

116TH CONGRESS
2D SESSION

H. R. 7910

To prohibit the use of the intelligence community to investigate or conduct surveillance on individuals in the United States who are involved in protest activities protected under the First Amendment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2020

Mr. HECK (for himself, Mr. BLUMENAUER, Mr. CARSON of Indiana, and Ms. NORTON) introduced the following bill; which was referred to the Permanent Select Committee on Intelligence, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit the use of the intelligence community to investigate or conduct surveillance on individuals in the United States who are involved in protest activities protected under the First Amendment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restrictions on Intel-
5 ligence Assets in Protests Act”.

1 **SEC. 2. PROHIBITIONS ON USE OF CERTAIN FEDERAL AS-**
2 **SETS IN INVESTIGATING OR CONDUCTING**
3 **SURVEILLANCE OF PERSONS INVOLVED IN**
4 **PROTEST ACTIVITIES.**

5 (a) PROHIBITION ON USE OF INTELLIGENCE COM-
6 MUNITY FOR CERTAIN DOMESTIC PURPOSES.—

7 (1) PROHIBITION.—Except as provided by
8 paragraph (2), no asset of the intelligence commu-
9 nity may be used to support Federal, State, or local
10 law enforcement in investigating or conducting sur-
11 veillance of individuals in the United States who are
12 involved in protest activities that are protected
13 under the First Amendment to the Constitution.

14 (2) EXCEPTION.—The prohibition in paragraph
15 (1) shall not apply to any of the following activities
16 conducted by an element of the intelligence commu-
17 nity:

18 (A) An investigation of an individual by
19 the Federal Bureau of Investigation that is not
20 conducted solely upon the basis of protest ac-
21 tivities that are protected by the First Amend-
22 ment to the Constitution.

23 (B) Members of the National Guard who
24 are—

25 (i) assigned to a unit that includes an
26 element of the intelligence community; and

1 (ii) performing active service.

2 (C) Subject to subsection (c), activities
3 conducted in support of the Armed Forces pur-
4 suant to chapter 13 of title 10, United States
5 Code (commonly known as the “Insurrection
6 Act”).

7 (b) PROHIBITION ON USE OF FEDERAL LAW EN-
8 FORCEMENT AGENCIES OUTSIDE SCOPE OF AGENCY.—

9 (1) PROHIBITION.—Except as provided by
10 paragraph (2), no asset of any Federal law enforce-
11 ment agency may be used to support another Fed-
12 eral law enforcement agency or a State or local law
13 enforcement agency in investigating or conducting
14 surveillance of individuals in the United States who
15 are involved in protest activities that are protected
16 under the First Amendment to the Constitution if
17 such support is beyond the mission, scope, or pur-
18 pose of such Federal law enforcement agency.

19 (2) EXCEPTION.—The prohibition in paragraph
20 (1) shall not apply to the Federal Bureau of Inves-
21 tigation.

22 (c) NOTIFICATION OF ACTIVITIES UNDER INSURREC-
23 TION ACT.—If any asset of the intelligence community is
24 used to support the Armed Forces pursuant to chapter
25 13 of title 10, United States Code, in investigating or con-

1 ducting surveillance of individuals in the United States
2 who are involved in protest activities that are protected
3 under the First Amendment to the Constitution, the Di-
4 rector of National Intelligence shall notify Congress of the
5 support by not later than one year after the date on which
6 the support is first provided. Such notification shall in-
7 clude a description of the assets of the intelligence commu-
8 nity used to provide the support, including with respect
9 to elements of the intelligence community that are part
10 of the Department of Defense.

11 (d) REPORT.—Not later than one year after the date
12 of the enactment of this Act, the Director of National In-
13 telligence shall submit to Congress a report detailing the
14 use of any asset of the intelligence community in the
15 United States to support Federal, State, or local law en-
16 forcement, or members of the National Guard performing
17 active service, to address the protests in Minneapolis, Min-
18 nesota, and throughout the United States occurring after
19 the death of George Floyd.

20 (e) DEFINITIONS.—In this section:

21 (1) The term “active service” has the meaning
22 given that term in section 101 of title 10, United
23 States Code.

1 (2) The term “asset of the intelligence commu-
2 nity” means any employee, equipment, funds, prod-
3 uct, or service of the intelligence community.

4 (3) The term “intelligence community” has the
5 meaning given that term in section 3(4) of the Na-
6 tional Security Act of 1947 (50 U.S.C. 3003(4)).

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