

Suspend the Rules And Pass the Bill, H.R. 7520, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

118TH CONGRESS
2D SESSION

H. R. 7520

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.

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”.

1 **SEC. 2. PROHIBITION ON TRANSFER OF PERSONALLY IDEN-**
2 **TIFIABLE SENSITIVE DATA OF UNITED**
3 **STATES INDIVIDUALS TO FOREIGN ADVER-**
4 **SARIES.**

5 (a) PROHIBITION.—It shall be unlawful for a data
6 broker to sell, license, rent, trade, transfer, release, dis-
7 close, provide access to, or otherwise make available per-
8 sonally identifiable sensitive data of a United States indi-
9 vidual to—

10 (1) any foreign adversary country; or

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

13 (b) ENFORCEMENT BY FEDERAL TRADE COMMIS-
14 SION.—

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

21 (2) POWERS OF COMMISSION.—

22 (A) IN GENERAL.—The Commission shall
23 enforce this section in the same manner, by the
24 same means, and with the same jurisdiction,
25 powers, and duties as though all applicable
26 terms and provisions of the Federal Trade

1 Commission Act (15 U.S.C. 41 et seq.) were in-
2 corporated into and made a part of this section.

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

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

11 (c) DEFINITIONS.—In this section:

12 (1) COMMISSION.—The term “Commission”
13 means the Federal Trade Commission.

14 (2) CONTROLLED BY A FOREIGN ADVERSARY.—
15 The term “controlled by a foreign adversary” means,
16 with respect to an individual or entity, that such in-
17 dividual or entity is—

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

22 (B) an entity with respect to which a for-
23 eign person or combination of foreign persons
24 described in subparagraph (A) directly or indi-
25 rectly own at least a 20 percent stake; or

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

4 (3) DATA BROKER.—

5 (A) IN GENERAL.—The term “data
6 broker” means an entity that, for valuable con-
7 sideration, sells, licenses, rents, trades, trans-
8 fers, releases, discloses, provides access to, or
9 otherwise makes available data of United States
10 individuals that the entity did not collect di-
11 rectly from such individuals to another entity
12 that is not acting as a service provider.

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

16 (i) is transmitting data of a United
17 States individual, including communica-
18 tions of such an individual, at the request
19 or direction of such individual;

20 (ii) is providing, maintaining, or offer-
21 ing a product or service with respect to
22 which personally identifiable sensitive data,
23 or access to such data, is not the product
24 or service;

1 (iii) is reporting or publishing news or
2 information that concerns local, national,
3 or international events or other matters of
4 public interest;

5 (iv) is reporting, publishing, or other-
6 wise making available news or information
7 that is available to the general public—

8 (I) including information from—

9 (aa) a book, magazine, tele-
10 phone book, or online directory;

11 (bb) a motion picture;

12 (cc) a television, internet, or
13 radio program;

14 (dd) the news media; or

15 (ee) an internet site that is
16 available to the general public on
17 an unrestricted basis; and

18 (II) not including an obscene vis-
19 ual depiction (as such term is used in
20 section 1460 of title 18, United States
21 Code); or

22 (v) is acting as a service provider.

23 (4) FOREIGN ADVERSARY COUNTRY.—The term
24 “foreign adversary country” means a country speci-

1 fied in section 4872(d)(2) of title 10, United States
2 Code.

3 (5) PERSONALLY IDENTIFIABLE SENSITIVE
4 DATA.—The term “personally identifiable sensitive
5 data” means any sensitive data that identifies or is
6 linked or reasonably linkable, alone or in combina-
7 tion with other data, to an individual or a device
8 that identifies or is linked or reasonably linkable to
9 an individual.

10 (6) PRECISE GEOLOCATION INFORMATION.—
11 The term “precise geolocation information” means
12 information that—

13 (A) is derived from a device or technology
14 of an individual; and

15 (B) reveals the past or present physical lo-
16 cation of an individual or device that identifies
17 or is linked or reasonably linkable to 1 or more
18 individuals, with sufficient precision to identify
19 street level location information of an individual
20 or device or the location of an individual or de-
21 vice within a range of 1,850 feet or less.

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

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

4 (B) Any information that describes or re-
5 veals the past, present, or future physical
6 health, mental health, disability, diagnosis, or
7 healthcare condition or treatment of an indi-
8 vidual.

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

13 (D) Biometric information.

14 (E) Genetic information.

15 (F) Precise geolocation information.

16 (G) An individual's private communica-
17 tions such as voicemails, emails, texts, direct
18 messages, mail, voice communications, and
19 video communications, or information identi-
20 fying the parties to such communications or
21 pertaining to the transmission of such commu-
22 nications, including telephone numbers called,
23 telephone numbers from which calls were
24 placed, the time calls were made, call duration,

1 and location information of the parties to the
2 call.

3 (H) Account or device log-in credentials, or
4 security or access codes for an account or de-
5 vice.

6 (I) Information identifying the sexual be-
7 havior of an individual.

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

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

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

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

23 (N) An individual's race, color, ethnicity,
24 or religion.

1 (O) Information identifying an individual's
2 online activities over time and across websites
3 or online services.

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

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

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

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

18 (i) an individual or entity that is not
19 a foreign adversary country or controlled
20 by a foreign adversary; or

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

23 (B) receives data from or on behalf of an
24 individual or entity described in subparagraph

1 (A)(i) or a Federal, State, Tribal, territorial, or
2 local government entity.

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

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

Amend the title so as to read: “A bill to prohibit data brokers from transferring personally identifiable sensitive data of United States individuals to foreign adversaries, and for other purposes.”.