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:

SEC. 16. EXCLUSIVE MEANS FOR THE SECRETARY OF DEFENSE TO ACQUIRE LOCATION INFORMATION, WEB BROWSING HISTORY, INTERNET SEARCH HISTORY, AND FOURTH AMENDMENT-PROTECTED INFORMATION.

(a) 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 the Secretary of Defense acquires location information, web browsing history, Internet search history, and Fourth Amendment-protected information of United States persons or persons inside the United States for foreign intelligence purposes.

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

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

(e) EXCEPTION.—Notwithstanding subsection (b), the Secretary of Defense may acquire the types of information specified in subsection (b) 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 Secretary does not disclose the information to any Federal, State, or local law enforcement
agency or to any other element of the intelligence community, or any official of such an agency or element.

(d) DEFINITIONS.—In this section:

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

(2) 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) 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).