

AMENDMENT TO H.R. 8035
OFFERED BY MR. BIGGS OF ARIZONA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Protect Liberty and End Warrantless Surveillance Act
4 of 2026”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to the Foreign Intelligence Surveillance Act of 1978.

TITLE I—FISA REFORM

Sec. 101. Prohibition on warrantless queries for the communications of United States persons.

Sec. 102. Sunset of changes to definition of electronic communication service provider.

Sec. 103. Limitation on directives under Foreign Intelligence Surveillance Act of 1978 relating to certain electronic communication service providers.

Sec. 104. Use of amici curiae in Foreign Intelligence Surveillance Court proceedings.

Sec. 105. Extension of FISA title VII authorities.

TITLE II—PROTECTION OF RECORDS HELD BY DATA BROKERS

Sec. 201. Short title.

Sec. 202. Protection of records held by data brokers.

Sec. 203. Required disclosure.

Sec. 204. Intermediary service providers.

Sec. 205. Protections for demands for data held by interactive computing services.

Sec. 206. Limits on surveillance conducted for foreign intelligence purposes other than under the Foreign Intelligence Surveillance Act of 1978.

Sec. 207. Limit on civil immunity for providing information, facilities, or technical assistance to the Government absent a court order.

1 **SEC. 2. AMENDMENTS TO THE FOREIGN INTELLIGENCE**
2 **SURVEILLANCE ACT OF 1978.**

3 (a) REFERENCES TO FOREIGN INTELLIGENCE SUR-
4 VEILLANCE ACT OF 1978.—Except as otherwise expressly
5 provided, whenever in this Act an amendment or repeal
6 is expressed in terms of an amendment to, or a repeal
7 of, a section or other provision, the reference shall be con-
8 sidered to be made to a section or other provision of the
9 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
10 1801 et seq.).

11 (b) EFFECT OF CERTAIN AMENDMENTS ON CON-
12 FORMING CHANGES TO TABLES OF CONTENTS.—When an
13 amendment made by this Act adds a section or larger or-
14 ganizational unit to the Foreign Intelligence Surveillance
15 Act of 1978 (50 U.S.C. 1801 et seq.), repeals or transfers
16 a section or larger organizational unit in such Act, or
17 amends the designation or heading of a section or larger
18 organizational unit in such Act, that amendment also shall
19 have the effect of amending the table of contents in such
20 Act to alter the table to conform to the changes made by
21 the amendment.

22 **TITLE I—FISA REFORM**

23 **SEC. 101. PROHIBITION ON WARRANTLESS QUERIES FOR**
24 **THE COMMUNICATIONS OF UNITED STATES**
25 **PERSONS.**

26 (a) PROHIBITION ON WARRANTLESS QUERIES.—

1 (1) PROHIBITION.—Section 702(f) (50 U.S.C.
2 1881a(f)) is amended by inserting after paragraph
3 (1) the following new paragraph (2):

4 “(2) PROHIBITION ON WARRANTLESS QUERIES
5 FOR THE COMMUNICATIONS AND OTHER INFORMA-
6 TION OF UNITED STATES PERSONS.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraphs (B) and (C), no officer or em-
9 ployee of the United States may conduct a cov-
10 ered query of information acquired under this
11 section in an effort to find the contents of com-
12 munications or information of or about 1 or
13 more United States persons.

14 “(B) EXCEPTIONS FOR CONCURRENT AU-
15 THORIZATION, CONSENT, EMERGENCY SITUA-
16 TIONS, AND CERTAIN DEFENSIVE CYBERSECU-
17 RITY QUERIES.—

18 “(i) IN GENERAL.—Subparagraph (A)
19 shall not apply to a query related to a
20 United States person if—

21 “(I) such person is the subject of
22 an order or emergency authorization
23 authorizing electronic surveillance
24 under section 105 or a physical search
25 under section 304, or a warrant

1 issued pursuant to the Federal Rules
2 of Criminal Procedure by a court of
3 competent jurisdiction authorizing the
4 conduct of the query;

5 “(II) the officer or employee car-
6 rying out the query has a reasonable
7 belief that—

8 “(aa) an emergency exists
9 involving an imminent threat of
10 death or serious bodily harm; and

11 “(bb) in order to prevent or
12 mitigate this threat, the query
13 must be conducted before author-
14 ization pursuant to subclause (I)
15 can, with due diligence, be ob-
16 tained;

17 “(III) such person or, if such
18 person is incapable of providing con-
19 sent, a third party legally authorized
20 to consent on behalf of such person,
21 has provided consent to the query on
22 a case-by-case basis; or

23 “(IV)(aa) the query uses a
24 known cybersecurity threat signature
25 as a query term;

1 “(bb) the query is conducted, and
2 the results of the query are used, for
3 the sole purpose of identifying tar-
4 geted recipients of malicious software
5 and preventing or mitigating harm
6 from such malicious software; and

7 “(cc) no additional contents of
8 communications retrieved as a result
9 of the query are accessed or reviewed.

10 “(ii) LIMITATIONS.—

11 “(I) USE IN SUBSEQUENT PRO-
12 CEEDINGS AND INVESTIGATIONS.—No
13 information retrieved pursuant to a
14 query authorized by clause (i)(II) or
15 information derived from such query
16 may be used, received in evidence, or
17 otherwise disseminated in any inves-
18 tigation, trial, hearing, or other pro-
19 ceeding in or before any court, grand
20 jury, department, office, agency, regu-
21 latory body, legislative committee, or
22 other authority of the United States,
23 a State, or political subdivision there-
24 of, except in proceedings or investiga-

1 tions that arise from the threat that
2 prompted the query.

3 “(II) ASSESSMENT OF COMPLI-
4 ANCE.—Not less frequently than an-
5 nually, the Attorney General shall
6 submit to the congressional intel-
7 ligence committees and the Commit-
8 tees on the Judiciary of the Senate
9 and the House of Representatives an
10 assessment of the compliance with the
11 requirements under subclause (I).

12 “(iii) REPORTING OF USE OF CERTAIN
13 EXCEPTIONS.—

14 “(I) FISC.—The Foreign Intel-
15 ligence Surveillance Court shall be
16 provided a description of each query
17 that is conducted pursuant to an ex-
18 ception described in subclause (II) or
19 (IV) of clause (i) by not later than 90
20 days after the date on which the
21 query is conducted.

22 “(II) CONGRESS.—The congress-
23 sional intelligence committees and the
24 Committees on the Judiciary of the
25 House of Representatives and of the

1 Senate shall be provided a description
2 of each query that is conducted pursu-
3 ant to an exception described in sub-
4 clause (II) of clause (i) by not later
5 than 90 days after the date on which
6 the query is conducted.

