

H.R. 4639, Fourth Amendment Is Not For Sale Act

As ordered reported by the House Committee on the Judiciary on July 19, 2023

By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	a	a	a
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Mandate Effects	
		Contains intergovernmental mandate?	Excluded from UMRA
		Contains private-sector mandate?	Excluded from UMRA
a = CBO has no basis to estimate the effects on spending subject to appropriation from implementing H.R. 4639.			

H.R. 4639 would prohibit law enforcement and intelligence agencies from purchasing personal information about customers or subscribers of electronic and remote computing service providers (for example, social media, cell phone, email, and cloud-computing companies) from a third party. Current law prohibits those entities from disclosing such information, which includes names, addresses, phone numbers, and location, directly to government agencies without a court order. However, those companies are permitted to voluntarily disclose such information to third parties, which can then provide it to the government. H.R. 4639 would require a law enforcement or intelligence agency to obtain a court order before acquiring customer or subscriber information from a third party. Under the bill, any information purchased from a third party would be inadmissible as evidence in court.

H.R. 4639 would affect the operating costs of federal law enforcement and intelligence agencies, which are subject to annual appropriations. The magnitude and direction of those effects is subject to significant uncertainty. The bill could reduce costs by preventing those agencies from purchasing customer or subscriber information. The bill could increase costs for those agencies' investigative and intelligence-gathering activities if they require additional administrative resources or personnel to obtain information they currently

See also

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purchase at a lower cost. CBO has no basis on which to estimate the net cost of those changes. Any change in spending from implementing H.R. 4639 would be subject to future appropriation actions.

CBO has not reviewed H.R. 4639 for intergovernmental or private-sector mandates. Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that would enforce the constitutional rights of individuals. CBO has determined that the bill falls within that exclusion because it extends protections against the unreasonable search and seizure of personal data.

The CBO staff contacts for this estimate are Jeremy Crimm (for the Departments of Justice and Homeland Security), Bill Ma (for the Department of Defense), and Erich Dvorak (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

A handwritten signature in black ink, appearing to read 'Phillip L. Swagel', with a long, sweeping flourish extending to the right.

Phillip L. Swagel
Director, Congressional Budget Office