

119TH CONGRESS
2^D SESSION

H. R. 7816

To amend the Foreign Intelligence Surveillance Act of 1978 to implement reforms, to amend title 18, United States Code, to prevent law enforcement and intelligence agencies from obtaining certain commercially available information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2026

Mr. BIGGS of Arizona (for himself, Mr. CRANE, and Mr. CLYDE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Permanent Select Committee on Intelligence, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Foreign Intelligence Surveillance Act of 1978 to implement reforms, to amend title 18, United States Code, to prevent law enforcement and intelligence agencies from obtaining certain commercially available information, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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.

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

9 (a) REFERENCES TO FOREIGN INTELLIGENCE SUR-
10 VEILLANCE ACT OF 1978.—Except as otherwise expressly
11 provided, whenever in this Act an amendment or repeal
12 is expressed in terms of an amendment to, or a repeal

1 of, a section or other provision, the reference shall be con-
2 sidered to be made to a section or other provision of the
3 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
4 1801 et seq.).

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

16 **TITLE I—FISA REFORM**

17 **SEC. 101. PROHIBITION ON WARRANTLESS QUERIES FOR**
18 **THE COMMUNICATIONS OF UNITED STATES**
19 **PERSONS.**

20 (a) PROHIBITION ON WARRANTLESS QUERIES.—

21 (1) PROHIBITION.—Section 702(f) (50 U.S.C.
22 1881a(f)) is amended by inserting after paragraph
23 (1) the following new paragraph (2):

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

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

11 “(B) EXCEPTIONS FOR CONCURRENT AU-
12 THORIZATION, CONSENT, EMERGENCY SITUA-
13 TIONS, AND CERTAIN DEFENSIVE CYBERSECUR-
14 ITY QUERIES.—

15 “(i) IN GENERAL.—Subparagraph (A)
16 shall not apply to a query related to a
17 United States person if—

18 “(I) such person is the subject of
19 an order or emergency authorization
20 authorizing electronic surveillance
21 under section 105 or a physical search
22 under section 304, or a warrant
23 issued pursuant to the Federal Rules
24 of Criminal Procedure by a court of

1 competent jurisdiction authorizing the
2 conduct of the query;

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

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

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

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

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

24 “(bb) the query is conducted, and
25 the results of the query are used, for

1 the sole purpose of identifying tar-
2 geted recipients of malicious software
3 and preventing or mitigating harm
4 from such malicious software; and

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

8 “(ii) LIMITATIONS.—

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

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

10 “(iii) REPORTING OF USE OF CERTAIN
11 EXCEPTIONS.—

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

20 “(II) CONGRESS.—The congress-
21 sional intelligence committees and the
22 Committees on the Judiciary of the
23 House of Representatives and of the
24 Senate shall be provided a description
25 of each query that is conducted pursu-

1 ant to an exception described in sub-
2 clause (II) of clause (i) by not later
3 than 90 days after the date on which
4 the query is conducted.

5 “(C) MATTERS RELATING TO EMERGENCY
6 QUERIES.—

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

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

1 a State, or political subdivision there-
2 of; and

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

12 “(ii) ASSESSMENT OF COMPLIANCE.—

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

20 (2) DEFINITIONS.—Section 702(f) (50 U.S.C.
21 1881a(f)) is amended by striking paragraph (5)(B)
22 and inserting the following:

23 “(B) The term ‘query’—

24 “(i) means the use of any technique,
25 whether manual or automated, to detect or

1 retrieve information obtained through ac-
2 quisitions authorized under subsection (a)
3 from within a system, collection, or assort-
4 ment of information, or a subset thereof;
5 and

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

8 “(C)(i) The term ‘covered query’ means a
9 query that—

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

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

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

22 “(ii) Whether a query is a covered query
23 shall be determined without regard to whether
24 the information subject to the query has al-

1 ready been detected or retrieved using a method
2 other than a query described in clause (i).

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

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

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

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

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

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

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

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

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

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

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

20 **SEC. 102. SUNSET OF CHANGES TO DEFINITION OF ELEC-**
21 **TRONIC COMMUNICATION SERVICE PRO-**
22 **VIDER.**

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

1 (1) in section 701(b)(4) (50 U.S.C.
2 1881(b)(4))—

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

5 (B) by striking subparagraph (E);

6 (C) by redesignating subparagraph (F) as
7 subparagraph (E); and

8 (D) in subparagraph (E), as so redesign-
9 nated—

10 (i) by striking “custodian,”; and

11 (ii) by striking “(D), or (E)” and in-
12 serting “or (D)”;

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

14 (A) by striking subparagraph (E);

15 (B) by redesignating subparagraphs (F)
16 and (G) as subparagraphs (E) and (F), respec-
17 tively;

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

20 (D) in subparagraph (F), as so redesign-
21 nated—

22 (i) by striking “custodian,”; and

23 (ii) by striking “(E), or (F)” and in-
24 serting “or (E)”.