7 “(C) MATTERS RELATING TO EMERGENCY
8 QUERIES.—

9 “(i) TREATMENT OF DENIALS.—In
10 the event that a query for the contents of
11 communications or information of or about
12 1 or more United States persons is con-
13 ducted pursuant to an emergency author-
14 ization described in subparagraph (B)(i)(I)
15 and the application for such emergency au-
16 thorization is denied, or in any other case
17 in which the query has been conducted and
18 no order is issued approving the query—

19 “(I) no information obtained or
20 evidence derived from such query may
21 be used, received in evidence, or other-
22 wise disseminated in any investiga-
23 tion, trial, hearing, or other pro-
24 ceeding in or before any court, grand
25 jury, department, office, agency, regu-

1 latory body, legislative committee, or
2 other authority of the United States,
3 a State, or political subdivision there-
4 of; and

5 “(II) no information concerning
6 any United States person acquired
7 from such query may subsequently be
8 used or disclosed in any other manner
9 without the consent of such person,
10 except with the approval of the Attor-
11 ney General if the information indi-
12 cates a threat of death or serious bod-
13 ily harm to any person.

14 “(ii) ASSESSMENT OF COMPLIANCE.—
15 Not less frequently than annually, the At-
16 torney General shall submit to the congres-
17 sional intelligence committees and the
18 Committees on the Judiciary of the Senate
19 and the House of Representatives an as-
20 sessment of the compliance with the re-
21 quirements under subclause (I).”

22 (2) DEFINITIONS.—Section 702(f) (50 U.S.C.
23 1881a(f)) is amended by striking paragraph (5)(B)
24 and inserting the following:

25 “(B) The term ‘query’—

1 “(i) means the use of any technique,
2 whether manual or automated, to detect or
3 retrieve information obtained through ac-
4 quisitions authorized under subsection (a)
5 from within a system, collection, or assort-
6 ment of information, or a subset thereof;
7 and

8 “(ii) does not include the manual ob-
9 servation of retrieved information.

10 “(C)(i) The term ‘covered query’ means a
11 query that—

12 “(I) is conducted using 1 or more
13 terms associated with 1 or more covered
14 persons, including personally identifiable
15 information;

16 “(II) is conducted in whole or in part
17 for the purpose of detecting or retrieving
18 information of, or concerning, 1 or more
19 covered persons; or

20 “(III) is conducted with specific rea-
21 son to believe the query will detect or re-
22 trieve information of, or concerning, 1 or
23 more covered persons.

24 “(ii) Whether a query is a covered query
25 shall be determined without regard to whether

1 the information subject to the query has al-
2 ready been detected or retrieved using a method
3 other than a query described in clause (i).

4 “(D) The term ‘covered person’ means a
5 United States person.”.

6 (3) CONFORMING AMENDMENTS.—Section
7 702(f) (50 U.S.C. 1881a(f)) is further amended as
8 follows:

9 (A) In paragraph (3), by striking subpara-
10 graph (A).

11 (B) By redesignating the second paragraph
12 (2) (relating to Prohibition on conduct of que-
13 ries that are solely designed to find and extract
14 evidence of a crime) as subparagraph (A) (and
15 redesignating the subordinate provisions accord-
16 ingly) and transferring such subparagraph so as
17 to appear in paragraph (3) before subparagraph
18 (B) of such paragraph.

19 (C) In paragraph (3)(B)(ii), as so redesi-
20 gnated, by striking “under subparagraph (A)”
21 and inserting “under clause (i)”.

22 (b) METADATA; DATASETS.—Section 702(f) (50
23 U.S.C. 1881a(f)) is further amended—

1 (1) by redesignating paragraph (5) as para-
2 graph (8) and moving such paragraph so as to ap-
3 pear at the end;

4 (2) by redesignating paragraph (6) as para-
5 graph (5); and

6 (3) by inserting before paragraph (8), as so re-
7 designated, the following new paragraphs:

8 “(6) PROHIBITION ON RESULTS OF METADATA
9 QUERY AS A BASIS FOR ACCESS TO COMMUNICA-
10 TIONS AND OTHER PROTECTED INFORMATION.—If a
11 query of information acquired under this section is
12 conducted in an effort to find communications
13 metadata of 1 or more United States persons the re-
14 sults of the query shall not be used as a basis for
15 reviewing communications or information a query for
16 which is otherwise prohibited under this section.

17 “(7) FEDERATED DATASETS.—The prohibitions
18 and requirements in this section shall apply to que-
19 ries of federated and mixed datasets that include in-
20 formation acquired under this section, unless a
21 mechanism exists to limit the query to information
22 not acquired under this section.”.

1 **SEC. 102. SUNSET OF CHANGES TO DEFINITION OF ELEC-**
2 **TRONIC COMMUNICATION SERVICE PRO-**
3 **VIDER.**

4 Effective on December 31, 2026, the Foreign Intel-
5 ligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)
6 is amended—

7 (1) in section 701(b)(4) (50 U.S.C.
8 1881(b)(4))—

9 (A) in subparagraph (D), by adding “or”
10 at the end;

11 (B) by striking subparagraph (E);

12 (C) by redesignating subparagraph (F) as
13 subparagraph (E); and

14 (D) in subparagraph (E), as so redesign-
15 nated—

16 (i) by striking “custodian,”; and

17 (ii) by striking “(D), or (E)” and in-
18 sserting “or (D)”;

19 (2) in section 801(6) (50 U.S.C. 1885(6))—

20 (A) by striking subparagraph (E);

21 (B) by redesignating subparagraphs (F)
22 and (G) as subparagraphs (E) and (F), respec-
23 tively;

24 (C) in subparagraph (E), as so redesign-
25 nated, by adding “or” at the end; and

1 (D) in subparagraph (F), as so redesign-
2 nated—

3 (i) by striking “custodian,”; and

4 (ii) by striking “(E), or (F)” and in-
5 sserting “or (E)”.

6 **SEC. 103. LIMITATION ON DIRECTIVES UNDER FOREIGN IN-**
7 **TELLIGENCE SURVEILLANCE ACT OF 1978 RE-**
8 **LATING TO CERTAIN ELECTRONIC COMMU-**
9 **NICATION SERVICE PROVIDERS.**

10 (a) IN GENERAL.—Section 702(i) (50 U.S.C.
11 1881a(i)) is amended by adding at the end the following:

12 “(7) LIMITATION RELATING TO CERTAIN ELEC-
13 TRONIC COMMUNICATION SERVICE PROVIDERS.—

14 “(A) DEFINITIONS.—In this paragraph:

15 “(i) APPROPRIATE COMMITTEES OF
16 CONGRESS.—The term ‘appropriate com-
17 mittees of Congress’ means—

18 “(I) the congressional intelligence
19 committees;

20 “(II) the Committee on the Judi-
21 ciary of the Senate; and

22 “(III) the Committee on the Ju-
23 diciary of the House of Representa-
24 tives.

