

Mr. Speaker, our economy has been limping along for quite some time now. This is the worst economic recovery following a recession since World War II. GDP growth is just 60 percent of our 70-year average. I will say that again: 60 percent of average. Because of this, wages for working families are stagnant.

American businesses are being stifled by red tape, high taxes, and a Federal Government that crowds out private investment through its addiction to deficit spending.

I am not willing to accept that this economy is the new normal. We can do far better, Mr. Speaker. We need to make America the best place in the world to do business.

I believe that, by instituting progrowth policies, we can get wages for Americans moving up again and encourage businesses to invest in growing here instead of going overseas.

This bipartisan legislation is a concrete, direct example of something Congress can do immediately to make American manufacturing more competitive. Helping our manufacturers create good-paying jobs for American workers instead of moving them overseas should not be a partisan issue.

I look forward to seeing this bill move through Congress and will continue to be a voice for workers and manufacturers in Iowa and across the country so we can reignite our economy, raise wages for working families and once again make America the best place in the world to do business.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time. I will be very brief.

We have welcomed the chance to work together, and I want to thank the staff on both sides for doing that.

There were obstacles, I think unfortunate ones, in terms of the interpretation of the rules of this House. Lots of jobs were lost. Tariffs were placed on goods when we could have avoided that.

I am proud that, in 2010, when we were in the majority and we worked together up to a point, we developed the most transparent procedures. They were given the gold seal.

Everything had to be out in the open. Everything had to be there for the public to see. If any one of us on either side of the aisle, Democratic or Republican, Senate or House, objected to a provision, saying, for example, that it would impact jobs in the United States, that provision was gone.

As a result of that effort in 2010, when it came up for a vote, only one Democrat of all of us voted against it.

So time has been lost. Jobs have been lost. We have lost some ground on manufacturing that never should have happened.

But the important thing today is that we are moving ahead and we are going to pass a bill that sets in motion a procedure that will go into effect the end of next year.

So I hope we learn from this experience that we should not be tied up by

procedures in this Congress. Instead, we should look at what is the real impact of what we do on jobs in this country. These are basically very middle-income jobs, and we have lost too many.

We are now trying to recapture some of that lost ground with this procedure. I think it is something that we now need to adopt.

So I urge all of my colleagues on this side of the aisle and, I hope, the vast majority of you on your side of the aisle, Mr. Chairman, that we will join together at long last to pass what we have come to know as MTB.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Think about the benefits of this bipartisan bill: tax cuts to American manufacturers; more jobs in our community, both retained and, in some cases, grown; lower costs for consumers and our businesses as well; Congress retains its strong constitutional powers over tariffs; and this bill complies fully with the current House earmark ban. That is a win-win for American consumers and our economy. It was achieved through bipartisan work.

I thank Ranking Member LEVIN and those who came together across the aisle and across the rotunda to make this process and this solution a reality.

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This is good for America. This is good for our manufacturers, it is good for our local jobs, and I urge support for this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise today to support passage of H.R. 4923, the American Manufacturing Competitiveness Act of 2016. This bipartisan, bicameral legislation creates an open and transparent process for the House to consider manufacturing tax cuts through the Miscellaneous Tariff Bill (MTB). This new process corrects distortions in the U.S. tariff code that place an unnecessary and anti-competitive tax on manufacturers, retailers and other businesses across the country that rely on imported products not available domestically.

As an active promoter of free trade, I want to commend my good friend and fellow Texan, Congressman BRADY for steering this important legislation to the House floor. I thank him for consulting with me on the development of this legislation, and I am pleased to support his efforts to ensure swift passage of this critical bill. Our partnership was memorialized in the exchange of letters contained in the Ways and Means Committee's report on the measure.

Congress has not renewed MTBs since the U.S. Manufacturing Enhancement Act in 2010 expired at the end of 2012. Since then, U.S. businesses faced an annual \$748 million tax increase on manufacturing with an overall economic loss of \$1.875 billion for the U.S. economy.