1 **SEC. 103. LIMITATION ON DIRECTIVES UNDER FOREIGN IN-**
2 **TELLIGENCE SURVEILLANCE ACT OF 1978 RE-**
3 **LATING TO CERTAIN ELECTRONIC COMMU-**
4 **NICATION SERVICE PROVIDERS.**

5 (a) **IN GENERAL.**—Section 702(i) (50 U.S.C.
6 1881a(i)) is amended by adding at the end the following:

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

9 “(A) **DEFINITIONS.**—In this paragraph:

10 “(i) **APPROPRIATE COMMITTEES OF**
11 **CONGRESS.**—The term ‘appropriate com-
12 mittees of Congress’ means—

13 “(I) the congressional intelligence
14 committees;

15 “(II) the Committee on the Judi-
16 ciary of the Senate; and

17 “(III) the Committee on the Ju-
18 diciary of the House of Representa-
19 tives.

20 “(ii) **COVERED ELECTRONIC COMMU-**
21 **NICATION SERVICE PROVIDER.**—

22 “(I) **IN GENERAL.**—Subject to
23 subclause (II), the term ‘covered elec-
24 tronic communication service provider’
25 means—

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

3 “(bb) a custodian of an enti-
4 ty as defined in section
5 701(b)(4)(F); or

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

9 “(II) EXCLUSION.—The term
10 ‘covered electronic communication
11 service provider’ does not include—

12 “(aa) an electronic commu-
13 nication service provider de-
14 scribed in subparagraph (A), (B),
15 (C), or (D) of section 701(b)(4);
16 or

17 “(bb) an officer, employee,
18 or agent of an electronic commu-
19 nication service provider de-
20 scribed in subparagraph (A), (B),
21 (C), or (D) of section 701(b)(4),
22 to the extent that the electronic com-
23 munication service provider is pro-
24 viding the United States Government

1 with information, facilities, or assist-
2 ance pursuant to such subparagraphs.

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

18 “(B) LIMITATION.—A directive may not be
19 issued under paragraph (1) to a covered elec-
20 tronic communication service provider unless
21 the covered electronic communication service
22 provider is a provider of the type of service at
23 issue in the covered opinions.

24 “(C) DECLASSIFICATION REVIEW RE-
25 QUIRED.—

1 “(i) IN GENERAL.—Not later than
2 180 days after the date of enactment of
3 this paragraph, the Director of National
4 Intelligence, in consultation with the Attor-
5 ney General, shall complete a declassifica-
6 tion review in accordance with section 3 of
7 Executive Order 13526 (50 U.S.C. 3161
8 note; relating to classified national security
9 information), or any successor order (in
10 this subparagraph referred to as ‘Executive
11 Order 13526’) and, consistent with that
12 review, make publicly available to the
13 greatest extent practicable the type of serv-
14 ice provider and services at issue in the
15 covered opinions.

16 “(ii) SPECIFIC INQUIRY.—In con-
17 ducting the review required under clause
18 (i), the Director of National Intelligence
19 and the Attorney General shall deter-
20 mine—

21 “(I) whether the information de-
22 scribed in clause (i) continues to meet
23 the requirements for classification set
24 forth in Executive Order 13526; and

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

8 “(iii) FACTORS.—In making a deter-
9 mination under subclause (II) of clause
10 (ii), the Director of National Intelligence
11 and the Attorney General shall consider—

12 “(I) the public interest served by
13 ensuring that laws are public and
14 transparent; and

15 “(II) the fact that the type of
16 service provider or services at issue in
17 the covered opinions have been the
18 subject of public disclosures.

19 “(D) REQUIREMENTS FOR DIRECTIVES TO
20 COVERED ELECTRONIC COMMUNICATION SERV-
21 ICE PROVIDERS.—

22 “(i) IN GENERAL.—Subject to clause
23 (ii), any directive issued under paragraph
24 (1) on or after the date of the enactment
25 of this paragraph to a covered electronic

1 communication service provider that is not
2 prohibited by subparagraph (B) of this
3 paragraph shall include a summary de-
4 scription of the services at issue in the cov-
5 ered opinions.

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

14 “(E) FOREIGN INTELLIGENCE SURVEIL-
15 LANCE COURT NOTIFICATION AND REVIEW.—

16 “(i) NOTIFICATION.—

17 “(I) IN GENERAL.—Subject to
18 subclause (II), on or after the date of
19 the enactment of this paragraph, each
20 time the Attorney General and the Di-
21 rector of National Intelligence serve a
22 directive under paragraph (1) to a
23 covered electronic communication
24 service provider that is not prohibited
25 by subparagraph (B) and each time

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

16 “(II) DUPLICATION NOT RE-
17 QUIRED.—The Attorney General does
18 not need to provide a directive or de-
19 scription to the Foreign Intelligence
20 Surveillance Court under subclause (I)
21 if a directive and description con-
22 cerning the covered electronic commu-
23 nication service provider was pre-
24 viously provided to the Court and the

1 directive or description has not mate-
2 rially changed.

