

House Republicans continue to work to protect Americans and strengthen our borders, including passage of the Secure the Border Act to reinforce border security and impeaching Department of Homeland Security Secretary Mayorkas, who shamefully put every American family at risk of murderous attack.

In conclusion, God bless our troops who successfully protected America for 20 years as the global war on terrorism moves from the Afghanistan safe haven to America. We don't need new border laws; we need to enforce the laws we have. Biden shamefully opens borders for dictators, as more 9/11 attacks across America are imminent, as repeatedly warned by the FBI.

U.S. COAST GUARD MARATHON

(Mr. DAVIS of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of North Carolina. Mr. Speaker, the United States Coast Guard Marathon brought together talented runners from far and wide to Elizabeth City, North Carolina.

City and U.S. Coast Guard leaders rolled out the red carpet with a warm welcome. I was delighted to see the U.S. Coast Guard Commandant Linda Fagan in northeastern North Carolina in support of the marathon.

We are glad to celebrate the U.S. Coast Guard's commitment to the marathon and, above all, to Elizabeth City. Congratulations to all participants, particularly to the winners who persevered through the challenging course.

The U.S. Coast Guard Marathon is indeed an effort that helps to elevate this wonderful northeastern community to even greater heights.

HONORING SELENA QUINTANILLA

(Ms. De La CRUZ asked and was given permission to address the House for 1 minute.)

Ms. De La CRUZ. Mr. Speaker, this week I introduced legislation that pays tribute to a true cultural icon, Selena Quintanilla. This legislation will honor her legacy with commemorative coins produced by the U.S. Mint.

Selena, known affectionately as the queen of Tejano music, was the pride of south Texas. She transcended boundaries and transformed the music landscape. With her dynamic performances and timeless hits like "Como La Flor" and "Bidi Bidi Bom Bom," she brought Tejano music beyond south Texas and garnered adoration from millions worldwide.

It is fitting that we chose this week to introduce this bill because Tuesday would have been Selena's 53rd birthday. Through these commemorative coins, we honor her artistic talent and her role as a trailblazer for Hispanic artists.

Let this coin reflect the brilliance of Selena's life.

HONORING PAT TILLMAN

(Mr. GOSAR asked and was given permission to address the House for 1 minute.)

Mr. GOSAR. Mr. Speaker, today I rise in honor of the life and legacy of Patrick Daniel Tillman, Jr., of Arizona. April 22, 2024, marked the 20th anniversary of Pat's tragic and untimely death at only 27 years old.

As a scholar and a football star, Pat led Leland High School to the division championship and earned a football scholarship to Arizona State. His time at ASU was spent studying business and marketing and in athletic achievement as the Sun Devils' starting line-backer.

In 1998, he was drafted to the NFL by the Arizona Cardinals. Again, he was a star, breaking the Cardinals' tackle record with 224 tackles in 2000 as a line-backer.

After the terrorist attack of September 11, 2001, Pat and his younger brother, Kevin, answered the call to service and enlisted in the United States Army. He was first deployed to Iraq with his brother in 2003 in support of Operation Iraqi Freedom but returned to Fort Benning, Georgia, to complete Ranger School. In 2004, Pat embarked on a second deployment in support of Operation Enduring Freedom.

On April 22, 2004, in Spera, Afghanistan, Pat was tragically killed by friendly fire. He was awarded the Silver Star and Purple Heart for making the ultimate sacrifice.

Let us never forget his patriotism, leadership, and call to service. May we all be so eager to answer that call in our own lives for this wonderful country.

My prayers are with the Tillman family and our Nation's Gold Star families and all United States servicemembers overseas. May God be with them all.

WDUN CELEBRATING 75TH ANNIVERSARY

(Mr. CLYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYDE. Mr. Speaker, I rise today to celebrate the 75th anniversary of WDUN.

For 75 years, WDUN has provided north Georgia with a mix of local and nationally syndicated talk radio programming. Based in Gainesville, the radio station is a division of the family-owned media company, Jacobs Media Corporation.

Earlier today, WDUN commemorated this major milestone by returning to its roots, as its broadcast studio relocated to the Gainesville Renaissance Building in the downtown square, just steps away from where the station first went on the air 75 years ago.

I know I speak for all of WDUN's listeners in thanking the station's tal-

ented employees for their commitment to local journalism. It is a privilege to frequently join their programs, such as "The Martha Zoller Show," to connect with folks across the Ninth District to tell them about my work in Congress. Whether it is breaking news, insightful analysis, safety announcements, or heartwarming stories, WDUN has been there to inform, inspire, and unite northeast Georgians.

As President Donald Trump said on "Mornings on Main Street" earlier this month: WDUN is a really special place, and it is a special voice.

Here is to 75 years dedicated to local journalism and many more to come. Congratulations, WDUN.

FOURTH AMENDMENT IS NOT FOR SALE ACT

GENERAL LEAVE

Ms. HAGEMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 4639.

The SPEAKER pro tempore (Ms. DE LA CRUZ). Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 1149 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4639.

The Chair appoints the gentleman from Alabama (Mr. CARL) to preside over the Committee of the Whole.

□ 1222

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4639) to amend section 2702 of title 18, United States Code, to prevent law enforcement and intelligence agencies from obtaining subscriber or customer records in exchange for anything of value, to address communications and records in the possession of intermediary internet service providers, and for other purposes, with Mr. CARL in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, or their respective designees.

The gentlewoman from Wyoming (Ms. HAGEMAN) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentlewoman from Wyoming (Ms. HAGEMAN).

Ms. HAGEMAN. Mr. Chairman, I yield myself such time as I may consume.

Today, the House will vote on H.R. 4639, the Fourth Amendment Is Not For Sale Act.

Last July, the House Judiciary Committee favorably reported the Fourth Amendment Is Not For Sale Act by a vote of 30-0, with one Member voting present.

This bill makes crucial changes and closes a glaring loophole that allows the government to sidestep the requirements of the Fourth Amendment to purchase data of Americans.

I thank my colleague, Congressman DAVIDSON, for introducing this much-needed legislation. This bill is the result of years of bipartisan negotiation, and I look forward to this debate and vote.

The Fourth Amendment guarantees to all of us the right to be free of unreasonable government searches and seizures. However, the law and doctrine concerning the Fourth Amendment has failed to keep pace with the development of digital technologies.

Nearly 40 years ago, Congress passed the Electronic Communications Privacy Act, or ECPA, in an attempt to navigate the digital age, but it is clear that legislation is now insufficient to protect the constitutional rights of Americans. It is time that Congress accounts for the technological advances that have occurred in the decades since ECPA was passed.

Today, seemingly every American carries a smartphone with them wherever they go. These devices contain vast amounts of information of Americans, such as where they travel, what they purchase, their health information, and so on. As the Supreme Court has noted, these devices “hold for many Americans the privacies of life.”

Before the modern internet, the Fourth Amendment required law enforcement to execute a search warrant and subpoena the items they wished to review. The officer executing the search would have to provide a copy of the warrant and an inventory of the property seized. However, today, Federal agencies often sidestep the requirements of the Fourth Amendment and access and collect massive amounts of private information on Americans by exploiting a legal loophole in the ECPA and Fourth Amendment doctrine.