The new MTB process will help American manufacturers compete in the global market while also ensuring a transparent and public

process for consideration of MTBs. U.S. businesses will be able to petition the independent, non-partisan International Trade Commission (ITC), explaining the need for a specific tariff reduction or suspension. The ITC will then be able to issue a public report to Congress analyzing the request and whether or not it meets MTB standards, including that there is no domestic production. Congress would then be able to consider the bill within existing House Rules.

Small businesses and manufacturers across the country have long voiced their support for this new process. I am proud to have worked with Congressman BRADY to ensure passage of this job creating legislation.

Mr. ROKITA. Mr. Speaker, I rise today in support of H.R. 4923, the American Manufacturing Competitiveness Act.

In today's competitive global economy, too often government hampers American businesses with onerous regulations and red tape. As other nations increase their own global competitiveness, we must provide a level playing field for our businesses in diverse fields that include textiles, pharmaceuticals, and manufacturing.

The American Manufacturing Competitiveness Act only allows for tariff waivers on materials that lack a domestic equivalent. Other countries are already regularly granting similar waivers. The National Association of Manufacturers estimates that these tariffs are costing the American economy \$748 million a year. The Indiana Manufacturers Association has said that "helping eliminate these miscellaneous tariffs will reduce costs and lower incentives to relocate manufacturing operations abroad, keeping good jobs here."

I thank Chairman BRADY, for bringing together our working group to get this vital legislation done. I urge passage of the bill.

The SPEAKER pro tempore (Mr. RICE of South Carolina). The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 4923, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BRADY of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### NO FLY FOR FOREIGN FIGHTERS ACT

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4240) to require an independent review of the operation and administration of the Terrorist Screening Database (TSDB) maintained by the Federal Bureau of Investigation and subsets of the TSDB, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4240

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “No Fly for Foreign Fighters Act”.

**SEC. 2. GAO STUDY ON THE TERRORIST SCREENING DATABASE.**

(a) *IN GENERAL.*—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit, to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, a report on—

(1) whether past weaknesses in the operation and administration of the Terrorist Screening Database (hereinafter referred to as the “TSDB”) and subsets of the TSDB have been addressed; and

(2) the extent to which existing vulnerabilities to the United States may be addressed or mitigated through additional changes to the TSDB and subsets of the TSDB, thereby enhancing America’s security and defenses.

(b) *REQUIRED INFORMATION.*—The study and report under subsection (a) shall include information on the extent to which—

(1) information is being integrated into the TSDB from all relevant sources across the government in a timely manner;

(2) agencies are able to comply with increased demands for information to improve the TSDB;

(3) the TSDB, and relevant subsets of the TSDB, are accessible to agencies, authorities, and other entities, as appropriate; and

(4) the TSDB is capable of enabling users to identify known or suspected terrorists in the most timely and comprehensive manner possible.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentlewoman from Texas (Ms. JACKSON LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

**GENERAL LEAVE**

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4240, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, across the globe, nations are on alert as the threat of ISIS spreads. France, Turkey, Belgium, and the United States have each been tragically affected by ISIS or ISIS-inspired terror plots. It is imperative that America’s first lines of defense against ISIS and other terror groups are working effectively.

H.R. 4240, the No Fly for Foreign Fighters Act, is a commonsense bill that requires the U.S. Government Accountability Office to conduct an independent review of the operation and administration of the Terrorist Screening Database, or TSDB, which is sometimes referred to as the terrorist watch list. The gentlewoman from Texas (Ms. JACKSON LEE) has worked diligently on this important issue, and I am pleased to support this bill.

The terrorist watch list is a critical tool in our fight against terrorism. The

watch list and the screening process support the U.S. Government’s efforts to combat terrorism by consolidating the terrorist watch list and providing screening and law enforcement agencies with information to help them respond appropriately during encounters with known or suspected terrorists, among other things. At the same time, we must ensure that the watch list and the accompanying processes and procedures comport with the Constitution and the values of the American people.

The GAO previously conducted a study of the terrorist watch list following the December 25, 2009, attempted bombing of Northwest Airlines Flight 253, which exposed weaknesses in how the Federal Government nominated individuals to the terrorist watch list and gaps in how agencies use the list to screen individuals to determine if they posed a security threat. Several improvements were made to the watch listing processes and procedures following the December 25, 2009, attempted bombing.