1 “(ii) COVERED ELECTRONIC COMMU-
2 NICATION SERVICE PROVIDER.—

3 “(I) IN GENERAL.—Subject to
4 subclause (II), the term ‘covered elec-
5 tronic communication service provider’
6 means—

7 “(aa) a service provider de-
8 scribed in section 701(b)(4)(E);

9 “(bb) a custodian of an enti-
10 ty as defined in section
11 701(b)(4)(F); or

12 “(cc) an officer, employee,
13 or agent of a service provider de-
14 scribed in section 701(b)(4)(E).

15 “(II) EXCLUSION.—The term
16 ‘covered electronic communication
17 service provider’ does not include—

18 “(aa) an electronic commu-
19 nication service provider de-
20 scribed in subparagraph (A), (B),
21 (C), or (D) of section 701(b)(4);
22 or

23 “(bb) an officer, employee,
24 or agent of an electronic commu-
25 nication service provider de-

1 scribed in subparagraph (A), (B),
2 (C), or (D) of section 701(b)(4),
3 to the extent that the electronic com-
4 munication service provider is pro-
5 viding the United States Government
6 with information, facilities, or assist-
7 ance pursuant to such subparagraphs.

8 “(iii) COVERED OPINIONS.—The term
9 ‘covered opinions’ means the opinions of
10 the Foreign Intelligence Surveillance Court
11 and the Foreign Intelligence Surveillance
12 Court of Review authorized for public re-
13 lease on August 23, 2023 (Opinion and
14 Order, In re Petition to Set Aside or Mod-
15 ify Directive Issued to [REDACTED], No.
16 [REDACTED], (FISA Ct. [REDACTED]
17 2022), (Contreras J.); Opinion, In re Peti-
18 tion to Set Aside or Modify Directive
19 Issued to [REDACTED], No. [RE-
20 DACTED], (FISA Ct. Rev. [RE-
21 DACTED] 2023), (Sentelle, J.; Higginson,
22 J.; Miller J.)).

23 “(B) LIMITATION.—A directive may not be
24 issued under paragraph (1) to a covered elec-
25 tronic communication service provider unless

1 the covered electronic communication service
2 provider is a provider of the type of service at
3 issue in the covered opinions.

4 “(C) DECLASSIFICATION REVIEW RE-
5 QUIRED.—

6 “(i) IN GENERAL.—Not later than
7 180 days after the date of enactment of
8 this paragraph, the Director of National
9 Intelligence, in consultation with the Attor-
10 ney General, shall complete a declassifica-
11 tion review in accordance with section 3 of
12 Executive Order 13526 (50 U.S.C. 3161
13 note; relating to classified national security
14 information), or any successor order (in
15 this subparagraph referred to as ‘Executive
16 Order 13526’) and, consistent with that
17 review, make publicly available to the
18 greatest extent practicable the type of serv-
19 ice provider and services at issue in the
20 covered opinions.

21 “(ii) SPECIFIC INQUIRY.—In con-
22 ducting the review required under clause
23 (i), the Director of National Intelligence
24 and the Attorney General shall deter-
25 mine—

1 “(I) whether the information de-
2 scribed in clause (i) continues to meet
3 the requirements for classification set
4 forth in Executive Order 13526; and

5 “(II) if the information described
6 in clause (i) continues to meet the re-
7 quirements for classification set forth
8 in Executive Order 13526, whether
9 the information should nonetheless be
10 declassified pursuant to section 3.1(d)
11 of Executive Order 13526.

12 “(iii) FACTORS.—In making a deter-
13 mination under subclause (II) of clause
14 (ii), the Director of National Intelligence
15 and the Attorney General shall consider—

16 “(I) the public interest served by
17 ensuring that laws are public and
18 transparent; and

19 “(II) the fact that the type of
20 service provider or services at issue in
21 the covered opinions have been the
22 subject of public disclosures.

23 “(D) REQUIREMENTS FOR DIRECTIVES TO
24 COVERED ELECTRONIC COMMUNICATION SERV-
25 ICE PROVIDERS.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), any directive issued under paragraph
3 (1) on or after the date of the enactment
4 of this paragraph to a covered electronic
5 communication service provider that is not
6 prohibited by subparagraph (B) of this
7 paragraph shall include a summary de-
8 scription of the services at issue in the cov-
9 ered opinions.

10 “(ii) DUPLICATE SUMMARIES NOT RE-
11 QUIRED.—A directive need not include a
12 summary description of the services at
13 issue in the covered opinions if such sum-
14 mary was included in a prior directive
15 issued to the covered electronic commu-
16 nication service provider and the summary
17 has not materially changed.

18 “(E) FOREIGN INTELLIGENCE SURVEIL-
19 LANCE COURT NOTIFICATION AND REVIEW.—

20 “(i) NOTIFICATION.—

21 “(I) IN GENERAL.—Subject to
22 subclause (II), on or after the date of
23 the enactment of this paragraph, each
24 time the Attorney General and the Di-
25 rector of National Intelligence serve a

1 directive under paragraph (1) to a
2 covered electronic communication
3 service provider that is not prohibited
4 by subparagraph (B) and each time
5 the Attorney General and the Director
6 materially change a directive under
7 paragraph (1) served on a covered
8 electronic communication service pro-
9 vider that is not prohibited by sub-
10 paragraph (B), the Attorney General
11 shall provide the directive to the For-
12 eign Intelligence Surveillance Court
13 on or before the date that is 7 days
14 after the date on which the Attorney
15 General and the Director served the
16 directive, along with a description of
17 the covered electronic communication
18 service provider to whom the directive
19 is issued and the services at issue.

20 “(II) DUPLICATION NOT RE-
21 QUIRED.—The Attorney General does
22 not need to provide a directive or de-
23 scription to the Foreign Intelligence
24 Surveillance Court under subclause (I)
25 if a directive and description con-

1 cerning the covered electronic commu-
2 nication service provider was pre-
3 viously provided to the Court and the
4 directive or description has not mate-
5 rially changed.

6 “(ii) ADDITIONAL INFORMATION.—As
7 soon as feasible and not later than the ini-
8 tiation of collection, the Attorney General
9 shall, for each directive described in clause
10 (i), provide the Foreign Intelligence Sur-
11 veillance Court a summary description of
12 the type of equipment to be accessed, the
13 nature of the access, and the form of as-
14 sistance required pursuant to the directive.

