2)(B), (a)(3), (a)(4), (a)(5), and (a)(6) of”;  
20 and

21 (B) by striking “which shall be entered  
22 into by” and inserting “between”;

23 (14) in subsection (e)(7), by striking “and”  
24 after the semicolon;



1 (15) in subsection (e)(8), by striking all after  
2 “information” and inserting a semicolon;

3 (16) in subsection (e)(9), by striking the period  
4 at the end and inserting a semicolon;

5 (17) by inserting the following after subsection  
6 (e)(9):

7 “(10) the term ‘conviction for another offense  
8 under this section’ includes a State conviction for a  
9 crime punishable by imprisonment for more than 1  
10 year, an element of which is unauthorized access, or  
11 exceeding authorized access, to a computer;

12 “(11) the term ‘loss’ means any reasonable cost  
13 to any victim, including responding to the offense,  
14 conducting a damage assessment, restoring any  
15 data, program, system, or information to its condi-  
16 tion before the offense, and any revenue lost or costs  
17 incurred because of interruption of service; and

18 “(12) the term ‘person’ includes any individual,  
19 firm, association, educational institution, financial  
20 institution, corporation, company, partnership, gov-  
21 ernment entity, or other legal entity.”;

22 (18) by amending subsection (g) to read as fol-  
23 lows:

24 “(g) Except as herein provided, any person who suf-  
25 fers damage or loss by reason of a violation of this section



1 may maintain a civil action against the violator to obtain  
2 compensatory damages and injunctive or other equitable  
3 relief. A suit for a violation of subsection (a)(5) may be  
4 brought only if the conduct involves one or more of the  
5 factors enumerated in subsection (a)(5)(B). No action  
6 may be brought under this subsection unless such action  
7 is begun within 2 years of the date of the act complained  
8 of or the date of the discovery of the damage.”; and

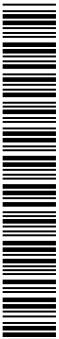
9 (19) by adding the following subsection after  
10 subsection (h):

11 “(i)(1) The court, in imposing sentence on any person  
12 convicted of a violation of this section, shall order, in addi-  
13 tion to any other sentence imposed and irrespective of any  
14 provision of State law, that such person forfeit to the  
15 United States—

16 “(A) such person’s interest in any personal  
17 property that was used or intended to be used to  
18 commit or to facilitate the commission of such viola-  
19 tion; and

20 “(B) any property, real or personal, consti-  
21 tuting or derived from, any proceeds that such per-  
22 son obtained, directly or indirectly, as a result of  
23 such violation.

24 “(2) The criminal forfeiture of property under this  
25 subsection, any seizure and disposition thereof, and any



1 administrative or judicial proceeding in relation thereto,  
2 shall be governed by the provisions of section 413 of the  
3 Comprehensive Drug Abuse Prevention and Control Act  
4 of 1970 (21 U.S.C. 853), except subsection (d) of that  
5 section.

6 (b) SENTENCING COMMISSION.—Section 805 of the  
7 Antiterrorism and Effective Death Penalty Act of 1996  
8 (Public Law 104–132) is amended by striking “shall  
9 amend the sentencing guidelines to ensure any individual  
10 convicted of a violation of paragraph (4) or (5)” and in-  
11 serting “shall amend the sentencing guidelines to ensure  
12 any individual convicted of a violation of paragraph (4)  
13 or a felony violation of paragraph (5)(A)(i) (but not of  
14 paragraph (5)(A)(ii) or (5)(A)(iii))”.”.

15 **SEC. 9. INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC**  
16 **COMMUNICATIONS AMENDMENTS.**

17 Chapter 119 of title 18, United States Code, is  
18 amended—

19 (1) in section 2510(10), by striking “153(h)”  
20 and inserting “153(10)”;

21 (2) in section 2516, by striking “wire or oral”  
22 and inserting “wire, oral, or electronic”;

23 (3) in the first subsection (p) of section  
24 2516(1), by inserting “section 1030 (relating to  
25 computer fraud and abuse), section 1362 (relating



1 to destruction of government communications facili-  
2 ties)” after “identification documents),”;

3 (4) in section 2516(1), by redesignating the sec-  
4 ond subsection (p) as subsection (q);

5 (5) by deleting subsection (3); and

6 (6) in section 2518(7), by striking “subsection  
7 (d)” and inserting “subsection (8)(d)”.