While ECPA prohibits communications companies from providing customer information to the government in the absence of a subpoena, warrant, or other court order, no such prohibition exists for providing this information to third parties, such as data brokers. Instead of going to a judge to demonstrate probable cause and obtain a warrant, government agencies, like the Federal Bureau of Investigation, the Internal Revenue Service, the Drug Enforcement Administration, and the Department of Homeland Security can simply turn to data brokers and purchase mass amounts of Americans’ data.

The government is collecting vast amounts of data by purchasing it from

data brokers or other third parties. Media reports have detailed that some data brokers have even tracked people at places of worship and at protests.

While the Judiciary Committee has in recent years advanced major reforms to overhaul ECPA, those bills have not yet passed into law. It is long past time that Congress acts to protect the privacy of Americans.

There is strong bipartisan support in Congress to finally address and close the data broker loophole. This bill is exactly the type of legislation needed to rein in the Federal Government and protect the privacy rights of Americans.

The government is rifling through your personal information. You should have the right to know about it, but the government can just purchase your highly sensitive information from data brokers and use it against you without your ever knowing.

The Fourth Amendment Is Not For Sale Act would close this legal loophole and ensure that the government may only use existing statutes compliant with the Fourth Amendment to lawfully surveil Americans.

When the government compels data brokers to disclose Americans’ personal data, it should be required to get a court order. With this commonsense legislation, the government will no longer be able to make an end-run around the Fourth Amendment to purchase the data of Americans.

Mr. Chair, I urge my colleagues on both sides of the aisle to support this important legislation, and I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 4639, the Fourth Amendment Is Not For Sale Act. I was proud to join Congressman DAVIDSON in introducing this strong bipartisan legislation to help prevent government overreach by prohibiting the warrantless purchase of customer data. When the Judiciary Committee considered this bill at markup last July, it received, as Ms. HAGEMAN noted, a rare unanimous 30-0 vote.

When we download applications to our phones, we do so because we think they will make our lives just a little bit better. Weather apps tell us if we should bring an umbrella to work, delivery apps allow us to order groceries to our homes, and even employee work apps let us know the schedule for the week. Some of these convenience applications, however, can come with a dark side that they generally do not disclose to the American public, that the data they collect from us is immediately sold to the highest bidder.

Third-party purchasers of this data, often referred to as “data brokers,” collect and package the data to sell to advertisers, market researchers, and government entities, to name a few. While many argue that the data they purchase from applications, websites, and social media is deidentified when it

is sold, experts agree that just four points of data are needed to reidentify this data.

Because of this, the purchaser of a dataset can piece together significant information about us. For example, they can track an individual’s commuting habits, including which businesses they drive by on their way to work, when they are not at home, and even when they visit places that are not part of their normal commute.

□ 1230

That anyone should have Americans’ private information is highly troubling to me. But that our Federal Government can obtain it without a warrant should be troubling to all of us.

The Supreme Court in *U.S. v. Jones* unanimously found that the government’s use of a GPS tracker on the subject’s car is considered a search under the Fourth Amendment. But in 2004, when the search in *Jones* occurred, not everyone had a phone in their pocket—the ecosystem of data brokers had not yet come to life.

If the government wants to track a suspect today, they can go through the trouble of establishing probable cause in getting a warrant, which is what they should do, or Federal law enforcement could simply purchase data from a third party about the target of their operation.

If that purchased data included location data for their subject, they would have no need for checks and balances, no need for a warrant, and during an ensuing criminal trial, no obligation even to tell the court how they obtained the initial data in the first place.

We have the Fourth Amendment for a reason. If law enforcement wants to gather information about you, they should first obtain a warrant. They should have to go to a judge and explain why there is probable cause and why they need to know this information. When Federal law enforcement agencies purchase this data, however, they bypass our judicial system entirely.

Our current state of affairs is clearly not what our Founders intended. Our right to privacy is being abrogated every day by those whose job it is to keep us safe. The Fourth Amendment Is Not For Sale Act would change that.

Under the bill before us today, the Federal Government would be prohibited from exchanging anything of value for data from third-party vendors. The law already prohibits applications and websites, electronic communication services, and remote computing services from sharing information with the government without a warrant.

The Fourth Amendment Is Not For Sale Act would extend that same rule to the data brokers to which they sell. This legislation would also ensure that the government does not circumvent these rules by prohibiting both indirect acquisition of information and agency sharing of third-party data.

This way, Federal law enforcement could neither acquire prohibited data from individuals who purchase the data and then pass it on to the government, nor could they receive the desired data from non-law enforcement Federal agencies.

The whole point of this bill is to stop the end run that is being done around the Fourth Amendment because of modern technology.

I thank Congressman DAVIDSON and Chairman JORDAN for their leadership, and I thank my Democratic colleagues, Representatives Lofgren, Jayapal, and Jacobs for their hard work to get the bill to the floor.

I encourage my colleagues to vote “yes” on this legislation, and I reserve the balance of my time.

Ms. HAGEMAN. Mr. Chair, I yield such time as he may consume to the gentleman from Ohio (Mr. DAVIDSON).

Mr. DAVIDSON. Mr. Chair, I thank the gentlewoman for yielding. Frankly, in the House it is rare today that we have an issue that doesn't break on party lines, and privacy, unfortunately, isn't unanimous.

The Fourth Amendment is clear that if the government wants to serve your data, they need to have probable cause and a warrant or a subpoena.

The Fourth Amendment is a restriction on what government can do. It is not a restriction on commerce.

Unfortunately, government agencies are buying nonpublic data that would otherwise require a warrant or a subpoena.

Congress confronts an opportunity today to end that practice by passing the bipartisan and bicameral Fourth Amendment Is Not For Sale Act. Nothing in this bill would prohibit a search, paid for or otherwise, of public information. It would, however, restore privacy protections grossly infringed by current practices. Congressman HIGGINS, a career law enforcement officer, is offering an amendment today that makes that clear. We have heard from law enforcement agencies, and we want to make it clear, nothing in this bill is designed to make your job harder to do.

Mr. LALOTA will offer an amendment that I do adamantly oppose. Frankly, it strips much of the content of the bill, and I regret that I do oppose that amendment because it undermines the intent of the bill.

Closing this data broker loophole is an important step toward restoring a government small enough to fit within the Constitution, and we could afford a government that small.

Finding bad guys would be easier if you had perfect information on everybody and full surveillance all the time. It has been recognized that the Third Amendment was put in place, despite the fact that we all might be more secure if we had a soldier stationed in our homes, but the Third Amendment prevents the government from doing that.

The reality is that technology today effectively puts the government every-

where we go. We all essentially have a digital ID. It is a phone number, and we carry it with us. It is tracked. It goes to your car. Your car spies on you, as well.

This data is being collected. People say, well, this amendment doesn't deal with all that. So let me address that concern. People back home might not realize that the committee structure in Congress is broken up into areas of jurisdiction, meaning that certain committees can deal only within their area of jurisdiction.

The Judiciary Committee can reform things in that committee of jurisdiction, but other committees like Energy and Commerce would have to address a broader topic.

People back home wonder why there so many half-baked solutions to problems. Well, a lot of it comes down to our jurisdiction. We don't solve the whole problem often.

What about foreign governments buying our data? Congress in the House passed a ban on that last month. Just prior to the House ban, exporting your data was banned by executive order from the Biden administration. These are safeguards that are bipartisan, and, in some ways, they have already reached to the executive branch.

