

## S 356

### Electronic Communications Privacy Act Amendments Act of 2015

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Crime and Law Enforcement

**Introduced:** Feb 4, 2015

**Current Status:** Committee on the Judiciary. Hearings held.

**Latest Action:** Committee on the Judiciary. Hearings held. (Sep 16, 2015)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/356>

## Sponsor

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**Name:** Sen. Lee, Mike [R-UT]

**Party:** Republican • **State:** UT • **Chamber:** Senate

## Cosponsors (30 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Blumenthal, Richard [D-CT]	D · CT		Feb 4, 2015
Sen. Cornyn, John [R-TX]	R · TX		Feb 4, 2015
Sen. Gardner, Cory [R-CO]	R · CO		Feb 4, 2015
Sen. Leahy, Patrick J. [D-VT]	D · VT		Feb 4, 2015
Sen. Merkley, Jeff [D-OR]	D · OR		Feb 4, 2015
Sen. Moran, Jerry [R-KS]	R · KS		Feb 4, 2015
Sen. Shaheen, Jeanne [D-NH]	D · NH		Feb 4, 2015
Sen. Coons, Christopher A. [D-DE]	D · DE		Feb 9, 2015
Sen. Roberts, Pat [R-KS]	R · KS		Feb 10, 2015
Sen. Booker, Cory A. [D-NJ]	D · NJ		Feb 12, 2015
Sen. Wyden, Ron [D-OR]	D · OR		Feb 12, 2015
Sen. Franken, Al [D-MN]	D · MN		Feb 23, 2015
Sen. Heinrich, Martin [D-NM]	D · NM		Feb 25, 2015
Sen. Markey, Edward J. [D-MA]	D · MA		Mar 2, 2015
Sen. Vitter, David [R-LA]	R · LA		Mar 2, 2015
Sen. Durbin, Richard J. [D-IL]	D · IL		Mar 3, 2015
Sen. Daines, Steve [R-MT]	R · MT		Apr 28, 2015
Sen. Cruz, Ted [R-TX]	R · TX		May 5, 2015
Sen. Ayotte, Kelly [R-NH]	R · NH		May 20, 2015
Sen. Heitkamp, Heidi [D-ND]	D · ND		Jun 17, 2015
Sen. Heller, Dean [R-NV]	R · NV		Aug 4, 2015
Sen. Schatz, Brian [D-HI]	D · HI		Aug 4, 2015
Sen. Udall, Tom [D-NM]	D · NM		Aug 4, 2015
Sen. Sanders, Bernard [I-VT]	I · VT		Oct 19, 2015
Sen. Murray, Patty [D-WA]	D · WA		Feb 1, 2016
Sen. Tester, Jon [D-MT]	D · MT		Feb 4, 2016
Sen. Bennet, Michael F. [D-CO]	D · CO		Apr 28, 2016
Sen. Baldwin, Tammy [D-WI]	D · WI		May 12, 2016
Sen. Cantwell, Maria [D-WA]	D · WA		Jun 6, 2016
Sen. Peters, Gary C. [D-MI]	D · MI		Jun 8, 2016

## Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Hearings By (full committee)	Sep 16, 2015

## Subjects & Policy Tags

### Policy Area:

Crime and Law Enforcement

## Related Bills

Bill	Relationship	Last Action
114 HR 699	Related bill	Apr 28, 2016: Received in the Senate.
114 HR 283	Identical bill	Feb 2, 2015: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.

## Summary (as of Feb 4, 2015)

### Electronic Communications Privacy Act Amendments Act of 2015

Amends the federal criminal code to prohibit a provider of remote computing service or electronic communication service to the public from knowingly divulging to a governmental entity the contents of any communication that is in electronic storage or otherwise maintained by the provider, subject to exceptions.

Revises provisions under which the government may require a provider to disclose the contents of such communications. Eliminates the different requirements applicable under current law depending on whether such communications were: (1) stored for fewer than, or more than, 180 days by an electronic communication service; or (2) held by an electronic communication service as opposed to a remote computing service.

Requires the government to obtain a warrant from a court before requiring providers to disclose the content of such communications regardless of how long the communication has been held in electronic storage by an electronic communication service or whether the information is sought from an electronic communication service or a remote computing service.

Requires a law enforcement agency, within 10 days after receiving the contents of a customer's communication, or a governmental entity, within 3 days, to provide a customer whose communications were disclosed by the provider a copy of the warrant and a notice that such information was requested by, and supplied to, the government entity. Allows the government to request delays of such notifications.

Prohibits disclosure requirements that apply to providers from being construed to limit the government's authority to use an administrative or civil discovery subpoena to require: (1) an originator or recipient of an electronic communication to disclose the contents of such communication, or (2) an entity that provides electronic communication services to its employees or agents to disclose the contents of an electronic communication to or from such employee or agent if the communication is on an electronic communications system owned or operated by the entity.

Allows the government to apply for an order directing a provider, for a specified period, to refrain from notifying any other person that the provider has been required to disclose communications or records.

Requires a Government Accountability Office report regarding disclosures of customer communications and records under provisions: (1) as in effect before the enactment of this bill, and (2) as amended by this bill.

## Actions Timeline

- Sep 16, 2015: Committee on the Judiciary. Hearings held.
- Feb 4, 2015: Introduced in Senate
- Feb 4, 2015: Read twice and referred to the Committee on the Judiciary. (Sponsor introductory remarks on measure: CR S773-774)