



Wyden Renews Call to End Secret Law and Pass the Fourth Amendment is Not for Sale Act

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Washington, D.C. – U.S. Senator Ron Wyden (D-Ore.) delivered the following remarks at the Cato Institute in support of defending Americans’ civil liberties and urging comprehensive federal action to protect Fourth Amendment rights.

“In my view, it’s essential to prevent data brokers from acting like so many termites and chewing through the framework of our fundamental rights,” Wyden said. **“...Restoring a system that puts our rights and freedom first will take change in every part of our government: Legislation must recognize that technology should empower individuals, not the state or major corporations at the individual’s expense. Courts must rule based on the original values of the constitution, not an outdated understanding of technology. And the executive branch must realize that all-encompassing surveillance of our own people, whether by the NSA, or purchased from a data broker, will leave our country weaker without making us more secure.”**

Wyden has spent years pressing the Intelligence Community to disclose more information about how it interprets surveillance law, while increasingly raising concerns – in both classified and unclassified settings – that there is a significant gap between what the American people and most members of Congress believe is legal under laws like the Patriot Act and how government agencies are interpreting the law.

Wyden has introduced *The Fourth Amendment is Not for Sale Act* which closes the legal loophole that allows data brokers to sell Americans' personal information to law enforcement and intelligence agencies without any court oversight.

The Fourth Amendment is Not For Sale Act:

- Requires the government to get a court order to compel 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 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.
- Ensures 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. This language is similar to language that was in the 2020 Wyden-Daines amendment to legislation to reform Section 215.
- 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.

Wyden's full remarks are available [here](#).