Again, the Fourth Amendment is designed as a limitation on what the government can do. I am grateful to have the support of over 150 organizations from Gun Owners of America on the one hand to the American Civil Liberties Union on the other.

This is an issue that goes far and wide. It is important to understand, too, people might realize that if they have got a journal that they close it up and they keep it in their house, whether it is by their bed or in a bookshelf or in a safe, the government has to get a warrant or subpoena to get access to that, but your electronic communications don't enjoy the same kinds of protection. They are not being protected by the Fourth Amendment because you have trusted a third party with that, like Gmail, like Microsoft, like Apple. Somebody has your emails, and, because of that, the government is getting access to some of this very private information, nonpublic information, because they are able to buy it.

They shouldn't be able to buy it. If this bill passes and becomes law, they won't be able to buy it and bypass your Fourth Amendment rights.

I encourage all of our colleagues to support this important legislation. Look, freedom surrendered is rarely reclaimed. We have such an opportunity today to reclaim the right to privacy that is supposed to be protected by the Fourth Amendment. I hope everyone will join me in defending freedom today.

Mr. NADLER. Mr. Chair, I yield 2 minutes to the distinguished gentlewoman from Washington (Ms. JAYAPAL).

Ms. JAYAPAL. Mr. Chair, I am proud to cosponsor this important bipartisan

bill that protects Americans' constitutional privacy rights in this digital age by closing loopholes so that the government cannot purchase Americans' private data from data brokers without a warrant.

Last year, the Office of the Director of National Intelligence declassified a report on how the intelligence community buys significant amounts of Americans' data from data brokers.

We are talking about very sensitive personal information that can cover anything from Americans' location data to internet activity.

That report noted that this data “has increasingly important risks and implications for U.S. person privacy and civil liberties, as [the data] can reveal sensitive and intimate information about individuals.”

This isn't just some small group of people saying that we don't like this. It is actually the Office of the Director of National Intelligence saying that this practice of buying peoples' personal information without a warrant from these data brokers is dangerous, and it is a runaround of our constitutional protections.

Just last month, we banned foreign adversaries from buying this data. It is important that this body today protect Americans, protect our constitutional rights, and ban this practice. Vote “yes” on this bill.

Ms. HAGEMAN. Mr. Chair, I yield 3 minutes to the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN. Mr. Chair, I thank the gentlewoman for yielding.

Mr. Chair, the government is not allowed to get your information without a warrant. They are not allowed to do it. Even if they buy it, they are not allowed to do it. That is all this thing says. It couldn't be more straightforward or simple. It shows respect for the Fourth Amendment and respect for Americans' privacy.

What we are saying is—and it has been said before by the ranking member and Ms. JAYAPAL and the gentlewoman from Wyoming (Ms. HAGEMAN), you can't do an end run. You can't do a work-around. You can't say, oh, we are allowed to get information we otherwise wouldn't be able to get because we are going to purchase it from a data broker.

No, you can't do that. That is all this says.

If it would otherwise require a warrant, you can't go buy it, you can't do a work-around.

It is a fundamental principle in our country. If the executive branch wants to get your stuff, wants to look at your information, they have to go to a separate and equal branch of government and get a probable cause warrant. They can't go around that and say, oh, we are purchasing it. This is public. They can't do it. It is plain and simple.

I commend the ranking member and the Democrats on the committee for their bipartisanship. Again, as the ranking member said, we very seldom

have legislation that comes out unanimous like this.

But this committee, which is charged with more than any other committee in Congress with protecting Americans' civil liberties, their rights, the fundamental principles and liberties that make our country the best place ever, unanimously agreed this thing should pass. I thank them, and I thank Ms. HAGEMAN for leading this debate on the floor today for the committee and for our team. I also want to thank, of course, the sponsor of the legislation, Mr. DAVIDSON.

This is so simple.

Last week, we had a similar fight, a similar debate. Unfortunately, we lost 212–212. Let's hope we can win this one.

I think this makes so much sense, so much common sense. It is so consistent with how this great country has always operated. One branch of government doesn't get a side at all. We have separate and equal branches of government. If this branch wants information, the executive branch wants your information, they have got to go to a separate and equal branch and get a warrant. They can't go buy it from somebody else and be sneaky about it and avoid what the Constitution clearly mandates has to happen.

I urge a "yes" vote.

Mr. NADLER. Mr. Chair, I yield 2 minutes to the distinguished gentleman from California (Ms. JACOBS).

Ms. JACOBS. Mr. Chair, I thank Ranking Member NADLER for his leadership on this issue.

Under almost any other circumstance, law enforcement and intelligence agencies need a warrant to access our personal information. Even in the cases of utmost national security like when Americans are suspected of terrorism, espionage, or cybercrimes, our government gets a warrant.

This process isn't too burdensome, and it doesn't prevent law enforcement from investigating crimes or bringing people to justice.

But there are a few loopholes in this process when it comes to section 702 queries and this data broker loophole, which allows our government to circumvent our Fourth Amendment rights to access our personal information without a warrant, a court order, or even a subpoena.

This is only legal because they are buying the information. But our rights shouldn't have a price, and cash shouldn't hold the same legitimacy as a warrant.

Law enforcement claims—they say this, this is their claim—this loophole, this data that they buy from data brokers is most useful before probable cause can be demonstrated. That is the whole point of the Fourth Amendment, of our right to prevent unreasonable seizures and searches.

If you can't establish probable cause, you shouldn't be able to access or buy this information unless a court says otherwise.

That is why we need this bipartisan Fourth Amendment Is Not For Sale Act, which I am proud to co-lead.

Our bill doesn't inhibit law enforcement's investigations. Instead, it ensures that police searches are above board, follow due process, and protect Americans' privacy.

In a Congress where it feels almost impossible to get anything done and where the American people think all we do is disagree, this shows that we can do big things and there is a bipartisan consensus especially when it comes to Americans' privacy rights.

Mr. Chair, I urge my colleagues on both sides of the aisle to support this bill.

□ 1245

Ms. HAGEMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. RUTHERFORD).

Mr. RUTHERFORD. Mr. Chair, I thank the gentlewoman for yielding.

Mr. Chair, I rise today in strong opposition to H.R. 4639, the Fourth Amendment Is Not For Sale Act, and all of the attending amendments, as well.

Mr. Chair, I also stand with, I think, every major law enforcement agency association in the country. This bill will only make our communities less safe by preventing local law enforcement and State law enforcement from being able to access information that has been legally collected and is publicly open-source information.

Every day, law enforcement officers use open-source, legally collected, and commercially available data. We use that to connect the dots to actually develop and find the leads that solve crimes like child abduction, drug trafficking, terrorism, and all sorts of different heinous crimes.

The Fourth Amendment Is Not For Sale Act will require law enforcement to get a warrant before they can access otherwise publicly open data.

Google and Facebook can access it. The Chinese can access it. The cartels and criminals can access it. Private actors can access it, but not the police. Only law enforcement will be blocked.

I can tell you, as a former sheriff, police officers work on time-sensitive cases every day where accessing this information quickly is a matter of life and death. I am a 40-year law enforcement officer, and I can think of dozens of cases where minutes mattered and my officers saved lives by accessing this data.

Some of the supporters of this bill say that all of those other folks who I just listed that still have access can't put you in jail. Let's be truthful here. The police can't put you in jail either without probable cause of a crime.

