

S 2694

A bill to place restrictions on searches and seizures of electronic devices at the border.

Congress: 116 (2019–2021, Ended)

Chamber: Senate

Policy Area: Immigration

Introduced: Oct 24, 2019

Current Status: Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

Latest Action: Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Oct 24, 2019)

Official Text: <https://www.congress.gov/bill/116th-congress/senate-bill/2694>

Sponsor

Name: Sen. Leahy, Patrick J. [D-VT]

Party: Democratic • **State:** VT • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Daines, Steve [R-MT]	R · MT		Oct 24, 2019

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Oct 24, 2019

Subjects & Policy Tags

Policy Area:

Immigration

Related Bills

No related bills are listed.

This bill places restrictions on the search and seizure of electronic devices at the international border.

A Department of Homeland Security (DHS) official may conduct a manual search of a device transported by an individual at the border only if the official has a reasonable suspicion that (1) the individual is transporting goods or persons in violation of the law or is not entitled to enter the country, and (2) the device contains information relevant to the suspected violation. A DHS official may seize a device only if the official has probable cause to believe that such conditions are satisfied, or that the individual is in violation of a law punishable by more than one year and the device has information about that violation.

A manual search is one that (1) is conducted without using another electronic device, software, a password, or biometric identifier to access protected data; (2) is in the presence of the individual; and (3) does not exceed four hours. For seized devices, DHS (1) shall obtain a warrant or court order within 48 hours or return the device, and (2) may not access the device before obtaining the warrant or court order.

A forensic search is one that falls outside the definition of a manual search (e.g. one where software is used) and may not be conducted without a warrant or court order.

The bill imposes various record keeping, information retention, and reporting requirements related to the search and seizure of devices at the border.

Actions Timeline

- **Oct 24, 2019:** Introduced in Senate
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