

119TH CONGRESS
2D SESSION

H. R. 9016

To amend title 18, United States Code, to update the privacy protections for electronic communications information that is stored by third-party service providers in order to protect consumer privacy interests while meeting law enforcement needs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2026

Ms. DELBENE (for herself and Mr. DAVIDSON) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to update the privacy protections for electronic communications information that is stored by third-party service providers in order to protect consumer privacy interests while meeting law enforcement needs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Email Privacy Act”.

5 **SEC. 2. VOLUNTARY DISCLOSURE CORRECTIONS.**

6 (a) IN GENERAL.—Section 2702 of title 18, United
7 States Code, is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1)—

3 (i) by striking “divulge” and inserting
4 “disclose”; and

5 (ii) by striking “while in electronic
6 storage by that service” and inserting
7 “that is in electronic storage with or other-
8 wise stored, held, or maintained by that
9 service”;

10 (B) in paragraph (2)—

11 (i) by striking “to the public”;

12 (ii) by striking “divulge” and insert-
13 ing “disclose”; and

14 (iii) by striking “which is carried or
15 maintained on that service” and inserting
16 “that is stored, held, or maintained by that
17 service”; and

18 (C) in paragraph (3)—

19 (i) by striking “divulge” and inserting
20 “disclose”; and

21 (ii) by striking “a provider of” and in-
22 serting “a person or entity providing”;

23 (2) in subsection (b)—

24 (A) in the matter preceding paragraph

25 (1)—

1 (i) by striking “divulge” and inserting
2 “disclose”; and

3 (ii) by inserting “wire or electronic”
4 before “communication”;

5 (B) by amending paragraph (1) to read as
6 follows:

7 “(1) to an originator, addressee, or intended re-
8 cipient of such communication, to the subscriber or
9 customer on whose behalf the provider stores, holds,
10 or maintains such communication, or to an agent of
11 such addressee, intended recipient, subscriber, or
12 customer;”; and

13 (C) by amending paragraph (3) to read as
14 follows:

15 “(3) with the lawful consent of the originator,
16 addressee, or intended recipient of such communica-
17 tion, or of the subscriber or customer on whose be-
18 half the provider stores, holds, or maintains such
19 communication;”; and

20 (3) in subsection (c)—

21 (A) in the matter preceding paragraph
22 (1)—

23 (i) by striking “divulge” and inserting
24 “disclose”; and

1 (ii) by inserting “wire or electronic”
2 before “communications”; and
3 (B) by amending paragraph (2) to read as
4 follows:
5 “(2) with the lawful consent of the subscriber
6 or customer;”.

7 **SEC. 3. AMENDMENTS TO REQUIRED DISCLOSURE SEC-**
8 **TION.**

9 (a) IN GENERAL.—Section 2703 of title 18, United
10 States Code is amended—

11 (1) in subsection (a)—

12 (A) by striking “A governmental entity”
13 and inserting “Except as provided in sub-
14 sections (i) and (j), a governmental entity”;

15 (B) by striking “provider of electronic
16 communication service” and inserting “provider
17 of electronic communication service or remote
18 computing service”;

19 (C) by striking “pursuant to” and insert-
20 ing “if the governmental entity obtains”;

21 (D) by striking “by a court of competent
22 jurisdiction.” and inserting “that is issued by a
23 court of competent jurisdiction and that may
24 indicate the date by which the provider must
25 make the disclosure to the governmental entity.