However, concerns have been raised over the effect the watch listing processes and procedures may have on law-abiding persons, including U.S. citizens, based on inaccurate or incomplete information in the database or similar or identical names to watch listed individuals.

The GAO stated in its 2012 watch listing report that routine, government-wide assessments of the outcomes and impacts of agencies’ watch list screening or vetting programs could help ensure that these programs are achieving their intended results or identify if revisions are needed. Such assessments could also help identify broader issues that require attention, determine if impacts on agency resources and the traveling public are acceptable, and communicate to key stakeholders how the Nation’s investment in the watch list screening or vetting processes is enhancing security of the Nation’s borders, commercial aviation, and other security-related activities.

This bill provides for an independent review of the operation and administration of the watch list. It reaffirms our commitment to our Nation’s security while upholding the constitutional values that make America unique in the world.

Mr. Speaker, I urge my colleagues to support this important legislation, and I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me start by saying that this is evidence of the important commitment that the Judiciary Committee has to the issues of criminal justice, but as well recognizes the title of this committee that covers crime, terrorism, homeland security, and investigations.

So I want to thank the chairman, Mr. GOODLATTE, for working with me and his staff, along with Mr. CONYERS, the ranking member, and his staff, and, of

course, Mr. RATCLIFFE for his support for my legislation, H.R. 4240, the No Fly for Foreign Fighters Act.

I particularly want to thank the staff because as they well know, my late staff, Tiffany Joslyn, worked very hard with staff members as well on this legislation. So here we are today with an important initiative coming out of the Judiciary Committee working collaboratively, and I believe that is extremely important.

As a senior member of the House Committee on Homeland Security and the ranking member of the House Committee on the Judiciary’s Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, the topic of threats to homeland security has always been of particular concern to me. But over the last couple of months, maybe over the last couple of years, as we have seen ISIL raise its ugly head, we have heard of Americans going for the fight, joining and being a part of the caliphate. We have heard of ISIS members moving around, particularly in Europe, moving from country to country. Some may say that they are crossing in a number of modes of transportation, but we also know they are using aviation modes of transportation. Therefore, they pose a serious threat.

I initially introduced the No Fly for Foreign Fighters Act after the investigation of an attempt to detonate explosives on a Northwest Airlines Flight on Christmas Day, 2009. Yes, Mr. Speaker, that was a long time ago.

An investigation of the incident revealed that counter-terrorism agencies had information that raised flags about this individual referred to as the “underwear bomber,” but the dots were not connected and he was not placed in the Terrorist Screening Database, or the TSDB. This incident shone a light on potential gaps in our watching and screening process, and that resulted in significant improvements.

That said, questions about the system remain. In fact, it is not uncommon to see news of a flight being diverted or an emergency landing because a passenger happened to be on the no-fly list, but there was a delay getting that information. Mr. Speaker, we are here today to really ensure that we get it right because one wrong time again jeopardizes maybe hundreds of thousands of lives.

It is even more common to read articles about the frequency of false positives and individuals being mistakenly identified as being on the list, causing them and their fellow passengers significant delay and frustration. I remember, having been on the Committee on Homeland Security since the heinous and tragic terrorist acts of 9/11, in those early days, Members of Congress, United States Senators, and others were on the no-fly list. While it may, after the fact, be a little bit humorous, it is not. So we must get it right. The issue of false positives is something that I know

many of my colleagues on the committee are particularly interested in, as well as groups such as the ACLU who was kept very busy by so many people being on wrongly.

In light of the events of the last 12 months, however, the issue of homeland security and, in particular, the accuracy of our screening and watch listing process has become even more significant to me. More than 30,000 foreign fighters from at least 100 different countries have traveled to Syria and Iraq to fight with ISIL since 2011. I want to say that number again: 30,000 foreign fighters have traveled. That means they may return and move throughout Europe or attempt to come to the United States.