15 “(iii) REVIEW.—

16 “(I) IN GENERAL.—The Foreign
17 Intelligence Surveillance Court may
18 review a directive received by the
19 Court under clause (i) to determine
20 whether the directive is consistent
21 with subparagraph (B) and affirm,
22 modify, or set aside the directive.

23 “(II) NOTICE OF INTENT TO RE-
24 VIEW.—Not later than 7 days after
25 the date on which the Court receives

1 information under clause (ii) with re-
2 spect to a directive, the Court shall
3 provide notice to the Attorney General
4 and cleared counsel for the covered
5 electronic communication service pro-
6 vider indicating whether the Court in-
7 tends to undertake a review under
8 subclause (I) of this clause.

9 “(III) COMPLETION OF RE-
10 VIEWS.—In a case in which the Court
11 provides notice under subclause (II)
12 indicating that the Court intends to
13 review a directive under subclause (I),
14 the Court shall, not later than 30
15 days after the date on which the
16 Court provides notice under subclause
17 (II) with respect to the directive, com-
18 plete the review.

19 “(F) CONGRESSIONAL OVERSIGHT.—

20 “(i) NOTIFICATION.—

21 “(I) IN GENERAL.—Subject to
22 subclause (II), on or after the date of
23 the enactment of this paragraph, each
24 time the Attorney General and the Di-
25 rector of National Intelligence serve a

1 directive under paragraph (1) on a
2 covered electronic communication
3 service provider that is not prohibited
4 by subparagraph (B) and each time
5 the Attorney General and the Director
6 materially change a directive under
7 paragraph (1) served on a covered
8 electronic communication service pro-
9 vider that is not prohibited by sub-
10 paragraph (B), the Attorney General
11 shall submit to the appropriate com-
12 mittees of Congress the directive on or
13 before the date that is 7 days after
14 the date on which the Attorney Gen-
15 eral and the Director serve the direc-
16 tive, along with a description of the
17 covered electronic communication
18 service provider to whom the directive
19 is issued and the services at issue.

20 “(II) DUPLICATION NOT RE-
21 QUIRED.—The Attorney General does
22 not need to submit a directive or de-
23 scription to the appropriate commit-
24 tees of Congress under subclause (I)
25 if a directive and description con-

1 cerning the covered electronic commu-
2 nication service provider was pre-
3 viously submitted to the appropriate
4 committees of Congress and the direc-
5 tive or description has not materially
6 changed.

7 “(ii) ADDITIONAL INFORMATION.—As
8 soon as feasible and not later than the ini-
9 tiation of collection, the Attorney General
10 shall, for each directive described in clause
11 (i), provide the appropriate committees of
12 Congress a summary description of the
13 type of equipment to be accessed, the na-
14 ture of the access, and the form of assist-
15 ance required pursuant to the directive.

16 “(iii) REPORTING.—

17 “(I) QUARTERLY REPORTS.—Not
18 later than 90 days after the date of
19 the enactment of this paragraph and
20 not less frequently than once each
21 quarter thereafter, the Attorney Gen-
22 eral shall submit to the appropriate
23 committees of Congress a report on
24 the number of directives served, dur-
25 ing the period covered by the report,

1 under paragraph (1) to a covered elec-
2 tronic communication service provider
3 and the number of directives provided
4 during the same period to the Foreign
5 Intelligence Surveillance Court under
6 subparagraph (E)(i).

7 “(II) FORM OF REPORTS.—Each
8 report submitted pursuant to sub-
9 clause (I) shall be submitted in un-
10 classified form, but may include a
11 classified annex.

12 “(III) SUBMISSION OF COURT
13 OPINIONS.—Not later than 45 days
14 after the date on which the Foreign
15 Intelligence Surveillance Court or the
16 Foreign Intelligence Surveillance
17 Court of Review issues an opinion re-
18 lating to a directive issued to a cov-
19 ered electronic communication service
20 provider under paragraph (1), the At-
21 torney General shall submit to the ap-
22 propriate committees of Congress a
23 copy of the opinion.”.

24 (b) SUNSET.—Effective on December 31, 2026, sec-
25 tion 702(i) of the Foreign Intelligence Surveillance Act of

1 1978 (50 U.S.C. 1881a(i)), as amended by this section,
2 is amended by striking paragraph (7).

3 **SEC. 104. USE OF AMICI CURIAE IN FOREIGN INTEL-**
4 **LIGENCE SURVEILLANCE COURT PRO-**
5 **CEEDINGS.**

6 (a) EXPANSION OF APPOINTMENT AUTHORITY.—

7 (1) IN GENERAL.—Section 103(i)(2)(A) (50
8 U.S.C. 1803(i)(2)(A)) is amended by striking clause
9 (i) and inserting the following:

10 “(i) shall, unless the court issues a
11 finding that appointment is not appro-
12 priate, appoint 1 or more individuals who
13 have been designated under paragraph (1),
14 not fewer than 1 of whom possesses pri-
15 vacy and civil liberties expertise, unless the
16 court finds that such a qualification is in-
17 appropriate, to serve as amicus curiae to
18 assist the court in the consideration of any
19 application or motion for an order or re-
20 view that, in the opinion of the court—

21 “(I) presents a novel or signifi-
22 cant interpretation of the law;

23 “(II) presents significant con-
24 cerns with respect to the activities of
25 a United States person that are pro-

1 tected by the first amendment to the
2 Constitution of the United States;

3 “(III) presents or involves a sen-
4 sitive investigative matter;

5 “(IV) presents a request for ap-
6 proval of a new program, a new tech-
7 nology, or a new use of existing tech-
8 nology;

9 “(V) presents a request for reau-
10 thorization of programmatic surveil-
11 lance;

12 “(VI) otherwise presents novel or
13 significant civil liberties issues; or

14 “(VII) otherwise involves the ac-
15 tivities of a United States person;
16 and”.

17 (2) DEFINITION OF SENSITIVE INVESTIGATIVE
18 MATTER.—Section 103(i) (50 U.S.C. 1803(i)) is
19 amended by adding at the end the following:

20 “(12) DEFINITION.—In this subsection, the
21 term ‘sensitive investigative matter’ means—

22 “(A) an investigative matter involving the
23 activities of—

1 “(i) a domestic public official or polit-
2 ical candidate, or an individual serving on
3 the staff of such an official or candidate;

4 “(ii) a domestic religious or political
5 organization, or a known or suspected
6 United States person prominent in such an
7 organization; or

8 “(iii) the domestic news media; or

9 “(B) any other investigative matter involv-
10 ing a domestic entity or a known or suspected
11 United States person that, in the judgment of
12 the applicable court established under sub-
13 section (a) or (b), is as sensitive as an inves-
14 tigative matter described in subparagraph
15 (A).”.

