

**AMENDMENT TO RULES COMMITTEE PRINT 118-**

**10**

**OFFERED BY MR. DAVIDSON OF OHIO**

At the end of subtitle D of title XVI, insert the following:

1 **SEC. 16\_\_ . EXCLUSIVE MEANS FOR THE SECRETARY OF**  
2 **DEFENSE TO ACQUIRE LOCATION INFORMA-**  
3 **TION, WEB BROWSING HISTORY, INTERNET**  
4 **SEARCH HISTORY, AND FOURTH AMEND-**  
5 **MENT-PROTECTED INFORMATION.**

6 (a) EXCLUSIVE MEANS.—

7 (1) FOREIGN INTELLIGENCE PURPOSES.—Title  
8 I and sections 303, 304, 703, 704, and 705 of the  
9 Foreign Intelligence Surveillance Act of 1978 (50  
10 U.S.C. 1801 et seq., 1823, 1824, 1881b, 1881c,  
11 1881d) shall be the exclusive means by which the  
12 Secretary of Defense acquires location information,  
13 web browsing history, Internet search history, and  
14 Fourth Amendment-protected information of United  
15 States persons or persons inside the United States  
16 for foreign intelligence purposes.

17 (2) LAW ENFORCEMENT PURPOSES.—A war-  
18 rant obtained by demonstrating probable cause shall

1 be the exclusive means by which the Secretary of  
2 Defense acquires location information, web browsing  
3 history, Internet search history, and Fourth Amend-  
4 ment-protected information of United States persons  
5 or persons inside the United States for law enforce-  
6 ment purposes.

7 (b) THIRD PARTY.—If the interception, or compelled  
8 production, or physical search or seizure of information  
9 inside the United States by the Secretary of Defense  
10 would require a warrant, court order, or subpoena under  
11 law, the Secretary may not obtain that information from  
12 a third party in exchange for anything of value without  
13 obtaining the warrant, court order, or subpoena that  
14 would be required for such interception, compelled produc-  
15 tion, or physical search or seizure.

16 (c) EXCEPTION.—Notwithstanding subsection (b),  
17 the Secretary of Defense may acquire the types of infor-  
18 mation specified in subsection (b) in exchange for some-  
19 thing of value if—

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

24 (2) the Secretary does not disclose the informa-  
25 tion to any Federal, State, or local law enforcement

1 agency or to any other element of the intelligence  
2 community, or any official of such an agency or ele-  
3 ment.

4 (d) DEFINITIONS.—In this section:

5 (1) The term “Fourth Amendment-protected in-  
6 formation” means information the compelled produc-  
7 tion of which would require a warrant for law en-  
8 forcement purposes.

9 (2) The term “location information” means in-  
10 formation derived or otherwise calculated from the  
11 transmission or reception of a radio signal that re-  
12 veals the approximate or actual geographic location  
13 of a customer, subscriber, or device.

14 (3) The term “United States person” has the  
15 meaning given that term in section 101 of the For-  
16 eign Intelligence Surveillance Act of 1978 (50  
17 U.S.C. 1801).