8 **SEC. 10. AMENDMENTS TO THE ELECTRONIC COMMUNICA-**  
9 **TIONS PRIVACY ACT.**

10 (a) Section 2701 of title 18, United States Code, is  
11 amended—

12 (1) in subsection (b)(1)—

13 (A) by striking “purposes of” and insert-  
14 ing “a tortious or illegal purpose,”;

15 (B) in subparagraph (A), by striking “one  
16 year” and inserting “three years”; and

17 (C) in subparagraph (B), by striking  
18 “two” and inserting “five”; and

19 (2) by amending subsection (b)(2) to read as  
20 follows:

21 “(2) in any other case—

22 “(A) a fine under this title or imprison-  
23 ment for not more than one year, or both, in  
24 the case of a first offense under this subpara-  
25 graph;



1           “(B) a fine under this title or imprison-  
 2           ment for not more than five years, or both, for  
 3           any subsequent offense under this subpara-  
 4           graph.”.

5           (b) Section 2702 of title 18, United States Code, is  
 6           amended—

7           (1) by amending the catchline to read as fol-  
 8           lows:

9           **“§ 2702 Voluntary disclosure of customer communica-  
 10           tions or records”;**

11           (2) in subsection (a)(1)—

12           (A) by striking “person or entity providing  
 13           an” and inserting “provider of”; and

14           (B) by striking “and” at the end;

15           (3) in subsection (a)(2)—

16           (A) by striking “person or entity pro-  
 17           viding” and inserting “provider of”; and

18           (B) by striking the period at the end and  
 19           inserting “; and”;

20           (4) in subsection (a), by adding the following  
 21           paragraph after paragraph (2):

22           “(3) a provider of remote computing service or  
 23           electronic communication service to the public shall  
 24           not knowingly divulge a record or other information  
 25           pertaining to a subscriber to or customer of such



1 service (not including the contents of communica-  
2 tions covered by subsection (a)(1) or (a)(2) of this  
3 section) to any governmental entity.”;

4 (5) in the heading of subsection (b) by adding  
5 “FOR DISCLOSURE OF COMMUNICATIONS” after  
6 “EXCEPTIONS”;

7 (6) in subsection (b), by striking “person or en-  
8 tity” and inserting “provider described in subsection  
9 (a)”;

10 (7) by adding the following subsection after  
11 subsection (b):

12 “(c) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER  
13 RECORDS.—A provider described in subsection (a) may di-  
14 vulge a record or other information pertaining to a sub-  
15 scriber to or customer of such service (not including the  
16 contents of communications covered by subsection (a)(1)  
17 or (a)(2) of this section)—

18 “(1) as otherwise authorized in section 2703 of  
19 this title;

20 “(2) with the lawful consent of the customer or  
21 subscriber;

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



1           “(4) to a governmental entity, if the provider  
2 reasonably believes that an emergency involving im-  
3 mediate danger of death or serious physical injury to  
4 any person justifies disclosure of the information; or  
5           “(5) to any person other than a governmental  
6 entity where not otherwise prohibited by law.”.

7           (d) CONFORMING AMENDMENTS.—Section 2703 of  
8 title 18, United States Code, is amended—

9           (1) in subsection (c) by—

10           (A) redesignating paragraph (2) as para-  
11 graph (3); and

12           (B) redesignating subparagraph (C) of  
13 paragraph (1) as paragraph (2);

14           (2) in subsection (c)(1) by—

15           (A) striking “(A) Except as provided in  
16 subparagraph (B),” and inserting “A govern-  
17 mental entity may require”;

18           (B) striking “may disclose” and inserting  
19 “to disclose”; and

20           (C) striking “to any person other than a  
21 governmental entity.”;

22           (D) striking “(B) A provider of” through  
23 “to a governmental entity”;

24           (E) redesignating subdivisions (i) through  
25 (iv) as subparagraphs (A) through (D);



1 (F) striking “or” at the end of subpara-  
2 graph (C) as redesignated;

3 (G) striking the period at the end of sub-  
4 paragraph (D) as redesignated and inserting “;  
5 or”; and

6 (H) adding the following subparagraph  
7 after subparagraph (D) as redesignated:

8 “(E) seeks information pursuant to para-  
9 graph (2).”; and

10 (3) in subsection (c)(2) as redesignated by—

11 (A) striking “an administrative subpoena  
12 authorized by a Federal or State statute or a  
13 Federal or State grand jury or trial subpoena”  
14 and inserting “a Federal or State grand jury or  
15 trial subpoena, or a subpoena or equivalent  
16 process authorized by a Federal or State stat-  
17 ute,”; and

18 (B) striking “subparagraph (B).” and in-  
19 serting “paragraph (1).”.

