

## The Fourth Amendment Is Not For Sale Act

Federal agencies are using legal loopholes to collect massive amounts of information on Americans without a court order, violating the spirit of the Fourth Amendment. While there are strict rules for consumer-facing companies — phone companies like AT&T and Verizon and tech companies like Google and Facebook — loopholes in the law currently permit data brokers and other firms without a direct relationship to consumers to sell Americans' private information to the government without a court order.

Media reports last this year [revealed](#) that a data broker named Venntel is selling location data collected from Americans' smartphones to government agencies. While it would be unlawful for app developers to sell data directly to the government, a legal loophole permits app developers to sell data to a data broker, which can then sell that data to the government. According to media reports, other data brokers have tracked people at places of worship and at protests.

Another controversial data broker, Clearview.AI, has [compiled a massive database](#) of billions of photos, which it downloaded in bulk from Facebook, LinkedIn, Twitter & YouTube, in violation of their terms of service. Clearview.AI uses these illicitly obtained photos to power a facial recognition service it sells to government agencies, which they can search without a court order.

The Fourth Amendment Is Not For Sale Act closes major loopholes in federal privacy law and ensures that the Electronic Communications Privacy Act, which regulates law enforcement access to Americans' information, and the Foreign Intelligence Surveillance Act, which regulates the intelligence agencies, are the exclusive means by which the government can surveil Americans. This bill:

- Requires the government to get a court order to force data brokers to disclose data — the same kind of court order needed to compel data from tech and phone companies.
- Stops 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. As such, this bill prevents the government buying data from Clearview.AI.
- Extends existing privacy laws to infrastructure firms that own data cables & cell towers.
- Closes loopholes that permit the intelligence community to buy or otherwise acquire metadata about Americans' international calls, texts and emails to family and friends abroad, and obtain records about their web browsing of foreign websites — information that would normally require a court order to compel.
- Takes away the Attorney General's authority to grant civil immunity to providers and other third parties for assistance with surveillance not required or permitted by statute. Providers retain immunity for surveillance assistance ordered by a court.