16 (b) **AUTHORITY TO SEEK REVIEW.**—Section 103(i)
17 (50 U.S.C. 1803(i)) is further amended—

18 (1) in paragraph (4)—

19 (A) in the paragraph heading, by inserting
20 “; **AUTHORITY**” after “**DUTIES**”;

21 (B) in the matter preceding subparagraph
22 (A), by striking “shall”;

23 (C) in subparagraph (A)—

24 (i) by inserting “shall” before “be lim-
25 ited”; and

1 (ii) by striking “; and” and inserting
2 a semicolon;

3 (D) in subparagraph (B)—

4 (i) in the matter preceding clause (i),
5 by inserting “shall” before “provide”;

6 (ii) in clause (i), by inserting before
7 the semicolon at the end the following: “,
8 including legal arguments regarding any
9 privacy or civil liberties interest of any
10 United States person that would be signifi-
11 cantly impacted by the application or mo-
12 tion”; and

13 (iii) in clause (iii), by striking the pe-
14 riod at the end and inserting “; and”; and

15 (E) by adding at the end the following new
16 subparagraph:

17 “(C) may seek leave to raise any novel or
18 significant privacy or civil liberties issue rel-
19 evant to the application or motion or other
20 issue directly impacting the legality of the pro-
21 posed electronic surveillance with the court, re-
22 gardless of whether the court has requested as-
23 sistance on that issue under subparagraph
24 (A).”;

1 (2) by redesignating paragraphs (7) through
2 (11) as paragraphs (8) through (12), respectively;
3 and

4 (3) by inserting after paragraph (6) the fol-
5 lowing:

6 “(7) AUTHORITY TO SEEK REVIEW OF DECI-
7 SIONS.—

8 “(A) FISA COURT DECISIONS.—

9 “(i) PETITION.—Following issuance of
10 an order under this Act by the Foreign In-
11 telligence Surveillance Court, an amicus
12 curiae appointed under paragraph (2) may
13 petition the Foreign Intelligence Surveil-
14 lance Court to certify for review to the
15 Foreign Intelligence Surveillance Court of
16 Review a question of law pursuant to sub-
17 section (j).

18 “(ii) WRITTEN STATEMENT OF REA-
19 SONS.—If the Foreign Intelligence Surveil-
20 lance Court denies a petition under this
21 subparagraph, the Foreign Intelligence
22 Surveillance Court shall provide for the
23 record a written statement of the reasons
24 for the denial.

1 “(iii) APPOINTMENT.—Upon certifi-
2 cation of any question of law pursuant to
3 this subparagraph, the Court of Review
4 shall appoint the amicus curiae to assist
5 the Court of Review in its consideration of
6 the certified question, unless the Court of
7 Review issues a finding that such appoint-
8 ment is not appropriate.

9 “(B) FISA COURT OF REVIEW DECI-
10 SIONS.—An amicus curiae appointed under
11 paragraph (2) may petition the Foreign Intel-
12 ligence Surveillance Court of Review to certify
13 for review to the Supreme Court of the United
14 States any question of law pursuant to section
15 1254(2) of title 28, United States Code.

16 “(C) DECLASSIFICATION OF REFER-
17 RALS.—For purposes of section 602, a petition
18 filed under subparagraph (A) or (B) of this
19 paragraph and all of its content shall be consid-
20 ered a decision, order, or opinion issued by the
21 Foreign Intelligence Surveillance Court or the
22 Foreign Intelligence Surveillance Court of Re-
23 view described in paragraph (2) of section
24 602(a).”.

25 (c) ACCESS TO INFORMATION.—

1 (1) APPLICATION AND MATERIALS.—Section
2 103(i)(6) (50 U.S.C. 1803(i)(6)) is amended by
3 striking subparagraph (A) and inserting the fol-
4 lowing:

5 “(A) RIGHT OF AMICUS.—If a court estab-
6 lished under subsection (a) or (b) appoints an
7 amicus curiae under paragraph (2), the amicus
8 curiae—

9 “(i) shall have access, to the extent
10 such information is available to the Gov-
11 ernment, to—

12 “(I) the application, certification,
13 petition, motion, and other informa-
14 tion and supporting materials, sub-
15 mitted to the Foreign Intelligence
16 Surveillance Court in connection with
17 the matter in which the amicus curiae
18 has been appointed, including access
19 to any relevant decision (including any
20 such decision that is cited by the Gov-
21 ernment, including in such an applica-
22 tion);

23 “(II) an unredacted copy of each
24 relevant decision made by the Foreign
25 Intelligence Surveillance Court or the

1 Foreign Intelligence Surveillance
2 Court of Review in which the court
3 decides a question of law, without re-
4 gard to whether the decision is classi-
5 fied; and

6 “(III) any other information or
7 materials, or individuals, that the
8 court determines are relevant to the
9 duties of the amicus curiae; and

10 “(ii) may make a submission to the
11 court requesting access to any other par-
12 ticular materials or information (or cat-
13 egory of materials or information) that the
14 amicus curiae believes to be relevant to the
15 duties of the amicus curiae.”.

16 (2) CLARIFICATION OF ACCESS TO CERTAIN IN-
17 FORMATION.—Section 103(i)(6) (50 U.S.C.
18 1803(i)(6)) is further amended—

19 (A) in subparagraph (B), by striking
20 “may” and inserting “shall”; and

21 (B) by striking subparagraph (C) and in-
22 serting the following:

23 “(C) CLASSIFIED INFORMATION.—An ami-
24 cus curiae designated or appointed by the court
25 shall have access, to the extent such informa-

1 tion is available to the Government, to
2 unredacted copies of each relevant opinion,
3 order, transcript, pleading, or other document
4 of the Foreign Intelligence Surveillance Court
5 and the Foreign Intelligence Surveillance Court
6 of Review, including, if the individual is eligible
7 for access to classified information, any classi-
8 fied documents, information, and other mate-
9 rials or proceedings.”.

10 (d) APPLICATION.—The amendments made by this
11 section shall take effect on the date of enactment of this
12 Act and shall apply with respect to proceedings under the
13 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
14 1801 et seq.) that take place on or after, or are pending
15 on, that date.

