To prohibit data brokers from transferring sensitive data of United States individuals to foreign adversaries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2024

Mr. PALLONE (for himself and Mrs. RODGERS of Washington) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit data brokers from transferring sensitive data of United States individuals to foreign adversaries, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Americans’
Data from Foreign Adversaries Act of 2024”.

SEC. 2. PROHIBITION ON TRANSFER OF SENSITIVE DATA

OF UNITED STATES INDIVIDUALS TO FOR-

EIGN ADVERSARIES.

(a) PROHIBITION.—It shall be unlawful for a data
broker to sell, license, rent, trade, transfer, release, dis-
close, provide access to, or otherwise make available sen-
sitive data of a United States individual to—

(1) any foreign adversary country; or

(2) any entity that is controlled by a foreign ad-
versary.

(b) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this section shall be treated as a violation of a rule defining an unfair or a de-

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were in-
corporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates this section shall be subject to the penalties and entitled to the privileges
and immunities provided in the Federal Trade Commission Act.

(3) Authority preserved.—Nothing in this section may be construed to limit the authority of the Commission under any other provision of law.

(c) Definitions.—In this section:


(2) Controlled by a foreign adversary.—The term “controlled by a foreign adversary” means, with respect to an entity, that such entity is—

(A) a foreign person that is domiciled in, is headquartered in, has its principal place of business in, or is organized under the laws of a foreign adversary country;

(B) an entity with respect to which a foreign person or combination of foreign persons described in subparagraph (A) directly or indirectly own at least a 20 percent stake; or

(C) a person subject to the direction or control of a foreign person or entity described in subparagraph (A) or (B).

(3) Data broker.—

(A) In general.—The term “data broker” means an entity that, for valuable con-
sideration, sells, licenses, rents, trades, transfers, releases, discloses, provides access to, or otherwise makes available data of United States individuals, that the entity did not collect directly from such individuals, to another entity that is not acting as a service provider.

(B) EXCLUSION.—The term “data broker” does not include an entity to the extent such entity—

(i) is transmitting data, including communications of a United States individual at the request or direction of such individual;

(ii) is reporting, publishing, or otherwise making available news or information that is available to the general public, including information from a telephone book or online directory, a television, internet, or radio program, the news media, or an internet site that is available to the general public on an unrestricted basis, but not including an obscene visual depiction (as such term is used in section 1460 of title 18, United States Code); or

(iii) is acting as a service provider.
(4) FOREIGN ADVERSARY COUNTRY.—The term “foreign adversary country” means a country specified in section 4872(d)(2) of title 10, United States Code.

(5) PRECISE GEOLOCATION INFORMATION.—The term “precise geolocation information” means information that—

(A) is derived from a device or technology; and

(B) reveals the past or present physical location of an individual or device that identifies or is linked or reasonably linkable to 1 or more individuals, with sufficient precision to identify street level location information of an individual or device or the location of an individual or device within a range of 1,850 feet or less.

(6) SENSITIVE DATA.—The term “sensitive data” includes the following:

(A) A government-issued identifier, such as a Social Security number, passport number, or driver’s license number.

(B) Any information that describes or reveals the past, present, or future physical health, mental health, disability, diagnosis, or
healthcare condition or treatment of an individual.

(C) A financial account number, debit card number, credit card number, or information that describes or reveals the income level or bank account balances of an individual.

(D) Biometric information.

(E) Genetic information.

(F) Precise geolocation information.

(G) An individual’s private communications such as voicemails, emails, texts, direct messages, mail, voice communications, and video communications, or information identifying the parties to such communications or pertaining to the transmission of such communications, including telephone numbers called, telephone numbers from which calls were placed, the time calls were made, call duration, and location information of the parties to the call.

(H) Account or device log-in credentials, or security or access codes for an account or device.

(I) Information identifying the sexual behavior of an individual.
(J) Calendar information, address book information, phone or text logs, photos, audio recordings, or videos, maintained for private use by an individual, regardless of whether such information is stored on the individual’s device or is accessible from that device and is backed up in a separate location.

(K) A photograph, film, video recording, or other similar medium that shows the naked or undergarment-clad private area of an individual.

(L) Information revealing the video content requested or selected by an individual.

(M) Information about an individual under the age of 17.

(N) An individual’s race, color, ethnicity, or religion.

(O) Information identifying an individual’s online activities over time and across websites or online services.

(P) Information that reveals the status of an individual as a member of the Armed Forces.

(Q) Any other data that a data broker sells, licenses, rents, trades, transfers, releases,
discloses, provides access to, or otherwise makes available to a foreign adversary country, or entity that is controlled by a foreign adversary, for the purpose of identifying the types of data listed in subparagraphs (A) through (P).

(7) SERVICE PROVIDER.—The term “service provider” means an entity that—

(A) collects, processes, or transfers data on behalf of, and at the direction of—

(i) an entity that is not a data broker and is not controlled by a foreign adversary; or

(ii) a Federal, State, Tribal, territorial, or local government entity; and

(B) receives data from or on behalf of an entity described in subparagraph (A)(i) or a Federal, State, Tribal, territorial, or local government entity.

(8) UNITED STATES INDIVIDUAL.—The term “United States individual” means a natural person residing in the United States.

(d) EFFECTIVE DATE.—This section shall take effect on the date that is 60 days after the date of the enactment of this Act.