1 In the absence of a date on the warrant indi-
2 cating the date by which the provider must
3 make disclosure to the governmental entity, the
4 provider shall promptly respond to the war-
5 rant.”; and

6 (E) by striking “provider of electronic
7 communication services” and inserting “pro-
8 vider of electronic communication service or re-
9 mote computing service”;

10 (2) in subsection (c)—

11 (A) in paragraph (1)—

12 (i) in the matter preceding subpara-
13 graph (A)—

14 (I) by striking “A governmental
15 entity” and inserting “Except as pro-
16 vided in subsections (i) and (j), a gov-
17 ernmental entity”; and

18 (II) by striking “only when the
19 governmental entity” and inserting
20 “only”;

21 (ii) in subparagraph (A)—

22 (I) by striking “obtains a war-
23 rant issued” and inserting “if the gov-
24 ernmental entity obtains a warrant”;

1 (II) by striking “by the Presi-
2 dent) by a court” and inserting the
3 following: “by the President) that—

4 “(i) is issued by a court”;

5 (III) by inserting “and” after
6 “jurisdiction;”; and

7 (IV) by adding at the end the fol-
8 lowing:

9 “(ii) may indicate the date by which
10 the provider must make the disclosure to
11 the governmental entity;”;

12 (iii) in subparagraph (B), by inserting
13 “if the governmental entity” before “ob-
14 tains”;

15 (iv) in subparagraph (C), by striking
16 “has the consent of the subscriber or cus-
17 tomer to such disclosure;” and inserting
18 “with the lawful consent of the subscriber
19 or customer; or”;

20 (v) by striking subparagraph (D);

21 (vi) by redesignating subparagraph
22 (E) as subparagraph (D);and

23 (vii) in subparagraph (D), as so redес-
24 ignated, by striking “seeks information”

1 and inserting “as otherwise authorized”;

2 and

3 (B) in paragraph (2)—

4 (i) in the matter preceding subpara-
5 graph (A), by inserting “, in response to
6 an administrative subpoena authorized by
7 Federal or State statute, a grand jury,
8 trial, or civil discovery subpoena, or any
9 means available under paragraph (1),”
10 after “shall”; and

11 (ii) in the matter following subpara-
12 graph (F), by striking “of a subscriber”
13 and all that follows and inserting “of a
14 subscriber or customer of such service.”;

15 (3) in subsection (d)—

16 (A) by striking “the contents of a wire or
17 electronic communication, or”;

18 (B) by striking “sought,” and inserting
19 “sought”; and

20 (C) by striking “section” and inserting
21 “subsection”; and

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

23 “(h) NOTICE.—Except as provided in section 2705,
24 a provider of electronic communication service or remote
25 computing service may notify a subscriber or customer of

1 a receipt of a warrant, court order, subpoena, or request
2 under subsection (a), (c), or (d) of this section.

3 “(i) RULE OF CONSTRUCTION RELATED TO LEGAL
4 PROCESS.—Nothing in this section or in section 2702
5 shall modify the authorities for a governmental entity to
6 obtain a wire or electronic communication (including the
7 contents of that communication) from a provider of a re-
8 mote computing service or electronic communication serv-
9 ice if—

10 “(1) the originator, addressee, or intended re-
11 cipient of such communication is an officer, director,
12 employee, or agent of the provider acting in their ca-
13 pacity as such an officer, director, employee, or
14 agent; or

15 “(2) the communication—

16 “(A) advertises or promotes a product or
17 service; and

18 “(B) has been made readily available to
19 the general public.

20 “(j) RULE OF CONSTRUCTION RELATED TO CON-
21 GRESSIONAL SUBPOENAS.—Nothing in this section or in
22 section 2702 shall limit the power of inquiry vested in the
23 Congress by article I of the Constitution of the United
24 States.”

1 (b) WARRANT REQUIREMENT FOR STORED COMMU-
2 UNICATIONS CONTENT.—Section 2703 of title 18, United
3 States Code, is amended—

4 (1) in subsection (a)—

5 (A) by striking “, that is in electronic stor-
6 age in an electronic communications system for
7 one hundred and eighty days or less,”; and

8 (B) by striking the last sentence;

9 (2) by striking subsection (b) and inserting the
10 following:

11 “(b) **【Repealed】**.”; and

12 (3) in subsection (d) by striking “(b) or”.

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