16 **SEC. 105. EXTENSION OF FISA TITLE VII AUTHORITIES.**

17 (a) EXTENSION OF REPEAL DATE OF TITLE VII.—
18 Section 403(b) of the FISA Amendments Act of 2008
19 (Public Law 110–261) is amended—

20 (1) in paragraph (1) (50 U.S.C. 1881 note) by
21 striking “effective two years after” and all that fol-
22 lows through the period at the end and inserting
23 “effective April 20, 2028, title VII of the Foreign
24 Intelligence Surveillance Act of 1978 (50 U.S.C.
25 1881 et seq.) is repealed.”; and

1 (2) in paragraph (2) (18 U.S.C. 2511 note), in
2 the matter preceding subparagraph (A), by striking
3 “Effective two years after the date of enactment of
4 the Reforming Intelligence and Securing America
5 Act” and inserting “Effective April 20, 2028”.

6 (b) EXTENSION OF TRANSITION PROCEDURES.—Sec-
7 tion 404(b) of the FISA Amendments Act of 2008 (Public
8 Law 110–261; 50 U.S.C. 1801 note) is amended—

9 (1) in paragraph (1)—

10 (A) in the heading, by striking “TWO
11 YEARS AFTER THE DATE OF ENACTMENT OF
12 THE REFORMING INTELLIGENCE AND SECUR-
13 ING AMERICA ACT” and inserting “REPEAL
14 DATE”; and

15 (B) by striking “, as amended by section
16 101(a) and by the FISA Amendments Reau-
17 thorization Act of 2017 and the Reforming In-
18 telligence and Securing America Act,” and in-
19 serting “(50 U.S.C. 1881 et seq.)”; and

20 (2) in paragraph (2), by striking “, as amended
21 by section 101(a) and by the FISA Amendments Re-
22 authorization Act of 2017 and the Reforming Intel-
23 ligence and Securing America Act,” and inserting
24 “(50 U.S.C. 1881 et seq.)”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the earlier of the date of
3 the enactment of this Act or April 20, 2026.

4 **TITLE II—PROTECTION OF**
5 **RECORDS HELD BY DATA**
6 **BROKERS**

7 **SEC. 201. SHORT TITLE.**

8 This title may be cited as the “Fourth Amendment
9 Is Not For Sale Act”.

10 **SEC. 202. PROTECTION OF RECORDS HELD BY DATA BRO-**
11 **KERS.**

12 Section 2702 of title 18, United States Code, is
13 amended by adding at the end the following:

14 “(e) PROHIBITION ON OBTAINING IN EXCHANGE FOR
15 ANYTHING OF VALUE CERTAIN RECORDS AND INFORMA-
16 TION BY LAW ENFORCEMENT AND INTELLIGENCE AGEN-
17 CIES.—

18 “(1) DEFINITIONS.—In this subsection—

19 “(A) the term ‘covered customer or sub-
20 scriber record’ means a covered record that is—

21 “(i) disclosed to a third party by—

22 “(I) a provider of an electronic
23 communication service to the public or
24 a provider of a remote computing
25 service of which the covered person

1 with respect to the covered record is a
2 subscriber or customer; or

3 “(II) an intermediary service pro-
4 vider that delivers, stores, or proc-
5 esses communications of such covered
6 person;

7 “(ii) collected by a third party from
8 an online account of a covered person; or

9 “(iii) collected by a third party from
10 or about an electronic device of a covered
11 person;

12 “(B) the term ‘covered person’ means a
13 United States person;

14 “(C) the term ‘covered record’ means a
15 record or other information that—

16 “(i) pertains to a covered person; and

17 “(ii) is—

18 “(I) a record or other informa-
19 tion described in the matter preceding
20 paragraph (1) of subsection (c);

21 “(II) the contents of a commu-
22 nication; or

23 “(III) location information;

1 “(D) the term ‘electronic device’ has the
2 meaning given the term ‘computer’ in section
3 1030(e);

4 “(E) the term ‘illegitimately obtained in-
5 formation’ means a covered record that—

6 “(i) was obtained—

7 “(I) from a provider of an elec-
8 tronic communication service to the
9 public or a provider of a remote com-
10 puting service in a manner that—

11 “(aa) violates the service
12 agreement between the provider
13 and customers or subscribers of
14 the provider; or

15 “(bb) is inconsistent with
16 the privacy policy of the provider;

17 “(II) by deceiving the covered
18 person whose covered record was ob-
19 tained; or

20 “(III) through the unauthorized
21 accessing of an electronic device or
22 online account; or

23 “(ii) was—

24 “(I) obtained from a provider of
25 an electronic communication service to

1 the public, a provider of a remote
2 computing service, or an intermediary
3 service provider; and

4 “(II) collected, processed, or
5 shared in violation of a contract relat-
6 ing to the covered record;

7 “(F) the term ‘intelligence community’ has
8 the meaning given that term in section 3 of the
9 National Security Act of 1947 (50 U.S.C.
10 3003);

11 “(G) the term ‘location information’ means
12 information derived or otherwise calculated
13 from the transmission or reception of a radio
14 signal that reveals the approximate or actual
15 geographic location of a customer, subscriber,
16 or device;

17 “(H) the term ‘obtain in exchange for any-
18 thing of value’ means to obtain by purchasing,
19 to receive in connection with services being pro-
20 vided for consideration, or to otherwise obtain
21 in exchange for consideration, including an ac-
22 cess fee, service fee, maintenance fee, or licens-
23 ing fee;

24 “(I) the term ‘online account’ means an
25 online account with an electronic communica-

1 tion service to the public or remote computing
2 service;

3 “(J) the term ‘pertain’, with respect to a
4 person, means—

5 “(i) information that is linked to the
6 identity of a person; or

7 “(ii) information—

8 “(I) that has been anonymized to
9 remove links to the identity of a per-
10 son; and

11 “(II) that, if combined with other
12 information, could be used to identify
13 a person; and

14 “(K) the term ‘third party’ means a person
15 who—

16 “(i) is not a governmental entity; and

17 “(ii) in connection with the collection,
18 disclosure, obtaining, processing, or shar-
19 ing of the covered record at issue, was not
20 acting as—

21 “(I) a provider of an electronic
22 communication service to the public;
23 or

24 “(II) a provider of a remote com-
25 puting service.

1 “(2) LIMITATION.—

2 “(A) IN GENERAL.—A law enforcement
3 agency of a governmental entity and an element
4 of the intelligence community may not obtain
5 from a third party in exchange for anything of
6 value a covered customer or subscriber record
7 or any illegitimately obtained information.

