

**AMENDMENT TO THE CJS APPROPRIATIONS BILL
OFFERED BY Mr. Espaillat OF NEW YORK**

In the bill:

At the appropriate place, insert the following:

(a) Prohibition.—None of the funds made available by this Act may be used by any law enforcement agency or element of the intelligence community, that is a component of an agency funded by this Act, to obtain in exchange for anything of value—

- (1) a covered customer or subscriber record from a third party; or
- (2) illegitimately obtained information from a third party.

(b) Definitions.—In this section—

(1) the term “covered customer or subscriber record” means a record that—

(A) is disclosed to a third party by a provider of an electronic communication service to the public, a provider of a remote computing service, or an intermediary service provider of which the covered person is a subscriber, customer, or end user; and

(B) contains the contents of a communication, records or other information described in section 2703(c)(1) of title 18, United States Code, or location information;

(2) the term “covered person” means an individual, or a group of individuals, who—

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

(B) is located inside the United States

(3) the term “illegitimately obtained information” means information about a covered person that was—

(A) obtained from the covered person's account or device, or from a provider described in paragraph (1)(A), in violation of any provision of law, including by deception, hacking, breach of contract, or breach of a privacy policy or terms of service; or

(B) obtained in violation of section 2702(a) of title 18, United States Code;

(4) 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 an electronic communication service to the public or a provider of a remote computing service;

(5) 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, and was not acting as a provider of remote computing service or a provider of electronic communications service to the public

(6) 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); and

(7) the term “element of the intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(c) Rule of construction.—Nothing in this section shall be construed to limit the authority of any law enforcement agency or element of the intelligence community to acquire information through any other lawful means, including pursuant to a warrant, court order, or subpoena issued under any other provision of law.