

HR 3089

NDO Fairness Act

Congress: 118 (2023–2025, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: May 5, 2023

Current Status: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Latest Action: Received in the Senate and Read twice and referred to the Committee on the Judiciary. (May 16, 2023)

Official Text: <https://www.congress.gov/bill/118th-congress/house-bill/3089>

Sponsor

Name: Rep. Fitzgerald, Scott [R-WI-5]

Party: Republican • State: WI • Chamber: House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Nadler, Jerrold [D-NY-12]	D · NY		May 5, 2023

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	May 15, 2023
Judiciary Committee	Senate	Referred To	May 16, 2023

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
118 S 4037	Related bill	Mar 21, 2024: Read twice and referred to the Committee on the Judiciary.

NDO Fairness Act

This bill makes various changes to the procedures and requirements with respect to delayed notification orders.

Current law authorizes the government to compel providers of electronic communication services or remote computing services (providers) to disclose certain records and information pertaining to subscribers and customers. Further, a provider may notify subscribers or customers of the government's request for records and information unless the government obtains a delayed notification order.

With respect to delayed notification orders, the bill

- raises the standard for courts to grant a delayed notification order,
- requires courts to issue delayed notification orders only after issuing a written determination based on specific facts, and
- requires orders to be narrowly tailored.

Finally, the bill requires the Department of Justice to report annually on data related to delayed notification orders, including the number of customers or subscribers targeted; the number of applications for orders; the number of orders granted, extended, or denied; and the number of orders targeting members of the media or conduct related to certain protected activities.

Actions Timeline

- **May 16, 2023:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **May 15, 2023:** Reported by the Committee on Judiciary. H. Rept. 118-54.
- **May 15, 2023:** Placed on the Union Calendar, Calendar No. 37.
- **May 15, 2023:** Mr. Fitzgerald moved to suspend the rules and pass the bill.
- **May 15, 2023:** Considered under suspension of the rules. (consideration: CR H2321-2323)
- **May 15, 2023:** DEBATE - The House proceeded with forty minutes of debate on H.R. 3089.
- **May 15, 2023:** DEBATE - The House resumed debate on H. R. 3089.
- **May 15, 2023:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **May 15, 2023:** Considered as unfinished business. (consideration: CR H2330)
- **May 15, 2023:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 412 - 0 (Roll no. 213). (text: CR H2321-2322)
- **May 15, 2023:** On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 412 - 0 (Roll no. 213). (text: CR H2321-2322)
- **May 15, 2023:** Motion to reconsider laid on the table Agreed to without objection.
- **May 10, 2023:** Committee Consideration and Mark-up Session Held.
- **May 10, 2023:** Ordered to be Reported by Voice Vote.
- **May 5, 2023:** Introduced in House
- **May 5, 2023:** Referred to the House Committee on the Judiciary.