

Union Calendar No. 345

118TH CONGRESS
2D SESSION

H. R. 7520

[Report No. 118–418]

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

MARCH 11, 2024

Additional sponsors: Ms. SCHAKOWSKY, Mr. BILIRAKIS, Mr. ALLEN, and Mrs. TRAHAN

MARCH 11, 2024

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To prohibit data brokers from transferring sensitive data of United States individuals to foreign adversaries, 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 “Protecting Americans’
5 Data from Foreign Adversaries Act of 2024”.

6 **SEC. 2. PROHIBITION ON TRANSFER OF SENSITIVE DATA**
7 **OF UNITED STATES INDIVIDUALS TO FOR-**
8 **EIGN ADVERSARIES.**

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

13 (1) any foreign adversary country; or

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

16 (b) ENFORCEMENT BY FEDERAL TRADE COMMIS-
17 SION.—

18 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
19 TICES.—A violation of this section shall be treated
20 as a violation of a rule defining an unfair or a de-
21 ceptive act or practice under section 18(a)(1)(B) of
22 the Federal Trade Commission Act (15 U.S.C.
23 57a(a)(1)(B)).

24 (2) POWERS OF COMMISSION.—

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

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

13 (3) AUTHORITY PRESERVED.—Nothing in this
14 section may be construed to limit the authority of
15 the Commission under any other provision of law.

16 (c) DEFINITIONS.—In this section:

17 (1) COMMISSION.—The term “Commission”
18 means the Federal Trade Commission.

19 (2) CONTROLLED BY A FOREIGN ADVERSARY.—
20 The term “controlled by a foreign adversary” means,
21 with respect to an entity, that such entity is—

22 (A) a foreign person that is domiciled in,
23 is headquartered in, has its principal place of
24 business in, or is organized under the laws of
25 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 consideration, 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

1 that is available to the general public, in-
2 cluding information from a telephone book
3 or online directory, a television, internet,
4 or radio program, the news media, or an
5 internet site that is available to the general
6 public on an unrestricted basis, but not in-
7 cluding an obscene visual depiction (as
8 such term is used in section 1460 of title
9 18, United States Code); or

10 (iii) is acting as a service provider.

11 (4) FOREIGN ADVERSARY COUNTRY.—The term
12 “foreign adversary country” means a country speci-
13 fied in section 4872(d)(2) of title 10, United States
14 Code.

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

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

19 and

20 (B) reveals the past or present physical lo-
21 cation of an individual or device that identifies
22 or is linked or reasonably linkable to 1 or more
23 individuals, with sufficient precision to identify
24 street level location information of an individual

1 or device or the location of an individual or de-
2 vice within a range of 1,850 feet or less.

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

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

8 (B) Any information that describes or re-
9 veals the past, present, or future physical
10 health, mental health, disability, diagnosis, or
11 healthcare condition or treatment of an indi-
12 vidual.

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

17 (D) Biometric information.

18 (E) Genetic information.

19 (F) Precise geolocation information.

20 (G) An individual’s private communica-
21 tions such as voicemails, emails, texts, direct
22 messages, mail, voice communications, and
23 video communications, or information identi-
24 fying the parties to such communications or
25 pertaining to the transmission of such commu-

1 communications, including telephone numbers called,
2 telephone numbers from which calls were
3 placed, the time calls were made, call duration,
4 and location information of the parties to the
5 call.

6 (H) Account or device log-in credentials, or
7 security or access codes for an account or de-
8 vice.

9 (I) Information identifying the sexual be-
10 havior of an individual.

11 (J) Calendar information, address book in-
12 formation, phone or text logs, photos, audio re-
13 cordings, or videos, maintained for private use
14 by an individual, regardless of whether such in-
15 formation is stored on the individual's device or
16 is accessible from that device and is backed up
17 in a separate location.

18 (K) A photograph, film, video recording, or
19 other similar medium that shows the naked or
20 undergarment-clad private area of an indi-
21 vidual.

22 (L) Information revealing the video con-
23 tent requested or selected by an individual.

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

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

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

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

9 (Q) Any other data that a data broker
10 sells, licenses, rents, trades, transfers, releases,
11 discloses, provides access to, or otherwise makes
12 available to a foreign adversary country, or en-
13 tity that is controlled by a foreign adversary,
14 for the purpose of identifying the types of data
15 listed in subparagraphs (A) through (P).

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

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

20 (i) an entity that is not a data broker
21 and is not controlled by a foreign adver-
22 sary; or

23 (ii) a Federal, State, Tribal, terri-
24 torial, or local government entity; and

1 (B) receives data from or on behalf of an
2 entity described in subparagraph (A)(i) or a
3 Federal, State, Tribal, territorial, or local gov-
4 ernment entity.

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

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

Union Calendar No. 345

118TH CONGRESS
2D Session

H. R. 7520

[Report No. 118-418]

A BILL

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

MARCH 11, 2024

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed