

119TH CONGRESS  
2D SESSION

# H. R. 8470

To amend title 18, United States Code, to ensure that all searches that significantly impinge on the privacy or security of a person require a warrant based on probable cause, to provide a right of action for violations of Fourth Amendment rights, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2026

Mr. MASSIE (for himself and Ms. BOEBERT) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to ensure that all searches that significantly impinge on the privacy or security of a person require a warrant based on probable cause, to provide a right of action for violations of Fourth Amendment rights, 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Surveillance Account-  
5       ability Act”.

1 **SEC. 2. WARRANT REQUIREMENT FOR SEARCHES.**

2 (a) IN GENERAL.—Chapter 205 of title 18, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing new section:

5 **“§ 3119. Searches to accord with the Fourth Amend-**  
6 **ment**

7 “(a) WARRANT REQUIREMENT.—

8 “(1) IN GENERAL.—Except as provided in sub-  
9 section (b), no search may be conducted without a  
10 warrant issued by a neutral and detached magistrate  
11 upon probable cause, supported by oath or affirma-  
12 tion, and particularly describing the place to be  
13 searched and the persons or things to be seized.

14 “(2) THIRD-PARTY DATA.—

15 “(A) PRESUMPTION OF PRIVACY.—The  
16 government shall not access any data,  
17 metadata, or personal information held by a  
18 third party, including financial services pro-  
19 viders, telecommunication service providers,  
20 internet service providers, cloud storage compa-  
21 nies, or data brokers, without a valid warrant,  
22 regardless of whether the third party consents  
23 or cooperates.

24 “(B) EXCEPTION INVALIDATED.—No con-  
25 tractual agreement between a user and a third  
26 party may be interpreted as waiving the govern-

1           ment’s warrant requirement for access to the  
2           data of that user, unless such waiver is know-  
3           ing, voluntary, and explicit.

4           “(b) EXCEPTIONS.—The following may be conducted  
5 without a warrant:

6           “(1) Plain-view searches.

7           “(2) The verification of government-issued pri-  
8           mary photo identification documents during a stop  
9           of a motor vehicle, travel, or other interactions with  
10          law enforcement, including the verification of—

11                  “(A) a State identification card;

12                  “(B) a driver’s license;

13                  “(C) a passport;

14                  “(D) a passport card;

15                  “(E) a military identification; or

16                  “(F) a permanent resident card.

17          “(3) The collection or analysis of information  
18          that is lawfully published or voluntarily made avail-  
19          able by a person or entity to a public audience, and  
20          which requires no circumvention of privacy settings,  
21          encryption, or other access controls.

22          “(4) The use of lawful investigative techniques  
23          to collect data from publicly available sources such  
24          as new outlets, official government publications, pub-  
25          lic records, or user-posted content that is clearly ac-

1        cessible to the general public without special access  
2        or tools.

3            “(5) Searches conducted with consent.

4            “(6) Searched conducted under exigent cir-  
5        cumstances.

6        “(c) LIMITATIONS.—The exceptions described in sub-  
7        section (b) shall not be construed to permit the  
8        warrantless collection, retention, querying, or analysis of  
9        data exposed to public view or accessible to a third party  
10       if the person associated with the collected identifiers did  
11       not express informed and voluntary consent to such collec-  
12       tion with respect to data gathered by entering a public  
13       place, operating a motor vehicle on a public roadway, or  
14       patronizing a private establishment open to the public, in-  
15       cluding—

16            “(1) biometric data, including facial images,  
17        faceprints, gait, voice recognition, or other unique  
18        physical identifiers, obtained through facial recogni-  
19       tion systems or comparable surveillance technologies;  
20       or

21            “(2) license plate images, vehicle metadata, or  
22        vehicle movement patterns obtained through auto-  
23       mated license plate readers or similar systems.

24        “(d) DEFINITIONS.—In this section:

1           “(1) SEARCH.—The term ‘search’ means any  
2           government-initiated act that intrudes upon an indi-  
3           vidual’s reasonable expectation of privacy, including  
4           the following:

5                   “(A) INVESTIGATORY ACTS.—Any inves-  
6                   tigatory act purposefully directed at a specific  
7                   person or entity, or the property of a specific  
8                   person or entity, with the intent of obtaining in-  
9                   formation not otherwise available to the public.

