AMENDMENT TO RULES COMMITTEE PRINT 118–10

OFFERED BY MR. DAVIDSON OF OHIO

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

SEC. 18. EXCLUSIVE MEANS RELATED TO LOCATION INFORMATION, WEB BROWSING HISTORY, INTERNET SEARCH HISTORY, AND FOURTH AMENDMENT-PROTECTED INFORMATION.

(a) Definitions.—

(1) Fourth Amendment-protected information.—In this section, the term “Fourth Amendment-protected information” means information the compelled production of which would require a warrant for law enforcement purposes.

(2) Location information.—In this section, the term “location information” means information derived or otherwise calculated from the transmission or reception of a radio signal that reveals the approximate or actual geographic location of a customer, subscriber, or device.

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

(b) EXCLUSIVE MEANS.—

(1) FOREIGN INTELLIGENCE PURPOSES.—Title I and sections 303, 304, 703, 704, and 705 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq., 1823, 1824, 1881b, 1881c, 1881d) shall be the exclusive means by which location information, web browsing history, Internet search history, and Fourth Amendment-protected information of United States persons or persons inside the United States are acquired for foreign intelligence purposes.

(2) LAW ENFORCEMENT PURPOSES.—A warrant obtained by demonstrating probable cause shall be the exclusive means by which location information, web browsing history, Internet search history, and Fourth Amendment-protected information of United States persons or persons inside the United States are acquired for law enforcement purposes.

(c) THIRD PARTY.—If the interception, or compelled production, or physical search or seizure of information inside the United States would require a warrant, court order, or subpoena under law, no Federal, State, or local agency or official of any such agency may obtain that in-
formation from a third party in exchange for anything of value without obtaining the warrant, court order, or subpoena that would be required for the interception, or compelled production, or physical search or seizure of that information inside the United States.

(d) EXCEPTION.—Notwithstanding subsection (c), agencies other than law enforcement and intelligence agencies or officials of such agencies may acquire the types of information specified in subsection (e) in exchange for something of value if—

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

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