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

12 “(iii) REVIEW.—

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

20 “(II) NOTICE OF INTENT TO RE-
21 VIEW.—Not later than 7 days after
22 the date on which the Court receives
23 information under clause (ii) with re-
24 spect to a directive, the Court shall
25 provide notice to the Attorney General

1 and cleared counsel for the covered
2 electronic communication service pro-
3 vider indicating whether the Court in-
4 tends to undertake a review under
5 subclause (I) of this clause.

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

16 “(F) CONGRESSIONAL OVERSIGHT.—

17 “(i) NOTIFICATION.—

18 “(I) IN GENERAL.—Subject to
19 subclause (II), on or after the date of
20 the enactment of this paragraph, each
21 time the Attorney General and the Di-
22 rector of National Intelligence serve a
23 directive under paragraph (1) on a
24 covered electronic communication
25 service provider that is not prohibited

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

17 “(II) DUPLICATION NOT RE-
18 QUIRED.—The Attorney General does
19 not need to submit a directive or de-
20 scription to the appropriate commit-
21 tees of Congress under subclause (I)
22 if a directive and description con-
23 cerning the covered electronic commu-
24 nication service provider was pre-
25 viously submitted to the appropriate

1 committees of Congress and the direc-
2 tive or description has not materially
3 changed.

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

13 “(iii) REPORTING.—

14 “(I) QUARTERLY REPORTS.—Not
15 later than 90 days after the date of
16 the enactment of this paragraph and
17 not less frequently than once each
18 quarter thereafter, the Attorney Gen-
19 eral shall submit to the appropriate
20 committees of Congress a report on
21 the number of directives served, dur-
22 ing the period covered by the report,
23 under paragraph (1) to a covered elec-
24 tronic communication service provider
25 and the number of directives provided

1 during the same period to the Foreign
2 Intelligence Surveillance Court under
3 subparagraph (E)(i).

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

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

21 (b) SUNSET.—Effective on December 31, 2026, sec-
22 tion 702(i) of the Foreign Intelligence Surveillance Act of
23 1978 (50 U.S.C. 1881a(i)), as amended by this section,
24 is amended by striking paragraph (7).

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

4 (a) EXPANSION OF APPOINTMENT AUTHORITY.—

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

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

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

21 “(II) presents significant con-
22 cerns with respect to the activities of
23 a United States person that are pro-
24 tected by the first amendment to the
25 Constitution of the United States;

1 “(III) presents or involves a sen-
2 sitive investigative matter;

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

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

10 “(VI) otherwise presents novel or
11 significant civil liberties issues; or

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

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

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

20 “(A) an investigative matter involving the
21 activities of—

22 “(i) a domestic public official or polit-
23 ical candidate, or an individual serving on
24 the staff of such an official or candidate;

1 “(ii) a domestic religious or political
2 organization, or a known or suspected
3 United States person prominent in such an
4 organization; or

5 “(iii) the domestic news media; or

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

13 (b) AUTHORITY TO SEEK REVIEW.—Section 103(i)
14 (50 U.S.C. 1803(i)) is further amended—

15 (1) in paragraph (4)—

16 (A) in the paragraph heading, by inserting
17 “; AUTHORITY” after “DUTIES”;

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

20 (C) in subparagraph (A)—

21 (i) by inserting “shall” before “be lim-
22 ited”; and

23 (ii) by striking “; and” and inserting
24 a semicolon;

25 (D) in subparagraph (B)—

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

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

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

12 (E) by adding at the end the following new
13 subparagraph:

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

22 (2) by redesignating paragraphs (7) through
23 (11) as paragraphs (8) through (12), respectively;
24 and

1 (3) by inserting after paragraph (6) the fol-
2 lowing:

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

5 “(A) FISA COURT DECISIONS.—

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

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

22 “(iii) APPOINTMENT.—Upon certifi-
23 cation of any question of law pursuant to
24 this subparagraph, the Court of Review
25 shall appoint the amicus curiae to assist

1 the Court of Review in its consideration of
2 the certified question, unless the Court of
3 Review issues a finding that such appoint-
4 ment is not appropriate.

