

114TH CONGRESS
1ST SESSION

S. 2356

To amend the Foreign Intelligence Surveillance Act of 1978 to require an electronic communication service provider that generates call detail records pursuant to an order under that Act to notify the Attorney General if the provider intends to retain such records for a period less than 18 months.

IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2015

Mr. KING (for himself and Mr. COTTON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Foreign Intelligence Surveillance Act of 1978 to require an electronic communication service provider that generates call detail records pursuant to an order under that Act to notify the Attorney General if the provider intends to retain such records for a period less than 18 months.

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 “Private Sector Call
5 Record Retention Act”.

1 **SEC. 2. NOTICE TO ATTORNEY GENERAL ON CERTAIN**
2 **MODIFICATION OF PRACTICE ON RETENTION**
3 **OF CALL DETAIL RECORDS BY ELECTRONIC**
4 **COMMUNICATION SERVICE PROVIDERS.**

5 Section 501 of the Foreign Intelligence Surveillance
6 Act of 1978 (50 U.S.C. 1861), as amended by section 107
7 of the USA FREEDOM Act of 2015 (Public Law 114–
8 23; 129 Stat. 273), is further amended—

9 (1) by redesignating subsection (k) as sub-
10 section (l); and

11 (2) by inserting after subsection (j) the fol-
12 lowing new subsection (k):

13 “(k) PROSPECTIVE CHANGES TO EXISTING PRAC-
14 TICES RELATED TO CALL DETAIL RECORDS.—

15 “(1) IN GENERAL.—Consistent with subsection
16 (c)(2)(F), an electronic communication service pro-
17 vider that has been issued an order to produce call
18 detail records pursuant to an order under subsection
19 (c) shall notify the Attorney General if that service
20 provider intends to retain its call detail records for
21 a period less than 18 months.

22 “(2) TIMING OF NOTICE.—A notification under
23 paragraph (1) shall be made not less than 180 days
24 prior to the date such electronic communications
25 service provider intends to implement a policy to re-

1 tain such records for a period less than 18
2 months.”.