20 (e) Section 2707(c) of title 18, United States Code,  
21 is amended by striking “\$1,000” and inserting “\$5,000”.

22 **SEC. 11. ADDITIONAL PROVISIONS RELATING TO PEN REG-**  
23 **ISTERS.**

24 (a) Section 3125 of title 18, United States Code, is  
25 amended—



1 (1) in subsection (a)(1)—

2 (A) in subparagraph (A), by striking “or”  
3 after the semicolon;

4 (B) in subparagraph (B), by striking the  
5 comma after “crime” and inserting a semicolon;  
6 and

7 (C) by inserting after paragraph (B), the  
8 following:

9 “(C) an immediate threat to a national se-  
10 curity interest; or

11 “(D) an ongoing attack on the integrity or  
12 availability of a protected computer in violation  
13 of section 1030(a)(5)(A)(i) or 1030(a)(5)(A)(ii)  
14 of this title,”;

15 (2) at the end of the matter following para-  
16 graph (2), by inserting the following: “In the event  
17 an application for such order is denied, or in any  
18 other case where the installation and use of a pen  
19 register or trap and trace device is terminated with-  
20 out an order having been issued, any information ob-  
21 tained by such installation and use shall be treated  
22 as having been obtained in violation of this chapter,  
23 and an inventory shall be served as provided for in  
24 subsection (b) of this section on the person named  
25 in the application.”;



1           (3) by inserting the following after subsection

2           (a):

3           “(b) Within a reasonable time but not later than 90  
4 days after the filing of an application for an order of ap-  
5 proval under subsection (a)(2) of this section which is de-  
6 nied, the denying judge shall cause to be served, on the  
7 persons named in the order or the application, and such  
8 other parties to the information obtained by such installa-  
9 tion and use of a pen register or trap and trace device  
10 as the judge may determine in his discretion is in the in-  
11 terest of justice, an inventory which shall include notice  
12 of—

13                   “(1) the fact of the entry of the application;

14                   “(2) the date of the entry and the date of the  
15 denial of the application; and

16                   “(3) the fact that during the period covered by  
17 the application, information was obtained by the in-  
18 stallation and use of a pen register or trap and trace  
19 device.

20 The judge, upon the filing of a motion, may in his discre-  
21 tion make available to such person or his counsel for in-  
22 spection such portions of the applications as the judge de-  
23 termines to be in the interest of justice. On an ex parte  
24 showing of good cause to a judge of competent jurisdiction



1 the serving of the inventory required by this subsection  
2 may be postponed.”; and

3 (4) by redesignating subsections (b) through (d)  
4 as subsections (c) through (e), respectively.

5 (b) Section 3127 of title 18, United States Code, is  
6 amended—

7 (1) in paragraph (6), by striking the period and  
8 inserting “; and”; and

9 (2) by adding the following paragraph after  
10 paragraph (6):

11 “(7) the term ‘protected computer’ has the  
12 meaning set forth in section 1030 of this title.”.

13 **SEC. 12. GOVERNMENT ACCESS TO CONTENTS OF STORED**  
14 **ELECTRONIC COMMUNICATIONS.**

15 Section 2703(a) of title 18, United States Code, is  
16 amended by striking “one hundred and eighty days” each  
17 place it appears and inserting “one year”.

18 **SEC. 13. ENHANCED PRIVACY PROTECTION FOR INFORMA-**  
19 **TION ON COMPUTER NETWORKS.**

20 Section 2510(17) of title 18, United States Code, is  
21 amended—

22 (1) by striking “and” at the end of subpara-  
23 graph (A); and

24 (2) by inserting at the end the following:



1           “(C) any storage of an electronic commu-  
2           nication by an electronic communication service  
3           without regard to whether the communication  
4           has been accessed by the intended recipient;  
5           and