The Fourth Amendment Is Not For Sale Act will make communities far less safe by making officers' jobs harder. In fact, it helps out only the criminals.

Mr. Chair, I urge my colleagues to vote "no" on this dangerous, antipolice bill.

Mr. NADLER. Mr. Chairman, I reserve the balance of my time.

Ms. HAGEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. D'ESPOSITO).

Mr. D'ESPOSITO. Mr. Chair, I rise this morning in strong opposition to H.R. 4639, the Fourth Amendment Is Not For Sale Act.

While I thank my good friends and colleagues and House Republicans from the Committee on the Judiciary for all the work that they do to keep law enforcement safe and to give law enforcement the resources they need to protect and serve, this bill is only going to hinder their ability to investigate crimes.

Like my good friend, the gentleman from Florida (Mr. RUTHERFORD) said, you cannot arrest a suspect without probable cause.

The information that is no longer going to be obtained by law enforcement agencies is information that has already been legally collected. Nearly every major law enforcement union and agency throughout this country is opposed to this legislation.

I was proud to serve in the City of New York Police Department as a detective. It has investigated thousands of crimes, and we have utilized these third-party platforms to obtain information that has already been legally collected.

This legislation would, without a doubt, make communities less safe and, in the process, would also lead us to follow in the same disastrous direction that New York Democrats have by handcuffing the ability of law enforcement to do their jobs.

Mr. NADLER. Mr. Chair, I reserve the balance of my time.

Ms. HAGEMAN. Mr. Chair, I yield 3 minutes to the gentleman from Georgia (Mr. CLYDE).

Mr. CLYDE. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise today to strongly support H.R. 4639, the Fourth Amendment Is Not For Sale Act. This critical bill would prohibit government agencies, including the intelligence community, from purchasing Americans' data from third-party data brokers.

U.S. Government agencies are purchasing Americans' data through a loophole with third-party groups when they would otherwise need a warrant. Recently, the Internal Revenue Service purchased records and locations of millions of American cell phones. The FBI purchased geolocation data for mobile advertising.

The Cato Institute recently reported that data brokers collect and sell huge amounts of Americans' sensitive information, including whether they have an interest in firearms. Data brokers sell lists—in their words—of "shooting fanatics" and "concealed carry licensed gun owners." They even sell information about Americans' interest in political organizations.

Government agencies like the FBI purchase this information as a loophole to obtain private information about U.S. citizens without a warrant.

Mr. Chair, I am deeply concerned that the practice of buying commercial data could not only threaten Americans' Fourth Amendment rights but could also pose a threat to their Second Amendment freedoms and be used as a way to track and target lawful gun owners in America. We must prevent this.

H.R. 4639 will provide the necessary guardrails to ensure that these three-letter government agencies, including the intelligence community, do not and cannot overstep and infringe on Americans' constitutional rights.

Why can civilian companies buy this data but not the government without a warrant? Because the government can take away your liberties. The government can put you in jail. Civilian companies cannot do that.

Mr. Chair, I urge my colleagues on both sides of the aisle to stand with the Constitution and support H.R. 4639, the Fourth Amendment Is Not For Sale Act.

Mr. NADLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, data brokers collect massive amounts of information about Americans that can track and identify our most intimate details. It is bad enough that companies have access to all this personal data, but now the government can access this data, too, without securing a warrant just by purchasing it on the open market. This amounts to an end run around the Fourth Amendment.

This legislation would end this practice and protect our privacy as the Constitution demands.

Mr. Chair, I urge all Members to support it, and I yield back the balance of my time.

Ms. HAGEMAN. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, there are a couple of points that I would make. One is that I reject the notion that in order to beat China or other foreign adversaries, we must become like they are.

If the real opposition to this bill is that it prevents the United States Government from becoming the same type of surveillance state that Communist China is, then I think that says everything that we need to know about those opposed to the bill, and I challenge them to explain that position to their constituents.

Mr. Chair, I believe absolutely in protecting our constitutional rights, and I believe it is important to understand the significance of how these various Federal agencies have been abusing this power to surveil and persecute American citizens.

As part of the Committee on the Judiciary's investigation into the IRS' troubling visit to the home of journalist Matt Taibbi on the very day that he testified before the Select Subcommittee on the Weaponization of the Federal Government, we learned that the IRS collected personal data from data brokers to use in its investigation of Mr. Taibbi. For example, the IRS

collected data from the data broker Anywho, a people search website.

It is concerning enough that the IRS would take the extreme step of visiting someone's home on the day he testified before Congress, but the IRS also compiled its information from a data broker, potentially accessing vast amounts of Taibbi's private information.

That is the nature of the abuse that these Federal agencies are engaging in in violating Americans' civil rights.

Mr. Chair, the Fourth Amendment exists for a reason. There is no exception to the Fourth Amendment requirement of getting a warrant.

Mr. Chair, I yield 1½ minutes to the gentleman from Ohio (Mr. TURNER) to speak on this bill.

Mr. TURNER. Mr. Chair, I rise in opposition of H.R. 4639. Vote "no" on H.R. 4639.

The bill bans law enforcement from paying for information available to any willing buyer in all contexts. There is no exception, zero. There is no exception to even allow law enforcement to pay for stolen information to investigate and solve identity theft, data theft, data breaches, ransomware attacks.

The bill will not make people safer. The bill puts police officers' lives at risk. It bans the police from data used to understand the danger they face when executing a search warrant or an arrest warrant.

If this bill becomes law, police will be going in blind when executing a warrant, and this could cost lives.

This bill is bad for law enforcement, bad for the intelligence community, and bad for national security.

That is why, yesterday, The Wall Street Journal wrote an editorial opposing this bill. It is also why this bill is uniformly opposed by the Fraternal Order of Police, the National Sheriffs' Association, the National Association of Police Organizations, the International Association of Chiefs of Police, the Association of State Criminal Investigative Agencies, the Federal Law Enforcement Officers Association, the Major Cities Chiefs Association, the Major County Sheriffs of America, the National District Attorneys Association, the National Fusion Center Association, and the National Narcotic Officers Association Coalition.

Mr. Chair, I urge my colleagues: Do not digitally defund the police.

Ms. HAGEMAN. Mr. Chair, I yield myself the balance of my time to close.

Mr. Chair, I think it is important for the American people to understand the scope of what we are talking about and what our government is purchasing from these third-party brokers. Data brokers aggregate packages and sell the data acquired from a variety of sources, including those that have already been described today.

Often, data brokers have thousands of different data points reflecting information about a person that, when combined, reveal valuable and intimate

insights about an individual that would otherwise be unavailable.

In other words, for data brokers, consumers and their information are the product. For example, data brokers can receive geolocation data, sometimes accurate to just a few yards, from a mobile device up to 14,000 times per day.

This data allows a purchaser to identify patterns that can reveal where a person lives, where they work, and where they spend their free time.

These actions allow government agencies and law enforcement to evade the Fourth Amendment if they are allowed to purchase this data and collect limitless information on Americans.

The Fourth Amendment Is Not For Sale Act closes this legal loophole and stops data brokers from selling Americans' personal information to the government by requiring the government to obtain a court order before acquiring customer or subscriber information from a third party.

