

Fourth Amendment Is Not For Sale Act

H.R.4639, 118th

PASSED A CHAMBER

Rep. Davidson (R-OH)
Privacy & data · Both chambers

HOW FAR IT WAS CARRIED



House floor vote, 17 April 2024

BACKGROUND

Agencies had been buying from commercial data brokers the same records they would need a warrant to compel: location histories, subscriber records, and browsing data. The purchase was legal because the Fourth Amendment restrains compulsion, not commerce. This bill closes that gap directly, extending the warrant requirement to acquisition by purchase. It is the furthest any of this work was carried in the House: it passed on the floor 219 to 199, with 123 Republicans joining.

KEY PROVISIONS

- Bars federal agencies from purchasing data they would otherwise need a warrant, court order or subpoena to obtain.
- Covers subscriber records, communications records, and location information.
- Extends to data obtained from a provider in violation of a contract or terms of service.
- Closes the intermediary route by covering data acquired through a third party rather than directly.
- Applies the restriction to law enforcement and intelligence agencies alike.

BY THE NUMBERS

219–199 House floor vote, 17 April 2024
123 Republicans joining the majority

LEGISLATIVE RECORD

Passed the House 219–199 on 17 April 2024.

OFFICES ENGAGED

Sens. Warren, Wyden, Paul; Rep. Davidson

Drafted and advised. 4 offices engaged.