In the last 18 months, the number of foreign fighters traveling to Syria and Iraq has more than doubled. If those individuals try to go throughout places in Europe or elsewhere or to the United States, the mode of transportation would be aviation.

In the first 6 months of 2015, more than 7,000 foreign fighters have arrived in Syria and Iraq. Of those traveling to Syria and Iraq to fight for the Islamic State terrorist group, it is estimated that at least 250 hold U.S. citizenship.

Mr. Speaker, my colleagues, we only need one. The accuracy of our terrorist screening tools is more critical now than ever before. That is why I worked with the chairman, Mr. RATCLIFFE, and Mr. CONYERS to introduce H.R. 4240, which mandates an independent review of the TSDB's operation and administration.

Although the Inspector General for the Department of Justice conducts annual audits of the TSDB, there has not been an independent review since the GAO study after the 2009 incident.

H.R. 4240 directs the GAO to conduct an independent review of the operation and administration of the TSDB and subsets of the TSDB, to assess whether past weaknesses have been addressed, the extent to which existing vulnerabilities may be resolved or mitigated through additional changes.

This legislation is drafted broadly to allow the GAO to conduct a comprehensive review not just of the TSDB's accuracy, but its entire operation and administration in the name of securing the American people.

Following its study, the GAO will submit a report to the House and Senate Judiciary Committees with its findings and any recommendations for improvements. I am very glad that my colleagues joined me in shortening that timeframe in which a report is to come back so that we can quickly move to urge any changes that need to be made in the list to be accurate and to secure the Nation.

Let me close by thanking the members of this committee who are cosponsors of H.R. 4240 and urge my colleagues to vote to send this critical and timely bipartisan legislation to the House floor, which we are now.

Mr. Speaker, let me begin by extending my appreciation to Chairman GOODLATTE, Ranking

Member CONYERS, and Mr. RATCLIFFE for your support of my legislation, H.R. 4240, the "No Fly for Foreign Fighters Act."

As a senior member of the House Committee on Homeland Security and the Ranking Member of the Judiciary Subcommittee on Crime, Terrorism, Homeland Security & Investigations, the topic of threats to homeland security has always of particular concern to me.

I initially introduced the "No Fly for Foreign Fighters Act" after the investigation of an attempt to detonate explosives on a Northwest Airlines Flight on Christmas Day 2009.

Investigation of the incident revealed that counterterrorism agencies had information that raised red flags about this individual, referred to as the "underwear bomber," but the dots were not connected and he was not placed in the Terrorist Screening Database or the TSDB.

This incident shone a spotlight on potential gaps in our watching and screening process and that resulted significant improvements.

That said, questions about the system remain.

In fact, it is not uncommon to see news of a flight being diverted or an emergency landing because a passenger happened to be on the No Fly list but there was a delay getting that information.

It is even more common to read articles about the frequency of false positives and individuals being mistakenly identified as being on the list—causing them and their fellow passenger significant delay and frustration.

The issue of false positives is something that I know many of my colleagues on the Committee are particularly interested in, as well as groups such as the ACLU.

In light of the events of the last 12 months, however, the issue of homeland security and, in particular, the accuracy of our screening and watchlisting process has become even more significant to me.

More than 30,000 foreign fighters from at least 100 different countries have traveled to Syria and Iraq to fight for ISIL since 2011.

In the last 18 months, the number of foreign fighters traveling to Syria and Iraq has more than doubled.

In the first six months of 2015, more than 7,000 foreign fighters have arrived in Syria and Iraq.

Of those traveling to Syria and Iraq to fight for the Islamic State terrorist group, it is estimated at least 250 hold U.S. Citizenship.

The accuracy of our terrorist screening tools is more critical now than ever before.

That is why I worked with the Chairman and Mr. RATCLIFFE, to introduce H.R. 4240, which mandates an independent review of the TSDB's operation and administration.

Although the Inspector General for the Department of Justice conducts annual audits of the TSDB, there has not been an independent review since the GAO study after the 2009 incident.

H.R. 4240 directs the GAO to conduct an independent review of the operation and administration of the TSDB, and subsets of the TSDB, to assess: (1) whether past weaknesses have been addressed; and (2) the extent to which existing vulnerabilities may be resolved or mitigated through additional changes.

