

AMENDMENT TO RULES COMMITTEE PRINT 118-

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OFFERED BY MR. DAVIDSON OF OHIO

At the appropriate place in subtitle C of title XVIII,
insert the following:

1 **SEC. 18___. EXCLUSIVE MEANS RELATED TO LOCATION IN-**
2 **FORMATION, WEB BROWSING HISTORY,**
3 **INTERNET SEARCH HISTORY, AND FOURTH**
4 **AMENDMENT-PROTECTED INFORMATION.**

5 (a) DEFINITIONS.—

6 (1) **FOURTH AMENDMENT-PROTECTED INFOR-**
7 **MATION.**—In this section, the term “Fourth Amend-
8 ment-protected information” means information the
9 compelled production of which would require a war-
10 rant for law enforcement purposes.

11 (2) **LOCATION INFORMATION.**—In this section,
12 the term “location information” means information
13 derived or otherwise calculated from the trans-
14 mission or reception of a radio signal that reveals
15 the approximate or actual geographic location of a
16 customer, subscriber, or device.

17 (3) **UNITED STATES PERSON.**—In this section,
18 the term “United States person” has the meaning

1 given that term in section 101 of the Foreign Intel-
2 ligence Surveillance Act of 1978 (50 U.S.C. 1801)

3 (b) EXCLUSIVE MEANS.—

4 (1) FOREIGN INTELLIGENCE PURPOSES.—Title
5 I and sections 303, 304, 703, 704, and 705 of the
6 Foreign Intelligence Surveillance Act of 1978 (50
7 U.S.C. 1801 et seq., 1823, 1824, 1881b, 1881c,
8 1881d) shall be the exclusive means by which loca-
9 tion information, web browsing history, Internet
10 search history, and Fourth Amendment-protected in-
11 formation of United States persons or persons inside
12 the United States are acquired for foreign intel-
13 ligence purposes.

14 (2) LAW ENFORCEMENT PURPOSES.—A war-
15 rant obtained by demonstrating probable cause shall
16 be the exclusive means by which location informa-
17 tion, web browsing history, Internet search history,
18 and Fourth Amendment-protected information of
19 United States persons or persons inside the United
20 States are acquired for law enforcement purposes.

21 (c) THIRD PARTY.—If the interception, or compelled
22 production, or physical search or seizure of information
23 inside the United States would require a warrant, court
24 order, or subpoena under law, no Federal, State, or local
25 agency or official of any such agency may obtain that in-

1 formation from a third party in exchange for anything of
2 value without obtaining the warrant, court order, or sub-
3 poena that would be required for the interception, or com-
4 pelled production, or physical search or seizure of that in-
5 formation inside the United States.

6 (d) EXCEPTION.—Notwithstanding subsection (c),
7 agencies other than law enforcement and intelligence
8 agencies or officials of such agencies may acquire the
9 types of information specified in subsection (c) in ex-
10 change for something of value if—

11 (1) the information is aggregated or
12 anonymized in such a way that it cannot reasonably
13 be de-anonymized or otherwise linked to any indi-
14 vidual or specific group of individuals; and

15 (2) the agency acquiring the information does
16 not disclose the information to any Federal, State,
17 or local law enforcement or intelligence agency or
18 any official of such an agency.