10                   “(B) GOVERNMENT SURVEILLANCE AND  
11                   MONITORING.—Any non-consensual surveil-  
12                   lance, monitoring, or inquiry conducted by a  
13                   government entity or its agents, whether  
14                   through human, digital, or automated means,  
15                   that collects information on a specific individual  
16                   or entity, including information on that indi-  
17                   vidual or entity’s—

18                           “(i) communications;

19                           “(ii) associations;

20                           “(iii) employment;

21                           “(iv) social media usage;

22                           “(v) internet usage;

23                           “(vi) financial transactions; or

24                           “(vii) travel.

1 “(C) COLLECTION OF PERSONAL DATA.—

2 The acquisition and analysis of any data,  
3 metadata, or information pertaining to a per-  
4 son’s digital or physical life, including—

5 “(i) geolocation;

6 “(ii) communication records;

7 “(iii) personal device activity;

8 “(iv) assets;

9 “(v) liabilities;

10 “(vi) biometric identifiers;

11 “(vii) behavioral signals data; or

12 “(viii) financial transactions.

13 “(2) PLAIN-VIEW SEARCHES DEFINED.—In this  
14 section, the term ‘plain-view searches’ means the ob-  
15 servation or seizure of evidence by a law enforce-  
16 ment officer who is lawfully present at a location,  
17 where the incriminating nature of the evidence is im-  
18 mediately apparent, and where such observation is  
19 incidental to the officer’s lawful presence and does  
20 not involve the use of enhanced surveillance tech-  
21 nology or systematic monitoring.

22 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
23 tion shall be construed to—

1 “(1) modify, supersede, or limit any existing  
 2 constitutional protection, or to authorize surveillance  
 3 that would otherwise be unlawful;

4 “(2) eliminate or restrict constitutionally recog-  
 5 nized exceptions permitting brief investigatory deten-  
 6 tions or protective frisks based on reasonable sus-  
 7 picion; or

8 “(3) eliminate or restrict the authority of law  
 9 enforcement officers to conduct brief investigatory  
 10 detentions, protective frisks, arrests, or searches in-  
 11 cident to ordinary criminal law enforcement encoun-  
 12 ters.”.

13 (b) CLERICAL AMENDMENT.—The table of sections  
 14 for chapter 205 of title 18, United States Code, amended  
 15 by adding at the end the following:

“3119. Searches to accord with the Fourth Amendment.”.

16 **SEC. 3. RIGHT OF ACTION FOR VIOLATIONS OF FOURTH**  
 17 **AMENDMENT RIGHTS.**

18 (a) IN GENERAL.—The Revised Statutes are amend-  
 19 ed by inserting after section 1979 the following:

20 **“SEC. 1979A. DEPRIVATION OF FOURTH AMENDMENT**  
 21 **RIGHTS.**

22 “(a) IN GENERAL.—Every person, including a Fed-  
 23 eral employee, who, under color of any statute, ordinance,  
 24 regulation, custom, or usage, of the United States, sub-  
 25 jects, or causes to be subjected, any citizen of the United

1 States or any person within the jurisdiction thereof to the  
2 deprivation of any rights, privileges, or immunities secured  
3 by the Fourth Amendment, shall be liable to the party  
4 injured in an action at law, suit in equity, or other proper  
5 proceeding for redress.

6 “(b) ATTORNEY’S FEES.—In any action, suit, or pro-  
7 ceeding to enforce this Act, the court, in its discretion,  
8 may allow the prevailing party, other than the United  
9 States, a reasonable attorney’s fee as part of the costs.

10 “(c) FEDERAL EMPLOYEE DEFINED.—In this sec-  
11 tion, the term ‘Federal employee’ means an individual  
12 other than the President or the Vice President, who occu-  
13 pies a position in any agency or instrumentality of the ex-  
14 ecutive branch (including any independent agency).

15 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
16 tion shall be construed to authorize a Federal employee  
17 to bring a suit against their Federal employer or the Fed-  
18 eral Government for conduct that is within the scope of  
19 the employment relationship.”.

20 (b) SEVERABILITY.—If any provision of this Act or  
21 the application of such provision to any person or cir-  
22 cumstance is held to be unconstitutional, the remainder  
23 of this Act, and the application of this Act, to any other  
24 person or circumstance, shall not be affected thereby.

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