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6 MARKUP OF:

7 H.R. 7520, PROTECTING AMERICANS' DATA FROM FOREIGN

8 ADVERSARIES ACT;

9 AND H.R. 7521, PROTECTING AMERICANS FROM FOREIGN ADVERSARY

10 CONTROLLED APPLICATIONS ACT

11 THURSDAY, MARCH 7, 2024

12 House of Representatives,

13 Committee on Energy and Commerce,

14 Washington, D.C.

15

16

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18 The Committee met, pursuant to call, at 3:10 p.m., in

19 Room 2123, Rayburn House Office Building, Hon. Chair Cathy

20 McMorris Rodgers [Chair of the Committee] presiding.

21 Present: Representatives Rodgers, Burgess, Latta,

22 Guthrie, Griffith, Bilirakis, Bucshon, Hudson, Walberg,

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23 Carter, Duncan, Palmer, Dunn, Curtis, Lesko, Pence, Crenshaw,
24 Joyce, Armstrong, Weber, Allen, Balderson, Fulcher, Pfluger,
25 Harshbarger, Miller-Meeks, Cammack, Obernolte; Pallone,
26 Eshoo, DeGette, Schakowsky, Matsui, Castor, Sarbanes, Tonko,
27 Clarke, Cardenas, Ruiz, Peters, Dingell, Veasey, Kuster,
28 Kelly, Barragan, Soto, Craig, Schrier, Trahan, and Fletcher.

29

30 Staff present: Sarah Burke, Deputy Staff Director;
31 Micheal Cameron, Professional Staff Member; Nick Crocker,
32 Senior Advisor & Director of Coalitions; Sydney Greene,
33 Director of Operations; Slate Herman, Counsel; Jessica
34 Herron, Clerk; Nate Hodson, Staff Director; Tara Hupman,
35 General Counsel; Noah Jackson, Clerk; Sean Kelly, Press
36 Secretary; Lauren Kennedy, Clerk; Alex Khlopin, Staff
37 Assistant; Peter Kielty, General Counsel; Emily King, Member
38 Services Director; Tim Kurth, Chief Counsel; Giulia Leganski,
39 Professional Staff Member; John Lin, Senior Counsel; Kate
40 O'Connor, Chief Counsel; Karli Plucker, Director of
41 Operations; Emma Schulthcis, Clerk; Hannah Anton, Minority
42 Policy Analyst; Keegan Cardman, Minority Staff Assistant;
43 Jennifer Epperson, Minority Chief Counsel, Communications and
44 Technology; Waverly Gordon, Minority Deputy Staff Director

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45 and General Counsel; Daniel Greene, Minority Professional
46 Staff Member; Tiffany Guarascio, Minority Staff Director;
47 Perry Hamilton, Minority Member Services & Outreach Manager;
48 Lisa Hone, Minority Chief Counsel, Innovation, Data, and
49 Commerce; Dan Miller, Minority Professional Staff Member; Joe
50 Orlando, Minority Junior Professional Staff Member; Phoebe
51 Rouge, Minority FTC Detailee; Micheal Scurato, Minority FCC
52 Detailee; Andrew Souvall, Minority Director of
53 Communications, Outreach and Member Services; Johanna Thomas,
54 Minority Counsel; C.J. Young, Minority Deputy Communications
55 Director; and Jessica Zhao, Minority Intern.

56

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57 *The Chair. The Committee will come to order.

58 The Chair recognizes herself for an opening statement.

59 Good afternoon, everyone, and welcome to today's markup
60 of two important pieces of legislation. Earlier today, we
61 heard from members of the intelligence community about the
62 dangers posed by application nations like TikTok that are
63 controlled by foreign adversaries and who are determined to
64 exploit and weaponize Americans' data. We also witness
65 firsthand, in real time, how the Chinese Communist Party can
66 weaponize platforms like TikTok to manipulate the American
67 people.

68 This morning, prior to our hearing, TikTok used its
69 influence and power to force users to contact their
70 representatives if they wanted to continue using TikTok.

71 This is just a small taste of how the CCP weaponizes
72 applications it controls to manipulate tens of millions of
73 people to further their agenda. These applications present a
74 clear national security threat to the United States and
75 necessitate the decisive action we will take today.

76 First, we will consider H.R. 7521, the Protecting
77 Americans from Foreign Adversary Controlled Applications Act,
78 which will prohibit applications that are controlled by our

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79 foreign adversaries and pose a clear national security risk
80 if control is not divested.

81 We will also consider H.R. 7520, the Protecting
82 Americans' Data from Foreign Adversaries Act of 2024, led by
83 Ranking Member Frank Palone, which will prevent data brokers
84 from sharing American sensitive information with foreign
85 adversaries.

86 Foreign adversaries, like the Chinese Communist Party,
87 pose the greatest national security threat of our time. Our
88 adversaries are working actively to undermine America's
89 global leadership.

90 At its core, H.R. 7521 is about banning foreign
91 adversaries, such as China, from targeting, surveilling, and
92 manipulating the American people through apps like TikTok.

93 The bill takes a two-pronged approach. First, it
94 requires ByteDance to divest TikTok and other applications it
95 controls within 180 days after enactment of the bill, or
96 those apps will be prohibited in the United States.

97 Second, the bill creates a narrow process to allow the
98 executive branch to prohibit access to an app that is owned
99 by a foreign adversary if it poses a threat to national
100 security.

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101 This is not a blank check for the Biden Administration
102 or future administrations to ban whatever apps they want.
103 The executive agencies, including the national security
104 agencies and the Committee on Foreign Investment in the
105 United States, CFIUS, must agree that a foreign adversary-
106 controlled app poses a threat to national security.

