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The White House

Office of the Press Secretary

For Immediate Release

February 27, 2015

Statement by the Press Secretary on Reauthorization of the Collection of Bulk Telephony Metadata Under Section 215 of the USA PATRIOT Act

In January 2014, President Obama directed an end to the Section 215 bulk telephony metadata program as it then existed, and called for the establishment of a mechanism that would preserve the program's essential capabilities without the government holding the bulk data. In March 2014, based on a recommendation from the Director of National Intelligence and the Attorney General, the President proposed that the data should remain at the telephone companies rather than with the government, with a new legal mechanism that would allow the government to obtain data from these companies pursuant to individual court orders. This proposal, which would require new legislation, would preserve the essential features of the bulk telephony metadata program, while addressing legitimate concerns about the potential for abuse of this information.

To date, the Congress has failed to pass legislation to implement these important reforms. The USA FREEDOM Act, which was supported by the Administration and a broad coalition of industry and privacy and civil liberties advocates, would have implemented the President's reform proposal. A version of the bill introduced by Representative Sensenbrenner passed the House of Representatives with broad bipartisan support, and a subsequent version of the bill negotiated by Senator Patrick Leahy fell two votes shy of advancing in the Senate.

Although the Congress has not yet taken action to implement the President's proposal, the Administration has worked with the Foreign Intelligence Surveillance Court (FISC) to implement key reforms to the bulk telephony metadata program. Now, absent an emergency, the metadata can only be queried after a judicial finding that there is a reasonable, articulable suspicion that the requested selection term is associated with an international terrorist organization approved by the Court. In addition, query results must be limited to metadata within two "hops" of the selection term instead of three. While the Administration waits for the Congress to act, it has continued to operate the program with these important modifications in place.

Section 215 and two other important Foreign Intelligence Surveillance Act authorities will expire on June 1, 2015. Yesterday, the FISC approved an extension of the modified telephony metadata program. Congress has a limited window before the June 1 sunset to enact legislation that would implement the President's proposed path forward for the telephony metadata program, while preserving key intelligence authorities. The Administration continues to stand ready to work with the Congress on such legislation and would welcome the opportunity to do so.

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