

HR 3875

Telephone Metadata Reform Act

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Armed Forces and National Security

Introduced: Jan 14, 2014

Current Status: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.

Latest Action: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. (Mar 20, 2014)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/3875>

Sponsor

Name: Rep. Schiff, Adam B. [D-CA-28]

Party: Democratic • **State:** CA • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Intelligence (Permanent Select) Committee	House	Referred To	Jan 14, 2014
Judiciary Committee	House	Referred to	Mar 20, 2014

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

No related bills are listed.

Telephone Metadata Reform Act - Amends the Foreign Intelligence Surveillance Act of 1978 (FISA) to exclude call data records from the categories of tangible things (commonly referred to as "business records") that the Federal Bureau of Investigation (FBI) may seek in an application to a FISA court for a production order under the current standard requiring reasonable grounds to believe that the things sought are relevant to an authorized investigation to obtain foreign intelligence information not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities.

Sets forth a separate framework for call data production orders that authorizes the FBI to apply for an order directing a telecommunications carrier to search call data records, using a call data record as the basis of such search, and to produce the search results within 12 hours if the application: (1) specifies each telecommunications carrier that the applicant requests be directed to produce call data records; and (2) includes facts showing a reasonable suspicion, based on specific and articulable facts, that the call data record to be used as the basis for the search is associated with a specific foreign terrorist organization, clandestine intelligence activity, or foreign intelligence not concerning a U.S. person.

Authorizes the FBI, without a court order, to direct a telecommunications carrier to search call data records and produce results within 6 hours (such an FBI directive is referred to as an "emergency directive") if: (1) the records sought are required due to exigent circumstances and obtaining an order would substantially delay an investigation, (2) a FISA judge is notified within 24 hours, and (3) an application for a FISA court order is made within five days after the FBI exercises such authority.

Requires, if the court denies an application for an order requiring the production of the call data records acquired under such an FBI emergency directive, or if the directive is terminated and an order is not issued to approve the production, that: (1) the call data records be destroyed, including records obtained from a subsequent search based on the initial search; (2) no information obtained or evidence derived from the search be received in evidence or disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a state, or a political subdivision; and (3) no information concerning a U.S. person be used or disclosed by federal officers or employees without the consent of such person.

Permits the FBI to require a telecommunications carrier to: (1) conduct a subsequent search using the results of an initial search conducted pursuant to an order or an emergency directive, and (2) produce the results within 12 hours.

Prohibits a person from disclosing that the FBI has sought or obtained call data records pursuant to an order or directive.

Prohibits the federal government from retaining for more than five years call data records obtained pursuant to an order, directive, or subsequent authorized search if such records contain call records pertaining to a U.S. person: (1) unless, upon application to a FISA judge, the judge finds probable cause that such records are evidence of a crime (that has been, is being, or is about to be committed) and contain information to be retained or disseminated for law enforcement purposes; or (2) except to the extent any portion of such records is lawfully used in a finished intelligence product.

Requires the government to compensate telecommunications carriers for providing call data records.

Actions Timeline

- **Mar 20, 2014:** Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
- **Jan 14, 2014:** Introduced in House
- **Jan 14, 2014:** Referred to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.