The fact is that we all support our police. We want them to have the tools that they need to catch the bad guys, but I think if there is anything that has been disclosed over the last several years, it is that there are people within our intelligence community and who work for the Federal Government, including the FBI, the IRS, and similar agencies, who are abusing their power and authority and going after people for political reasons.

Mr. Chair, that is one of the most important reasons as to why we need to close this loophole.

As technology continues to advance and Americans incidentally share more data through the devices we use every day, it is imperative for Congress to protect privacy interests and ensure that government agencies and law enforcement abide by the Fourth Amendment.

This bill does nothing more and nothing less. It simply protects our Fourth Amendment rights.

Every person who has been elected to this body took an oath of office to uphold our Constitution. That is what we are attempting to do with the Fourth Amendment Is Not For Sale Act.

Mr. Chair, I urge my colleagues to vote in favor of this bill, and I yield back the balance of my time.

The Acting CHAIR (Mr. BOST). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

An amendment in the nature of a substitute consisting of the text of the Rules Committee Print 118-28 shall be considered as adopted. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended is as follows:

H.R. 4639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. PROTECTION OF RECORDS HELD BY DATA BROKERS.

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

“(e) **PROHIBITION ON OBTAINING IN EXCHANGE FOR ANYTHING OF VALUE CERTAIN RECORDS AND INFORMATION BY LAW ENFORCEMENT AND INTELLIGENCE AGENCIES.**—

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

“(A) the term ‘covered customer or subscriber record’ means a covered record that is—

“(i) disclosed to a third party by—

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

“(II) an intermediary service provider that delivers, stores, or processes communications of such covered person;

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

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

“(B) the term ‘covered person’ means—

“(i) a person who is located inside the United States; or

“(ii) a person—

“(I) who is located outside the United States or whose location cannot be determined; and

“(II) who is a United States person, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

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

“(i) pertains to a covered person; and

“(ii) is—

“(I) a record or other information described in the matter preceding paragraph (1) of subsection (c);

“(II) the contents of a communication; or

“(III) location information;

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

“(E) the term ‘illegitimately obtained information’ means a covered record that—

“(i) was obtained—

“(I) from a provider of an electronic communication service to the public or a provider of a remote computing service in a manner that—

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

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

“(II) by deceiving the covered person whose covered record was obtained; or

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

“(ii) was—

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

“(II) collected, processed, or shared in violation of a contract relating to the covered record;

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

“(G) 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;

“(H) the term ‘obtain in exchange for anything of value’ means to obtain by purchasing, to receive in connection with services being provided for consideration, or to otherwise obtain in exchange for consideration, including an access fee, service fee, maintenance fee, or licensing fee;

“(I) the term ‘online account’ means an online account with an electronic communication service to the public or remote computing service;

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

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

“(ii) information—

“(I) that has been anonymized to remove links to the identity of a person; and

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

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

“(i) is not a governmental entity; and

“(ii) in connection with the collection, disclosure, obtaining, processing, or sharing of the covered record at issue, was not acting as—

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

“(II) a provider of a remote computing service.

“(2) **LIMITATION.**—

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

“(B) **INDIRECTLY ACQUIRED RECORDS AND INFORMATION.**—The limitation under subparagraph (A) shall apply without regard to whether the third party possessing the covered customer or subscriber record or illegitimately obtained information is the third party that initially obtained or collected, or is the third party that initially received the disclosure of, the covered customer or subscriber record or illegitimately obtained information.

“(3) **LIMIT ON SHARING BETWEEN AGENCIES.**—An agency of a governmental entity that is not a law enforcement agency or an element of the intelligence community may not provide to a law enforcement agency of a governmental entity or an element of the intelligence community a covered customer or subscriber record or illegitimately obtained information that was obtained from a third party in exchange for anything of value.

“(4) **PROHIBITION ON USE AS EVIDENCE.**—A covered customer or subscriber record or illegitimately obtained information obtained by or provided to a law enforcement agency of a governmental entity or an element of the intelligence community in violation of paragraph (2) or (3), and any evidence derived therefrom, may not be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof.

“(5) **MINIMIZATION PROCEDURES.**—

“(A) **IN GENERAL.**—The Attorney General shall adopt specific procedures that are reasonably designed to minimize the acquisition and retention, and prohibit the dissemination, of information pertaining to a covered person that is acquired in violation of paragraph (2) or (3).

“(B) **USE BY AGENCIES.**—If a law enforcement agency of a governmental entity or element of the intelligence community acquires information pertaining to a covered person in violation of paragraph (2) or (3), the law enforcement agency of a governmental entity or element of the intelligence community shall minimize the acquisition and retention, and prohibit the dissemination, of the information in accordance with the procedures adopted under subparagraph (A).”.

SEC. 3. REQUIRED DISCLOSURE.

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

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

“(1) **DEFINITIONS.**—In this subsection, the terms ‘covered customer or subscriber record’, ‘illegitimately obtained information’, and ‘third party’ have the meanings given such terms in section 2702(e).

“(2) **LIMITATION.**—Unless a governmental entity obtains an order in accordance with para-

graph (3), the governmental entity may not require a third party to disclose a covered customer or subscriber record or any illegitimately obtained information if a court order would be required for the governmental entity to require a provider of remote computing service or a provider of electronic communication service to the public to disclose such a covered customer or subscriber record or illegitimately obtained information that is a record of a customer or subscriber of the provider.

“(3) **ORDERS.**—

“(A) **IN GENERAL.**—A court may only issue an order requiring a third party to disclose a covered customer or subscriber record or any illegitimately obtained information on the same basis and subject to the same limitations as would apply to a court order to require disclosure by a provider of remote computing service or a provider of electronic communication service to the public of a record of a customer or subscriber of the provider.

“(B) **STANDARD.**—For purposes of subparagraph (A), a court shall apply the most stringent standard under Federal statute or the Constitution of the United States that would be applicable to a request for a court order to require a comparable disclosure by a provider of remote computing service or a provider of electronic communication service to the public of a record of a customer or subscriber of the provider.”.

SEC. 4. INTERMEDIARY SERVICE PROVIDERS.

(a) **DEFINITION.**—Section 2711 of title 18, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(5) the term ‘intermediary service provider’ means an entity or facilities owner or operator that directly or indirectly delivers, stores, or processes communications for or on behalf of a provider of electronic communication service to the public or a provider of remote computing service.”.

(b) **PROHIBITION.**—Section 2702(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking “and” at the end;

(3) in paragraph (3), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(4) an intermediary service provider shall not knowingly divulge—

“(A) to any person or entity the contents of a communication while in electronic storage by that provider; or

“(B) to any governmental entity a record or other information pertaining to a subscriber to or customer of, a recipient of a communication from a subscriber to or customer of, or the sender of a communication to a subscriber to or customer of, the provider of electronic communication service to the public or the provider of remote computing service for, or on behalf of, which the intermediary service provider directly or indirectly delivers, transmits, stores, or processes communications.”.