8 “(B) INDIRECTLY ACQUIRED RECORDS
9 AND INFORMATION.—The limitation under sub-
10 paragraph (A) shall apply without regard to
11 whether the third party possessing the covered
12 customer or subscriber record or illegitimately
13 obtained information is the third party that ini-
14 tially obtained or collected, or is the third party
15 that initially received the disclosure of, the cov-
16 ered customer or subscriber record or illegiti-
17 mately obtained information.

18 “(3) LIMIT ON SHARING BETWEEN AGEN-
19 CIES.—An agency of a governmental entity that is
20 not a law enforcement agency or an element of the
21 intelligence community may not provide to a law en-
22 forcement agency of a governmental entity or an ele-
23 ment of the intelligence community a covered cus-
24 tomer or subscriber record or illegitimately obtained

1 information that was obtained from a third party in
2 exchange for anything of value.

3 “(4) PROHIBITION ON USE AS EVIDENCE.—A
4 covered customer or subscriber record or illegit-
5 imately obtained information obtained by or pro-
6 vided to a law enforcement agency of a governmental
7 entity or an element of the intelligence community in
8 violation of paragraph (2) or (3), and any evidence
9 derived therefrom, may not be received in evidence
10 in any trial, hearing, or other proceeding in or be-
11 fore any court, grand jury, department, officer,
12 agency, regulatory body, legislative committee, or
13 other authority of the United States, a State, or a
14 political subdivision thereof.

15 “(5) MINIMIZATION PROCEDURES.—

16 “(A) IN GENERAL.—The Attorney General
17 shall adopt specific procedures that are reason-
18 ably designed to minimize the acquisition and
19 retention, and prohibit the dissemination, of in-
20 formation pertaining to a covered person that is
21 acquired in violation of paragraph (2) or (3).

22 “(B) USE BY AGENCIES.—If a law enforce-
23 ment agency of a governmental entity or ele-
24 ment of the intelligence community acquires in-
25 formation pertaining to a covered person in vio-

1 lation of paragraph (2) or (3), the law enforce-
2 ment agency of a governmental entity or ele-
3 ment of the intelligence community shall mini-
4 mize the acquisition and retention, and prohibit
5 the dissemination, of the information in accord-
6 ance with the procedures adopted under sub-
7 paragraph (A).”.

8 **SEC. 203. REQUIRED DISCLOSURE.**

9 Section 2703 of title 18, United States Code, is
10 amended by adding at the end the following:

11 “(i) COVERED CUSTOMER OR SUBSCRIBER RECORDS
12 AND ILLEGITIMATELY OBTAINED INFORMATION.—

13 “(1) DEFINITIONS.—In this subsection, the
14 terms ‘covered customer or subscriber record’, ‘ille-
15 gitimately obtained information’, and ‘third party’
16 have the meanings given such terms in section
17 2702(e).

18 “(2) LIMITATION.—Unless a governmental enti-
19 ty obtains an order in accordance with paragraph
20 (3), the governmental entity may not require a third
21 party to disclose a covered customer or subscriber
22 record or any illegitimately obtained information if a
23 court order would be required for the governmental
24 entity to require a provider of remote computing
25 service or a provider of electronic communication

1 service to the public to disclose such a covered cus-
2 tomer or subscriber record or illegitimately obtained
3 information that is a record of a customer or sub-
4 scriber of the provider.

5 “(3) ORDERS.—

6 “(A) IN GENERAL.—A court may only
7 issue an order requiring a third party to dis-
8 close a covered customer or subscriber record or
9 any illegitimately obtained information on the
10 same basis and subject to the same limitations
11 as would apply to a court order to require dis-
12 closure by a provider of remote computing serv-
13 ice or a provider of electronic communication
14 service to the public of a record of a customer
15 or subscriber of the provider.

16 “(B) STANDARD.—For purposes of sub-
17 paragraph (A), a court shall apply the most
18 stringent standard under Federal statute or the
19 Constitution of the United States that would be
20 applicable to a request for a court order to re-
21 quire a comparable disclosure by a provider of
22 remote computing service or a provider of elec-
23 tronic communication service to the public of a
24 record of a customer or subscriber of the pro-
25 vider.”.

1 **SEC. 204. INTERMEDIARY SERVICE PROVIDERS.**

2 (a) DEFINITION.—Section 2711 of title 18, United
3 States Code, is amended—

4 (1) in paragraph (3), by striking “and” at the
5 end;

6 (2) in paragraph (4), by striking the period at
7 the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(5) the term ‘intermediary service provider’
10 means an entity or facilities owner or operator that
11 directly or indirectly delivers, stores, or processes
12 communications for or on behalf of a provider of
13 electronic communication service to the public or a
14 provider of remote computing service.”.

15 (b) PROHIBITION.—Section 2702(a) of title 18,
16 United States Code, is amended—

17 (1) in paragraph (1), by striking “and” at the
18 end;

19 (2) in paragraph (2), by striking “and” at the
20 end;

21 (3) in paragraph (3), by striking the period at
22 the end and inserting “; and”; and

23 (4) by adding at the end the following:

24 “(4) an intermediary service provider shall not
25 knowingly divulge—

1 “(A) to any person or entity the contents
2 of a communication while in electronic storage
3 by that provider; or

4 “(B) to any governmental entity a record
5 or other information pertaining to a subscriber
6 to or customer of, a recipient of a communica-
7 tion from a subscriber to or customer of, or the
8 sender of a communication to a subscriber to or
9 customer of, the provider of electronic commu-
10 nication service to the public or the provider of
11 remote computing service for, or on behalf of,
12 which the intermediary service provider directly
13 or indirectly delivers, transmits, stores, or proc-
14 esses communications.”.

15 **SEC. 205. PROTECTIONS FOR DEMANDS FOR DATA HELD BY**
16 **INTERACTIVE COMPUTING SERVICES.**

17 (a) DEFINITION.—Section 2711 of title 18, United
18 States Code, as amended by section 204, is further amend-
19 ed—

20 (1) in paragraph (4), by striking “and” at the
21 end;

22 (2) in paragraph (5), by striking the period at
23 the end and inserting a semicolon; and

24 (3) by adding at the end the following:

1 “(6) the term ‘online service provider’ means a
2 provider of electronic communication service, a pro-
3 vider of remote computing service, any information
4 service, system, or access software provider that pro-
5 vides or enables computer access by multiple users
6 to a computer server, including specifically a service
7 or system that provides access to the Internet and
8 such systems operated or services offered by libraries
9 or educational institutions; and”.

