

CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS
HEARING STATEMENT
HOUSE JUDICIARY COMMITTEE
FULL COMMITTEE MARKUP OF H.R. 1631, H.R. 4250
AND H.R. 4639
IN SUPPORT OF H.R. 4639: THE FOURTH AMENDMENT
IS NOT FOR SALE ACT



JULY 19, 2023

9:00 AM 2141 RAYBURN HOB

- Thank you, Chairman Johnson and Ranking Member Nadler for the opportunity to speak today.
- Today, I am proud to support H.R. 4639, the Fourth Amendment is Not for Sale Act.
- This bill would close the legal loophole that allows data brokers to sell Americans' personal information to law enforcement and intelligence agencies without any court oversight – in contrast to the strict rules for phone companies, social media sites and other businesses that have direct relationships with consumers.

- This bill would also stop law enforcement and intelligence agencies buying data on people in the U.S. and about Americans abroad, if the data was obtained from a user's account or device, or via deception, hacking, violations of a contract, privacy policy, or terms of service.
- Further, this bill would extend existing privacy laws to infrastructure firms that own data cables & cell towers and closes loopholes that would permit the intelligence community to buy or otherwise acquire metadata about Americans' international calls, texts and emails to family and friends abroad, without any FISA Court review.
- Finally, the bill would ensure that intelligence agencies acquiring data on Americans do so within the framework of the Foreign Intelligence Surveillance Act and that when acquiring Americans' location data, web browsing records and search history, intelligence agencies obtain probable cause orders.
- Overall, this bill will put a definitive end to the government's practice of buying its way around the Bill of Rights by purchasing the personal and location data of everyday Americans.
- This legislation has enjoyed bipartisan support in both chambers for a good reason –what the government is doing is alarming.
- Intelligence and law enforcement agencies, from the Internal Revenue Service to the Drug Enforcement Administration, the Federal Bureau of Investigation, and Customs and Border Protection, allege they can lawfully avoid the constitutional requirement for probable cause warrants by simply buying our personal information from commercial data brokers.

- They can do this, they claim, because the relevant federal statutes were written at a time when apps and digital brokers did not exist and therefore do not specifically prohibit such actions.
- As a result, data from apps most Americans routinely use are open to warrantless examination by the government.
- Data sources that the government has exploited include gaming apps that produce data that can be used to target children and a Muslim prayer app that can be used to target Americans by their religion.
- Communities of color, more reliant on cell phones for access to the internet, are disproportionately impacted.
- Moreover, the data in question include geolocation information and other details that the government can use to determine Americans' activities, associations, and even beliefs.
- As the Supreme Court held in the context of cell phones in *Riley v. California*(2014), digital technologies “hold for many Americans ‘the privacies of life.’”
- The federal government simply should not have a constitutionally suspect backdoor to harvest this information without judicial checks in place.
- This bipartisan bill would close that backdoor and provide Americans the privacy protections our Founders envisioned when they penned the Constitution.

- Enacting the Fourth Amendment is Not for Sale Act will not only stop this gross abuse of privacy but also stands for the fundamental principle that government exists to protect, not trade away, individual rights.
- Thank you, I yield back the remainder of my time.