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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

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

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 SENSITIVE DATA**
2 **OF UNITED STATES INDIVIDUALS TO FOR-**
3 **EIGN ADVERSARIES.**

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

8 (1) any foreign adversary country; or

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

11 (b) ENFORCEMENT BY FEDERAL TRADE COMMIS-
12 SION.—

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

19 (2) POWERS OF COMMISSION.—

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

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

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

9 (c) DEFINITIONS.—In this section:

10 (1) COMMISSION.—The term “Commission”
11 means the Federal Trade Commission.

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

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

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

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

1 (3) DATA BROKER.—

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

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

13 (i) is transmitting data, including
14 communications of a United States indi-
15 vidual at the request or direction of such
16 individual;

17 (ii) is reporting, publishing, or other-
18 wise making available news or information
19 that is available to the general public, in-
20 cluding information from a telephone book
21 or online directory, a television, internet,
22 or radio program, the news media, or an
23 internet site that is available to the general
24 public on an unrestricted basis, but not in-
25 cluding an obscene visual depiction (as

1 such term is used in section 1460 of title
2 18, United States Code); or

3 (iii) is acting as a service provider.

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

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

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

12 and

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

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

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

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

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

10 (D) Biometric information.

11 (E) Genetic information.

12 (F) Precise geolocation information.

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

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

4 (I) Information identifying the sexual be-
5 havior of an individual.

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

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

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

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

21 (N) An individual's race, color, ethnicity,
22 or religion.

23 (O) Information identifying an individual's
24 online activities over time and across websites
25 or online services.

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

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

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

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

15 (i) an entity that is not a data broker
16 and is not controlled by a foreign adver-
17 sary; or

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

20 (B) receives data from or on behalf of an
21 entity described in subparagraph (A)(i) or a
22 Federal, State, Tribal, territorial, or local gov-
23 ernment entity.

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

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