SEC. 5. LIMITS ON SURVEILLANCE CONDUCTED FOR FOREIGN INTELLIGENCE PURPOSES OTHER THAN UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) **IN GENERAL.**—Section 2511(2)(f) of title 18, United States Code, is amended to read as follows:

“(f)(i)(A) Nothing contained in this chapter, chapter 121 or 206 of this title, or section 705 of the Communications Act of 1934 (47 U.S.C. 151 et seq.) shall be deemed to affect an acquisition or activity described in clause (B) that is carried out utilizing a means other than electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

“(B) An acquisition or activity described in this clause is—

“(I) an acquisition by the United States Government of foreign intelligence information from international or foreign communications that—

“(aa) is acquired pursuant to express statutory authority; or

“(bb) only includes information of persons who are not United States persons and are located outside the United States; or

“(II) a foreign intelligence activity involving a foreign electronic communications system that—

“(aa) is conducted pursuant to express statutory authority; or

“(bb) only involves the acquisition by the United States Government of information of persons who are not United States persons and are located outside the United States.

“(ii) The procedures in this chapter, chapter 121, and the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance, as defined in section 101 of such Act, and the interception of domestic wire, oral, and electronic communications may be conducted.”

(b) EXCLUSIVE MEANS RELATED TO COMMUNICATIONS RECORDS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic communications transactions records, call detail records, or other information from communications of United States persons or persons inside the United States are acquired for foreign intelligence purposes inside the United States or from a person or entity located in the United States that provides telecommunications, electronic communication, or remote computing services.

(c) EXCLUSIVE MEANS RELATED TO LOCATION INFORMATION, WEB BROWSING HISTORY, AND INTERNET SEARCH HISTORY.—

(1) DEFINITION.—In this subsection, the term “location information” has the meaning given that term in subsection (e) of section 2702 of title 18, United States Code, as added by section 2 of this Act.

(2) EXCLUSIVE MEANS.—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, and internet search history of United States persons or persons inside the United States are acquired for foreign intelligence purposes inside the United States or from a person or entity located in the United States.

(d) EXCLUSIVE MEANS RELATED TO FOURTH AMENDMENT-PROTECTED INFORMATION.—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 any information, records, data, or tangible things are acquired for foreign intelligence purposes from a person or entity located in the United States if the compelled production of such information, records, data, or tangible things would require a warrant for law enforcement purposes.

(e) DEFINITION.—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).

SEC. 6. LIMIT ON CIVIL IMMUNITY FOR PROVIDING INFORMATION, FACILITIES, OR TECHNICAL ASSISTANCE TO THE GOVERNMENT ABSENT A COURT ORDER.

Section 2511(2)(a) of title 18, United States Code, is amended—

(1) in subparagraph (ii), by striking clause (B) and inserting the following:

“(B) a certification in writing—

“(I) by a person specified in section 2518(7) or the Attorney General of the United States;

“(II) that the requirements for an emergency authorization to intercept a wire, oral, or elec-

tronic communication under section 2518(7) have been met; and

“(III) that the specified assistance is required.”; and

(2) by striking subparagraph (iii) and inserting the following:

“(iii) For assistance provided pursuant to a certification under subparagraph (ii)(B), the limitation on causes of action under the last sentence of the matter following subparagraph (ii)(B) shall only apply to the extent that the assistance ceased at the earliest of the time the application for a court order was denied, the time the communication sought was obtained, or 48 hours after the interception began.”

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in House Report 118-464. Each such further amendment may be offered only in the order printed in the report, by the Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1300

AMENDMENT NO. 1 OFFERED BY MR. DAVIDSON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 118-464.

Mr. DAVIDSON. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, line 10, insert “702,” after “304.”

Page 14, line 12, insert “1881a,” after “1824.”

Page 14, line 21, insert “702,” after “304.”

Page 14, line 23, insert “1881a,” after “1824.”

The Acting CHAIR. Pursuant to House Resolution 1149, the gentleman from Ohio (Mr. DAVIDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. DAVIDSON. Mr. Chair, the purpose of this amendment is a technical correction. Often this is done simply in the Rules Committee. For some reason, they chose not to do it.

The bill itself states that existing Federal laws are the exclusive means by which the government obtains location information of U.S. persons or persons inside the United States, their web browsing history, internet search history, or any other data that would require a court order.

The list is complete except for section 702 of the Foreign Intelligence Surveillance Act. That needs to be added. That is all this amendment does is simply cover comprehensively the list of authorities, including section 702 as a covered authority. The bill isn't really complete without covering that.

I think last week the body spoke that they want to continue to have the Foreign Intelligence Surveillance Act. This bill would say it also covers everything, including what just passed last week.

Mr. Chair, I reserve the balance of my time.

Mr. NADLER. Mr. Chair, I claim the time in opposition to the amendment, even though I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. NADLER. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, this amendment makes technical changes to the bill to clarify that it does not interfere with section 702 of FISA. FISA, including but not limited to section 702, is the only way the government should acquire data that in any other scenario would need a warrant. While we may have different opinions on how the government should treat the incidentally collected U.S. person data, as we debated last week, we should all agree that this bill is not intended to address or affect section 702 in any way.

This amendment is a technical change to correct a minor error in the bill, and I hope that all Members will support it.

I thank my colleague for offering the amendment, and I yield back the balance of my time.

Mr. DAVIDSON. Mr. Chair, I will close by saying I think the case is clear. I appreciate Mr. NADLER for working with me.

I thank Senator WYDEN and Senator LEE for being champions of this on the Senate side. I thank the unusual cohort of colleagues here. We have ZOE LOFGREN, PRAMILA JAYAPAL, SARA JACOBS, and JERRY NADLER from the Democratic Party, and on our side Chairman JIM JORDAN, ANDY BIGGS, THOMAS MASSIE, and me.

There are so few things today that everyone agrees on. When you have the political spectrum covered from those angles, I think, hopefully, the American people will see this is a reliable solution. It moved through the Judiciary Committee with unanimous support. We don't believe it will get unanimous support today, but I sure hope that it passes.

Mr. Chair, I encourage my colleagues to support this amendment and the underlying bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. DAVIDSON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HIGGINS OF LOUISIANA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 118-464.

Mr. HIGGINS of Louisiana. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, strike line 24 and all that follows through line 8 on page 3, and insert the following:

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

“(I) pertains to a covered person; and

“(II) is—

“(aa) a record or other information described in the matter preceding paragraph (1) of subsection (c);

“(bb) the contents of a communication; or

“(cc) location information; and

“(ii) does not include a record or other information that—

“(I) has been voluntarily made available to the general public by a covered person on a social media platform or similar service;

“(II) is lawfully available to the public as a Federal, State, or local government record or through other widely distributed media;

“(III) is obtained by a law enforcement agency of a governmental entity or an element of the intelligence community for the purpose of conducting a background check of a covered person—

“(aa) with the written consent of such person;

“(bb) for access or use by such agency or element for the purpose of such background check; and

“(cc) that is destroyed after the date on which it is no longer needed for such background check; or

“(IV) is data generated by a public or private ALPR system;”.

Page 5, line 22, strike “and” at the end.

Page 6, line 9, strike the period at the end and insert “; and”.

Page 6, insert after line 9 the following:

“(L) the term ‘automated license plate recognition system’ or ‘ALPR system’ means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data.”.

The Acting CHAIR. Pursuant to House Resolution 1149, the gentleman from Louisiana (Mr. HIGGINS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. HIGGINS of Louisiana. Mr. Chair, as the underlying bill was being developed, those of us on both sides of the aisle were concerned about constitutional protections, the preservation of our representative Republic, and the core principles of individual rights, liberties, freedoms, and privacies that our representative Republic relies upon and our citizenry anticipates and expects, rightfully so, that their Congress shall protect.