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

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

21 (c) ACCESS TO INFORMATION.—

22 (1) APPLICATION AND MATERIALS.—Section
23 103(i)(6) (50 U.S.C. 1803(i)(6)) is amended by
24 striking subparagraph (A) and inserting the fol-
25 lowing:

1 “(A) RIGHT OF AMICUS.—If a court estab-
2 lished under subsection (a) or (b) appoints an
3 amicus curiae under paragraph (2), the amicus
4 curiae—

5 “(i) shall have access, to the extent
6 such information is available to the Gov-
7 ernment, to—

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

19 “(II) an unredacted copy of each
20 relevant decision made by the Foreign
21 Intelligence Surveillance Court or the
22 Foreign Intelligence Surveillance
23 Court of Review in which the court
24 decides a question of law, without re-

1 gard to whether the decision is classi-
2 fied; and

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

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

13 (2) CLARIFICATION OF ACCESS TO CERTAIN IN-
14 FORMATION.—Section 103(i)(6) (50 U.S.C.
15 1803(i)(6)) is further amended—

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

18 (B) by striking subparagraph (C) and in-
19 serting the following:

20 “(C) CLASSIFIED INFORMATION.—An ami-
21 cus curiae designated or appointed by the court
22 shall have access, to the extent such informa-
23 tion is available to the Government, to
24 unredacted copies of each relevant opinion,
25 order, transcript, pleading, or other document

1 of the Foreign Intelligence Surveillance Court
2 and the Foreign Intelligence Surveillance Court
3 of Review, including, if the individual is eligible
4 for access to classified information, any classi-
5 fied documents, information, and other mate-
6 rials or proceedings.”.

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

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

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

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

23 (2) in paragraph (2) (18 U.S.C. 2511 note), in
24 the matter preceding subparagraph (A), by striking
25 “Effective two years after the date of enactment of

1 the Reforming Intelligence and Securing America
2 Act” and inserting “Effective April 20, 2028”.

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

6 (1) in paragraph (1)—

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

12 (B) by striking “, as amended by section
13 101(a) and by the FISA Amendments Reau-
14 thorization Act of 2017 and the Reforming In-
15 telligence and Securing America Act,” and in-
16 serting “(50 U.S.C. 1881 et seq.)”; and

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

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

1 **TITLE II—PROTECTION OF**
2 **RECORDS HELD BY DATA**
3 **BROKERS**

4 **SEC. 201. SHORT TITLE.**

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

7 **SEC. 202. PROTECTION OF RECORDS HELD BY DATA BRO-**
8 **KERS.**

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

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

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

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

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

19 “(I) a provider of an electronic
20 communication service to the public or
21 a provider of a remote computing
22 service of which the covered person
23 with respect to the covered record is a
24 subscriber or customer; or

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

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

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

10 “(B) the term ‘covered person’ means a
11 United States person;

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

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

15 “(ii) is—

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

19 “(II) the contents of a commu-
20 nication; or

21 “(III) location information;

22 “(D) the term ‘electronic device’ has the
23 meaning given the term ‘computer’ in section
24 1030(e);

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

3 “(i) was obtained—

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

8 “(aa) violates the service
9 agreement between the provider
10 and customers or subscribers of
11 the provider; or

12 “(bb) is inconsistent with
13 the privacy policy of the provider;

14 “(II) by deceiving the covered
15 person whose covered record was ob-
16 tained; or

17 “(III) through the unauthorized
18 accessing of an electronic device or
19 online account; or

20 “(ii) was—

21 “(I) obtained from a provider of
22 an electronic communication service to
23 the public, a provider of a remote
24 computing service, or an intermediary
25 service provider; and

1 “(II) collected, processed, or
2 shared in violation of a contract relat-
3 ing to the covered record;

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

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

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

21 “(I) the term ‘online account’ means an
22 online account with an electronic communica-
23 tion service to the public or remote computing
24 service;

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

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

5 “(ii) information—

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

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

12 “(K) the term ‘third party’ means a person
13 who—

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

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

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

22 “(II) a provider of a remote com-
23 puting service.

24 “(2) LIMITATION.—

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

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

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

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

13 “(5) MINIMIZATION PROCEDURES.—

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

20 “(B) USE BY AGENCIES.—If a law enforce-
21 ment agency of a governmental entity or ele-
22 ment of the intelligence community acquires in-
23 formation pertaining to a covered person in vio-
24 lation of paragraph (2) or (3), the law enforce-
25 ment agency of a governmental entity or ele-

1 ment of the intelligence community shall mini-
2 mize the acquisition and retention, and prohibit
3 the dissemination, of the information in accord-
4 ance with the procedures adopted under sub-
5 paragraph (A).”.

6 **SEC. 203. REQUIRED DISCLOSURE.**

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

9 “(i) COVERED CUSTOMER OR SUBSCRIBER RECORDS
10 AND ILLEGITIMATELY OBTAINED INFORMATION.—

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

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

1 information that is a record of a customer or sub-
2 scriber of the provider.

3 “(3) ORDERS.—

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

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

○