This legislation is drafted broadly, to allow the GAO to conduct a comprehensive review not just of the TSDB's accuracy, but of its entire operation and administration.

Following its study, the GAO will submit a report to the House and Senate Judiciary Committees, with its findings and any recommendations for improvements.

I would like to thank the many Members of this Committee who are co-sponsors of H.R. 4240 and urge my colleagues to vote to send this critical and timely bipartisan legislation to the House floor.

Mr. Speaker, I want to conclude by also thanking the many individuals who work tirelessly to make the Terrorist Screening Center an asset to our homeland security infrastructure.

We want to make certain that those men and women have the tools they need to continue to keep this nation safe.

H.R. 4240 is the next step in ensuring that the screening and watchlisting process works as it is intended.

I urge all of my colleagues to support this commonsense, bipartisan measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, it is my privilege to yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member who now is the dean of this House.

Mr. CONYERS. Mr. Speaker, I thank the author of this bill, the gentlewoman from Texas, who first saw the importance of it. I want to tell you that this measure before us today strengthens the Terrorist Screening Database maintained by the Federal Bureau of Investigation, and in doing so, aids in our efforts to combat terrorism and keep our Nation safe.

The FBI's Terrorist Screening Center helps to identify known and suspected terrorists by integrating information collected by law enforcement and the intelligence community.

Since its inception in 2003, this sophisticated watch list and screening system has undoubtedly saved lives; but despite the work of the dedicated individuals who make the screening database possible, the system is not flawless. Past incidents, such as the 2009 Christmas Day attempted attack on a Northwest Airlines flight bound for my hometown of Detroit, already mentioned by the gentlewoman from Texas, has put a spotlight on potential gaps in the system.

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Over the years since, the FBI has made significant improvements to the database. Audits by the Department of Justice's Office of the Inspector General reveal movement in the right direction; but, to date, no independent review has been conducted to evaluate the sufficiency of these changes.

H.R. 4240 addresses this precise issue by directing the Government Accountability Office to conduct a review of the operation and administration of the Terrorist Screening Database. This review will assess whether past weaknesses have been eliminated and the extent to which existing vulnerabilities may be addressed or mitigated

through additional changes. An independent audit will give us the tools we need to make additional changes if necessary.

I want to commend, once again, the distinguished gentlewoman from Texas, SHEILA JACKSON LEE, ranking member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations of the Judiciary Committee, for her leadership on this important issue.

I also want to thank the chairman of the full committee, Chairman GOODLATTE, and former chairman of the Judiciary Committee, Chairman SENSENBRENNER, for their assistance in bringing this important legislation to the floor today.

I join with all of those who are with us in supporting this measure.

Mr. GOODLATTE. Mr. Speaker, I continue to reserve the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in concluding, a lot of thanks go to, as I indicated, the chairman, Chairman GOODLATTE; Ranking Member CONYERS; Mr. RATCLIFFE, who is a member of the committee; and my colleagues on Homeland Security as well, who have a great interest in this legislation.

Our commitment in this legislation is to leave no stone unturned, no page unturned, and no iota of information that will be necessary to make this list a more viable and secure list. That work now will be done by this legislation, the No Fly for Foreign Fighters Act. It will help to make the Terrorist Screening Center a further asset to our Homeland Security infrastructure.

We want to make certain that those men and women have the tools they need to continue to keep the Nation safe. With 30,000 foreign fighters and others going every day, 250 Americans who have gone to the caliphate, have gone to the fight, individuals who may have an interest in returning to this country and doing us harm, doing us damage, I believe H.R. 4240 is the next step in ensuring that the screening and watch-listing process works as it was intended to have worked and works without as many errors as possible—errorless, if you will—because that is what we need to secure this Nation.

I urge all my colleagues to support this commonsense, bipartisan measure.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, this is good legislation. It is common sense to conduct a review of the terrorist watch-listing process.