As the underlying bill was being developed, there were concerns communicated from law enforcement and citizens across the country, at the local level especially, and there began an effort, a very good-faith effort, across the spectrum politically here in this body to address those concerns. That is what my amendment does.

The Fourth Amendment specifically calls for probable cause to be necessary for a warrant particularly describing the place to be searched and the persons or things to be seized.

My amendment seeks to address the concerns of law enforcement. We have sworn an oath to protect our Constitution, but we are bound by duty to protect the communities that we serve. Therefore, legitimate investigations are required. Consistent with that

ethic, I propose my amendment to not include as a covered record the following items to ensure that law enforcement has the clarity to know that they will continue to have the tools they need to succeed:

Records made available to the general public on social media. This remains available to law enforcement, as clarified by my amendment.

Records made lawfully available through government records or widely distributed media. This remains available to local law enforcement and is clarified in my amendment.

Records wherein consent has been given by the citizen or the business for the government to access for a background check. This remains undisturbed and is clarified by my amendment.

Records generated by public or private ALPRs, automated license plate recognition systems. This is a very important consideration that law enforcement was concerned about. Again, my amendment clarifies and addresses the fact that this right for legitimate investigation through ALPR remains undisturbed.

I encourage full support of my amendment from my colleagues.

Mr. Chair, I yield to the gentleman from Texas (Mr. NEHLS), my friend and colleague of the Thin Blue Line.

Mr. NEHLS. Mr. Chair, I rise in strong support of Mr. HIGGINS’ amendment before us today which seeks to address some of the concerns several law enforcement groups have with this legislation.

As someone who has served in law enforcement for nearly 30 years, I understand the concerns our brave men and women in blue have with this bill.

Now, more than ever, we must uphold law and order in our society and also ensure the Fourth Amendment rights of the American people are protected.

That is why this amendment is so important. It clarifies data exceptions for public content, public records, background checks, and license plate readers in order to help preserve some of the tools law enforcement currently uses.

I will give you an example. A kid threatens to shoot up a school on Facebook. A data collector is scanning social media for posts like this and sends it to local law enforcement. The police would be able to use this information gathered from social media under this amendment because it is public user-generated information.

The same applies to police records, property deeds, and other public records. We want to make crystal clear these records will remain available for our law enforcement community to use in their investigations while also preventing unreasonable search and seizure by the government.

As a former sheriff, I will always back the blue and always uphold the Constitution and the rights of citizens therein. I believe this amendment allows us to do both.

Mr. Chair, I encourage my colleagues on both sides of the aisle to vote “yes.”

Mr. HIGGINS of Louisiana. Mr. Chair, may I inquire how much time is remaining.

The Acting CHAIR. The gentleman from Louisiana has 15 seconds remaining.

Mr. HIGGINS of Louisiana. Mr. Chair, 15 seconds, for a gentleman from Louisiana, is just about enough time to say thank you.

Mr. Chair, I encourage support of my amendment, and I yield back the balance of my time.

Mr. NADLER. Mr. Chair, I claim the time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. NADLER. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, this amendment will clarify that the underlying bill will not impact information that is publicly available, that the government has in its own databases, or that the government lawfully acquires. Scraping pictures and data off public social media accounts for facial recognition technology is certainly a problem, but it is not this problem.

It does us no good to conflate one surveillance issue with another. This legislation is intended to prohibit the purchase of data in cases where Federal law enforcement would otherwise need a warrant. License plate databases, facial recognition technology platforms, and advanced policing technologies are often powered by publicly available data.

We are not here to impede government access to data that is public or that law enforcement already contains in its databases. While I have serious concerns about the irresponsible deployment of advanced policing technologies, those are fights for another day.

Mr. Chairman, I thank the gentleman for his amendment. I encourage my colleagues to join me in supporting it, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. HIGGINS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. LALOTA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 118-464.

Mr. LALOTA. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 16, insert after “information.” the following: “This subparagraph does not apply in the case of information that the law enforcement agency or element of the intelligence community could lawfully access without a warrant.”.

Page 7, line 11, insert after “value.” the following: “This paragraph does not apply in

the case of information that the law enforcement agency or element of the intelligence community could lawfully access without a warrant.”.

The Acting CHAIR. Pursuant to House Resolution 1149, the gentleman from New York (Mr. LALOTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. LALOTA. Mr. Chair, I yield myself such time as I may consume.

Indeed, Mr. Chair, the Fourth Amendment should not be for sale. We agree on that. That is to say our government should not be able to buy from a third-party information about American citizens that it could otherwise not obtain without a warrant.

The title of the bill, the Fourth Amendment Is Not For Sale, is compelling. We should all agree to that, yet the language of the bill does not coincide with the title of the bill. The bill, without amendment, is somewhere between innocently misleading and a full-on Fourth Amendment bait and switch.

My amendment would narrowly tailor the bill to include searches and seizures normally covered by the Fourth Amendment.

Mr. Chair, the Fourth Amendment states: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

□ 1315

So let's agree that Congress should restrict the government from, via a third party, searching or seizing persons that it could not otherwise search or seize without a warrant. We should all agree on that. Everyone in the House, from the Freedom Caucus to the squad and everybody else, should agree on that.

If that is what the bill actually said, then the bill would likely sail through the House without any real, legitimate opposition because government should not be able to contract out its violation of our Fourth Amendment protections.

Yet, without my amendment, the bill would prevent our law enforcement officers from utilizing information that is currently publicly available, information that is accessible without a need for a warrant in fighting crime.

This Republican Conference backs the blue. It is part of our Commitment to America to keep America safe. Unfortunately, the bill, without my amendment, breaks our commitment and would prevent law enforcement from using everyday tools which do not violate any American's Fourth Amendment rights.

My amendment would clarify that any restriction made on this bill and

information that could be obtained by law enforcement or the intelligence community would not include information that is lawfully obtainable without a warrant.

If my amendment is adopted, then the name of the bill would actually fit, and the bill would actually give more weight and confidence to our Nation's Fourth Amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from New York (Mr. NADLER) is recognized for 5 minutes.

Mr. NADLER. Mr. Chair, this amendment would create exceptions for government purchase of data that a Federal agency can already lawfully access without a warrant. I am sure that my colleague from New York means well, but I worry that this amendment would create confusion in the long run rather than clarify an area where we both agree.

I agree that the government should continue accessing information that it is already able to acquire without a warrant, but we should be closing the door on government purchase of third-party data, period.

First, it is unclear how a data broker subscription for “only information that law enforcement could acquire without a warrant” would work. By suggesting that some data could be purchased, we open up a Pandora's box of hypotheticals instead of turning off a tap that should not be on to begin with.

Second, when section 2703 of the Electronic Communications Privacy Act was passed back in 1986, the internet was in its nascency. At that time, there were few, if any, data brokers purchasing data and selling it to the government. I am confident that if they had existed, then third parties' data sales would have been included in the prohibition against service providers sharing their data with the government without a warrant.

As I said, I appreciate what the gentleman is trying to do, but I cannot agree with this approach.

Mr. Chair, I oppose the amendment, and I encourage my colleagues to do the same. I reserve the balance of my time.

Mr. LALOTA. Mr. Chair, I am prepared to close, and I reserve the balance of my time.