10 (b) **REQUIRED DISCLOSURE.**—Section 2703 of title
11 18, United States Code, as amended by section 203, is
12 further amended—

13 (1) in subsection (a), in the first sentence, by
14 striking “a provider of electronic communication
15 service” and inserting “an online service provider”;

16 (2) in subsection (c)—

17 (A) in paragraph (1), in the matter pre-
18 ceding subparagraph (A), by striking “a pro-
19 vider of electronic communication service or re-
20 mote computing service” and inserting “an on-
21 line service provider”; and

22 (B) in paragraph (2), in the matter pre-
23 ceding subparagraph (A), by striking “A pro-
24 vider of electronic communication service or re-

1 mote computing service” and inserting “An on-
2 line service provider”; and

3 (3) in subsection (g), by striking “a provider of
4 electronic communications service or remote com-
5 puting service” and inserting “an online service pro-
6 vider”.

7 (c) LIMITATION ON VOLUNTARY DISCLOSURE.—Sec-
8 tion 2702(a) of title 18, United States Code, as amended
9 by section 204, is further amended—

10 (1) in paragraph (1), by striking “a person or
11 entity providing an electronic communication service
12 to the public” and inserting “an online service pro-
13 vider”;

14 (2) in paragraph (2), by striking “a person or
15 entity providing remote computing service to the
16 public” and inserting “an online service provider”;
17 and

18 (3) in paragraph (3), by striking “a provider of
19 remote computing service or electronic communica-
20 tion service to the public” and inserting “an online
21 service provider”.

1 **SEC. 206. LIMITS ON SURVEILLANCE CONDUCTED FOR FOR-**
2 **EIGN INTELLIGENCE PURPOSES OTHER**
3 **THAN UNDER THE FOREIGN INTELLIGENCE**
4 **SURVEILLANCE ACT OF 1978.**

5 (a) IN GENERAL.—Section 2511(2)(f) of title 18,
6 United States Code, is amended to read as follows:

7 “(f)(i)(A) Nothing contained in this chapter, chapter
8 121 or 206 of this title, or section 705 of the Communica-
9 tions Act of 1934 (47 U.S.C. 151 et seq.) shall be deemed
10 to affect an acquisition or activity described in clause (B)
11 that is carried out utilizing a means other than electronic
12 surveillance, as defined in section 101 of the Foreign In-
13 telligence Surveillance Act of 1978 (50 U.S.C. 1801).

14 “(B) An acquisition or activity described in this
15 clause is—

16 “(I) an acquisition by the United States Gov-
17 ernment of foreign intelligence information from
18 international or foreign communications that—

19 “(aa) is acquired pursuant to express stat-
20 utory authority; or

21 “(bb) only includes information of persons
22 who are not United States persons and are lo-
23 cated outside the United States; or

24 “(II) a foreign intelligence activity involving a
25 foreign electronic communications system that—

1 “(aa) is conducted pursuant to express
2 statutory authority; or

3 “(bb) only involves the acquisition by the
4 United States Government of information of
5 persons who are not United States persons and
6 are located outside the United States.

7 “(ii) The procedures in this chapter, chapter 121,
8 and the Foreign Intelligence Surveillance Act of 1978 (50
9 U.S.C. 1801 et seq.) shall be the exclusive means by which
10 electronic surveillance, as defined in section 101 of such
11 Act, and the interception of domestic wire, oral, and elec-
12 tronic communications may be conducted.”.

13 (b) EXCLUSIVE MEANS RELATED TO COMMUNICA-
14 TIONS RECORDS.—The Foreign Intelligence Surveillance
15 Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive
16 means by which electronic communications transactions
17 records, call detail records, or other information from com-
18 munications of United States persons or persons inside the
19 United States are acquired for foreign intelligence pur-
20 poses inside the United States or from a person or entity
21 located in the United States that provides telecommuni-
22 cations, electronic communication, or remote computing
23 services.

1 (c) EXCLUSIVE MEANS RELATED TO LOCATION IN-
2 FORMATION, WEB BROWSING HISTORY, AND INTERNET
3 SEARCH HISTORY.—

4 (1) DEFINITION.—In this subsection, the term
5 “location information” has the meaning given that
6 term in subsection (e) of section 2702 of title 18,
7 United States Code, as added by section 202 of this
8 Act.

9 (2) EXCLUSIVE MEANS.—Title I and sections
10 303, 304, 702, 703, 704, and 705 of the Foreign In-
11 telligence Surveillance Act of 1978 (50 U.S.C. 1801
12 et seq., 1823, 1824, 1881a, 1881b, 1881c, 1881d)
13 shall be the exclusive means by which location infor-
14 mation, web browsing history, and internet search
15 history of United States persons or persons inside
16 the United States are acquired for foreign intel-
17 ligence purposes inside the United States or from a
18 person or entity located in the United States.

19 (d) EXCLUSIVE MEANS RELATED TO FOURTH
20 AMENDMENT-PROTECTED INFORMATION.—Title I and
21 sections 303, 304, 702, 703, 704, and 705 of the Foreign
22 Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et
23 seq., 1823, 1824, 1881a, 1881b, 1881c, 1881d) shall be
24 the exclusive means by which any information, records,
25 data, or tangible things are acquired for foreign intel-

1 ligenge purposes from a person or entity located in the
2 United States if the compelled production of such informa-
3 tion, records, data, or tangible things would require a war-
4 rant for law enforcement purposes.

5 (e) DEFINITION.—In this section, the term “United
6 States person” has the meaning given that term in section
7 101 of the Foreign Intelligence Surveillance Act of 1978
8 (50 U.S.C. 1801).

9 **SEC. 207. LIMIT ON CIVIL IMMUNITY FOR PROVIDING IN-**
10 **FORMATION, FACILITIES, OR TECHNICAL AS-**
11 **SISTANCE TO THE GOVERNMENT ABSENT A**
12 **COURT ORDER.**

13 Section 2511(2)(a) of title 18, United States Code,
14 is amended—

15 (1) in subparagraph (ii), by striking clause (B)
16 and inserting the following:

17 “(B) a certification in writing—

18 “(I) by a person specified in section
19 2518(7) or the Attorney General of the United
20 States;

21 “(II) that the requirements for an emer-
22 gency authorization to intercept a wire, oral, or
23 electronic communication under section 2518(7)
24 have been met; and

1 “(III) that the specified assistance is re-
2 quired,”; and

3 (2) by striking subparagraph (iii) and inserting
4 the following:

5 “(iii) For assistance provided pursuant to a certifi-
6 cation under subparagraph (ii)(B), the limitation on
7 causes of action under the last sentence of the matter fol-
8 lowing subparagraph (ii)(B) shall only apply to the extent
9 that the assistance ceased at the earliest of the time the
10 application for a court order was denied, the time the com-
11 munication sought was obtained, or 48 hours after the
12 interception began.”.