I urge my colleagues to support the legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 4240, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## EMAIL PRIVACY ACT

Mr. GOODLATTE. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 699) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 699

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Email Privacy Act".*

### SEC. 2. VOLUNTARY DISCLOSURE CORRECTIONS.

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "divulge" and inserting "disclose";

(ii) by striking "while in electronic storage by that service" and inserting "that is in electronic storage with or otherwise stored, held, or maintained by that service";

(B) in paragraph (2)—

(i) by striking "to the public";

(ii) by striking "divulge" and inserting "disclose"; and

(iii) by striking "which is carried or maintained on that service" and inserting "that is stored, held, or maintained by that service"; and

(C) in paragraph (3)—

(i) by striking "divulge" and inserting "disclose"; and

(ii) by striking "a provider of" and inserting "a person or entity providing"

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "wire or electronic" before "communication";

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

"(1) to an originator, addressee, or intended recipient of such communication, to the subscriber or customer on whose behalf the provider stores, holds, or maintains such communication, or to an agent of such addressee, intended recipient, subscriber, or customer;"; and

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

"(3) with the lawful consent of the originator, addressee, or intended recipient of such communication, or of the subscriber or customer on whose behalf the provider stores, holds, or maintains such communication;";

(3) in subsection (c) by inserting "wire or electronic" before "communications";

(4) in each of subsections (b) and (c), by striking "divulge" and inserting "disclose"; and

(5) in subsection (c), by amending paragraph (2) to read as follows:

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

### SEC. 3. AMENDMENTS TO REQUIRED DISCLOSURE SECTION.

Section 2703 of title 18, United States Code, is amended—

(1) by striking subsections (a) through (c) and inserting the following:

"(a) CONTENTS OF WIRE OR ELECTRONIC COMMUNICATIONS IN ELECTRONIC STORAGE.—Except as provided in subsections (i) and (j), a governmental entity may require the disclosure by a provider of electronic communication service of the contents of a wire or electronic communication that is in electronic storage with or otherwise stored, held, or maintained by that service only if the governmental entity obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) that—

"(1) is issued by a court of competent jurisdiction; and

"(2) may indicate the date by which the provider must make the disclosure to the governmental entity.

In the absence of a date on the warrant indicating the date by which the provider must make disclosure to the governmental entity, the provider shall promptly respond to the warrant.

"(b) CONTENTS OF WIRE OR ELECTRONIC COMMUNICATIONS IN A REMOTE COMPUTING SERVICE.—

"(1) IN GENERAL.—Except as provided in subsections (i) and (j), a governmental entity may require the disclosure by a provider of remote computing service of the contents of a wire or electronic communication that is stored, held, or maintained by that service only if the governmental entity obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) that—

"(A) is issued by a court of competent jurisdiction; and

"(B) may indicate the date by which the provider must make the disclosure to the governmental entity.

In the absence of a date on the warrant indicating the date by which the provider must make disclosure to the governmental entity, the provider shall promptly respond to the warrant.

"(2) APPLICABILITY.—Paragraph (1) is applicable with respect to any wire or electronic communication that is stored, held, or maintained by the provider—

"(A) on behalf of, and received by means of electronic transmission from (or created by means of computer processing of communication received by means of electronic transmission from), a subscriber or customer of such remote computing service; and

"(B) solely for the purpose of providing storage or computer processing services to such subscriber or customer, if the provider is not authorized to access the contents of any such communications for purposes of providing any services other than storage or computer processing.

"(c) RECORDS CONCERNING ELECTRONIC COMMUNICATION SERVICE OR REMOTE COMPUTING SERVICE.—

"(1) IN GENERAL.—Except as provided in subsections (i) and (j), a governmental entity may require the disclosure by a provider of electronic communication service or remote computing service of a record or other information pertaining to a subscriber to or customer of such service (not including the contents of wire or electronic communications), only—

"(A) if a governmental entity obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) that—

"(i) is issued by a court of competent jurisdiction directing the disclosure; and

"(ii) may indicate the date by which the provider must make the disclosure to the governmental entity;

"(B) if a governmental entity obtains a court order directing the disclosure under subsection (d);

"(C) with the lawful consent of the subscriber or customer; or