Mr. NADLER. Mr. Chair, I yield 2 minutes to the gentleman from Ohio (Mr. DAVIDSON).

Mr. DAVIDSON. Mr. Chair, I thank the gentleman for yielding.

Mr. Chair, I strongly oppose Mr. LALOTA's amendment.

He makes a great point. We all want to stand with law enforcement. That is a unifying position for Republicans, and I think most Democrats want to support them, as well.

Nothing in this bill prohibits them from doing their job. The Fourth

Amendment is a restriction on government activity though, and they are already used to getting warrants for all kinds of things. The novelty is the way that they acquire data to avoid getting a warrant or subpoena. In fact, under the Electronic Communications Privacy Act and the Stored Communications Act, they are required to get a court order.

This amendment doesn't make it clear that this isn't an effort to expand that to say, no, you don't really have to do that anymore.

It is an expansion of surveillance without a warrant instead of the purpose of the bill, so it is hostile to the entire purpose of the bill. It guts the core of the protection that is meant to be restored here.

Mr. Chair, for that reason, I oppose Mr. LALOTA's amendment, and I strongly encourage our colleagues to do the same so that we can pass a very functional Fourth Amendment Is Not For Sale Act and restore the infringed right to privacy that Americans need restored.

Mr. LALOTA. Mr. Chair, I yield myself the balance of my time.

Mr. Chair, we cannot say that we support law enforcement officers and then take away the tools they need to do their job.

My amendment would strike a proper balance between ensuring our government does not use a third party to violate the Fourth Amendment while at the same time preserving the ability for law enforcement to do its job.

Without adopting my amendment, this bill will make it almost impossible for State, local, and Federal law enforcement to investigate crime. We should be making it easier for law enforcement to do their job rather than tying one hand behind their back. At the same time, we should protect against government's warrantless searches and seizures of American citizens.

Mr. Chair, I urge all of my colleagues to vote “yes,” and I yield back the balance of my time.

Mr. NADLER. Mr. Chair, I yield myself the balance of my time.

Mr. Chair, I urge my colleagues to vote against this amendment. We all support the police and criminal investigations, but we all support, we hope, the Fourth Amendment, the requirement to get a warrant for probable cause in order to search something or somebody.

This bill is to avoid an end run around that by the government purchasing information from data brokers for which they should need a warrant. This amendment would gut that and destroy the whole purpose of the bill.

The bill is essential to protecting liberty and to protecting the protections of the Fourth Amendment.

Mr. Chair, I urge the defeat of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. LALOTA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LALOTA. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. LALOTA) will be postponed.

Mr. DAVIDSON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LALOTA) having assumed the chair, Mr. BOST, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4639) to amend section 2702 of title 18, United States Code, to prevent law enforcement and intelligence agencies from obtaining subscriber or customer records in exchange for anything of value, to address communications and records in the possession of intermediary internet service providers, and for other purposes, had come to no resolution thereon.

STANDING AGAINST HOUTH AGGRESSION ACT

Mr. MCCAUL. Mr. Speaker, pursuant to House Resolution 1149, I call up the bill (H.R. 6046) to designate Ansarallah as a foreign terrorist organization and impose certain sanctions on Ansarallah, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BOST). Pursuant to House Resolution 1149, in lieu of the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 118–29 shall be considered as adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 6046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Standing Against Houthi Aggression Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) It was reported by Reuters on March 21, 2017, that Iran, a designated state sponsor of terror, sent advanced weapons and military advisers to assist and support Yemen’s Ansarallah, commonly referred to as the “Houthis”.

(2) On January 19, 2021, the Trump Administration designated Ansarallah as a foreign terrorist organization and a specially designated global terrorist.

(3) On February 16, 2021, Secretary of State Blinken revoked the designation of Ansarallah as a foreign terrorist organization pursuant to section 219(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(6)(A)).

(4) Since October 7, 2023, the Houthis have launched over 40 ballistic missile and Unmanned

Aerial Vehicle attacks on international shipping in the Red Sea, including direct attacks on United States sailors and taking an international ship and its crew hostage. This follows years of Houthi cross-border attacks against Saudi Arabia and the United Arab Emirates.

(5) Houthi attacks on global shipping have caused many shipping companies to re-route to avoid the area, resulting in a de-facto blockade against Yemen, while also driving up shipping costs, disrupting supply chains, and negatively impacting the global economy.

(6) In addition to providing the Houthis with advanced conventional weapons and component parts, Iran and their Hezbollah proxies have also enabled the Houthis with financial support, training, and technical knowledge to manufacture weapons, including long range drones and ballistic and cruise missiles in Yemen, resulting in increased Houthi weapons stockpiles and illegal weapons proliferation throughout the region.

SEC. 3. DESIGNATION AS FTO; IMPOSITION OF SANCTIONS.

(a) DESIGNATION AS FTO.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall designate Ansarallah as a foreign terrorist organization pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(b) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall impose the sanctions described in paragraph (2) with respect to—

(A) Ansarallah; and

(B) any foreign person that is a member, agent, or affiliate of, or owned or controlled by Ansarallah.

(2) SANCTIONS DESCRIBED.—The sanctions described in this paragraph are the following:

(A) BLOCKING OF PROPERTY.—The President shall exercise all authorities granted under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of Ansarallah or the foreign person if such property and interests in property are in the United States, come within the United States, or come within the possession or control of a United States person.

(B) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(i) VISAS, ADMISSION, OR PAROLE.—An alien described in paragraph (1) shall be—

(I) inadmissible to the United States;

(II) ineligible to receive a visa or other documentation to enter the United States; and

(III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—The visa or other entry documentation of any alien described in paragraph (1) is subject to revocation regardless of the issue date of the visa or other entry documentation.

(II) IMMEDIATE EFFECT.—A revocation under subclause (I) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i))—

(aa) take effect immediately; and

(bb) cancel any other valid visa or entry documentation that is in the possession of the alien.

(3) PENALTIES.—Any person that violates, or attempts to violate, paragraph (2) or any regulation, license, or order issued pursuant to that subsection, shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(4) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subsection.

(5) REGULATIONS.—

(A) IN GENERAL.—The President shall, not later than 120 days after the date of the enactment of this Act, promulgate regulations as necessary for the implementation of this subsection.

(B) NOTIFICATION TO CONGRESS.—Not less than 10 days before the promulgation of regulations under paragraph (1), the President shall notify the appropriate congressional committees of the proposed regulations and the provisions of this subsection that the regulations are implementing.

(C) APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.—In this paragraph, the term “appropriate congressional committees” means—

(i) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives; and

(ii) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

(6) EXCEPTIONS.—

(A) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—Sanctions under this subsection shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(B) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under this subsection shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(i) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(ii) to carry out or assist authorized law enforcement activity in the United States.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs, or their respective designees.

The gentleman from Texas (Mr. MCCAUL) and the gentleman from New York (Mr. MEEKS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. MCCAUL).

GENERAL LEAVE

Mr. MCCAUL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MCCAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today because of the grievous errors of the Biden administration.

The Biden administration’s failed policies have emboldened the Houthi rebels at the expense of our regional partners. By projecting weakness on the world stage, this administration has invited aggression.

The Houthis were previously designated as a foreign terrorist organization, or FTO, and a specially designated global terrorist organization. Then-Secretary of State Mike Pompeo issued both designations in January 2021.