

118TH CONGRESS
1ST SESSION

H. R. 5309

To amend title 18, United States Code, to require a warrant for the disclosure of records from a provider of electronic communication service or remote computing service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 29, 2023

Mr. LIEU introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to require a warrant for the disclosure of records from a provider of electronic communication service or remote computing service, and for other purposes.

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 “Warrant for Metadata
5 Act”.

1 **SEC. 2. WARRANT REQUIREMENT FOR ELECTRONIC COM-**
2 **MUNICATION SERVICE AND REMOTE COM-**
3 **PUTING SERVICE RECORDS.**

4 (a) WARRANT REQUIREMENT.—Section 2703 of title
5 18, United States Code, is amended—

6 (1) in subsection (a)—

7 (A) by striking “for one hundred and
8 eighty days or less,”; and

9 (B) by striking “A governmental entity
10 may require the disclosure by a provider of elec-
11 tronic communications services of the contents
12 of a wire or electronic communication that has
13 been in electronic storage in an electronic com-
14 munications system for more than one hundred
15 and eighty days by the means available under
16 subsection (b) of this section.”;

17 (2) in subsection (c)—

18 (A) in paragraph (1), by striking “other
19 information” and all that follows, and inserting
20 “other information, including the metadata (as
21 that term is defined in section 3502 of title 44)
22 of such record or other information, pertaining
23 to a subscriber to or customer of such service
24 (not including the contents of communications)
25 only when the governmental entity obtains a
26 warrant issued using the procedures described

1 in the Federal Rules of Criminal Procedure (or,
2 in the case of a State court, issued using State
3 warrant procedures and, in the case of a court-
4 martial or other proceeding under chapter 47 of
5 title 10 (the Uniform Code of Military Justice),
6 issued under section 846 of that title, in accord-
7 ance with regulations prescribed by the Presi-
8 dent) by a court of competent jurisdiction.”;

9 (B) by striking paragraph (2); and

10 (C) by redesignating paragraph (3) as
11 paragraph (2); and
12 (3) in subsection (d) by striking “or (c)”.

13 (b) RETROACTIVE EFFECT.—

14 (1) IN GENERAL.—The amendment made by
15 subsection (a) shall have no effect on any disclosure
16 required by a governmental entity pursuant to sec-
17 tion 2703(c) of title 18, United States Code, before
18 the date of enactment of this Act.

19 (2) SUBSEQUENT DISCLOSURE; EXPANDED DIS-
20 CLOSURE.—With respect to a disclosure required by
21 a governmental entity pursuant to section 2703(c) of
22 title 18, United States Code, before the date of en-
23 actment of this Act, any request for a subsequent
24 disclosure related to such disclosure or an expansion
25 of such disclosure made after the date of enactment

- 1 of this Act shall be treated as a new disclosure
- 2 under such section (as amended by this Act).