107 The threat to national security must be well documented,
108 the public must be notified, and the information must be
109 presented to Congress, at which point the president may make
110 a determination that a foreign adversary-controlled
111 application must be divested or face prohibition in the
112 United States.

113 This prohibition can only be applied to applications
114 controlled by a foreign adversary, which the bill defines as
115 China, Russia, Iran, and North Korea. In all of these cases,
116 there is an option for divestment to occur.

117 If ByteDance divests TikTok, meaning the Chinese
118 Communist Party is no longer controlling the app, TikTok can
119 continue to operate in the United States.

120 CCP controlled TikTok has claimed this bill is an
121 outright ban. It is not. We have given TikTok a clear
122 choice. Divest from your parent company, which is beholden

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123 to the Chinese Communist Party and remain operational in the
124 United States, or side with the Chinese Communist Party and
125 face a ban. The choice is theirs.

126 Today, we will also be considering H.R. 7520, the
127 Protecting Americans' Data from Foreign Adversaries Act of
128 2024.

129 Data brokers collect a stunning amount of sensitive
130 information and data on Americans, from people's physical and
131 mental health to when and where they are traveling. Once
132 collected, this sensitive information is sold to the highest
133 bidder, including foreign adversaries like China.

134 I appreciate the work of Ranking Member Pallone on this
135 legislation and his leadership that will prevent data brokers
136 from sharing America's sensitive information with foreign
137 adversaries and the companies they control.

138 This is an important complement to our continued efforts
139 to establish a comprehensive data privacy standard in order
140 to effectively crack down on abuses of Americans' personal
141 information.

142 Today, we will take the first step in creating long
143 overdue laws to protect Americans from the threat posed by
144 apps controlled by our adversaries and to send a very strong

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145 message that the US will always stand up for our values and
146 freedom.

147 We will not allow for the continued targeting,
148 surveilling, and manipulation of Americans through foreign
149 adversary-controlled apps. I am thankful to everyone here
150 today who has worked in a bipartisan manner to get us here,
151 including Ranking Member Pallone, China Select Committee on
152 the CCP, Chairman Mike Gallagher, Ranking Member
153 Krishnamoorthi, and I look forward to today's market markup,
154 and I yield back.

155 I now recognize the gentleman from New Jersey,
156 Representative Pallone, for five minutes for an opening
157 statement.

158 *Mr. Pallone. Well, let me thank Chair Rodgers for her
159 cooperation on this markup and the executive hearing that we
160 held earlier today.

161 We are here to mark up two bills that we considered
162 during our executive session earlier today. We have just
163 heard from the intelligence community and national security
164 experts about the threats caused by foreign adversarial
165 control of communication applications and their ability to
166 easily purchase Americans' data from data brokers.

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167 We also heard about the constitutional issues implicated
168 when legislation identifies a particular company or
169 application for further scrutiny, particularly when it
170 involves speech and association.

171 Now, as I mentioned at the beginning of our full
172 committee hearing this morning, I do not believe it was
173 necessary to rush this process. Nevertheless, I hope members
174 feel they gained important information in the executive
175 session as we prepare to move forward on these bills on this
176 timetable.

177 First, let me mention H.R. 7521, the Protecting
178 Americans from Foreign Adversary Controlled Applications Act,
179 bipartisan legislation introduced by Representatives
180 Krishnamoorthi and Gallagher.

181 This bill would address the national security risk posed
182 by certain applications operated by companies controlled by
183 foreign adversaries.

184 Specifically, under the bill's framework, if an
185 application is deemed to be operated by a company controlled
186 by a foreign adversary, the application must be divested from
187 foreign adversary control within 180 days.

188 If the application is not divested, entities in the

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189 United States would be prohibited from distributing,
190 maintaining, or updating the application through an online
191 marketplace and providing Internet hosting services.

192 The bill also requires foreign controlled adversary
193 applications to provide users with all available data from
194 their account, including photos, videos, and posts, if they
195 requested it. This will allow users to move their data to
196 another application of their choice.

197 We will also consider H.R. 7520, Protecting Americans'
198 Data from Foreign Adversaries Act of 2024, bipartisan
199 legislation that I introduced with Chair Rodgers.

200 This bill protects American sensitive personal data by
201 prohibiting data, I should say by prohibiting data brokers
202 from selling, transferring, or giving access to such data to
203 foreign adversaries or entities controlled by foreign
204 adversaries.

205 It also gives enforcement authority to the FTC and
206 provides them with the authority to seek civil penalties of
207 more than 50,000 for each violation of this prohibition.

208 I will be supporting both of these bills today. My hope
209 is that if enacted, H.R. 7521 will force divestment of TikTok
210 and Americans will be able to continue use this and other

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211 similarly situated platforms without the risk that they are
212 being operated and controlled by our adversaries.

213 As I said this morning, many of these platforms are
214 modern day media companies, and we have a long history of
215 restricting our airways from ownership by foreign governments
216 and individuals due to the national security concerns such
217 arrangements pose.

218 It is no different here, and I take the concerns raised
219 by the intelligence community this morning very seriously.
220 They have asked Congress to give them more authority to act
221 in these narrowly defined situations, and I believe that this
222 bill will do that.

223 And again, I appreciate Chair Rodgers working with me on
224 the Protecting Americans' Data from Foreign Adversaries Act.
225 This is also very important and necessary bill, given that
226 even if TikTok and other foreign adversary-controlled
227 applications cease to operate in the United States, foreign
228 adversary governments would still be able to purchase vast
229 amounts of data about Americans through other means.

230 We must put an end to this. And that is exactly what
231 our bipartisan bill does. I also continue to firmly believe
232 that we must pass comprehensive national data privacy

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233 protections along the lines of the bill we overwhelmingly
234 passed here in the committee last Congress. And we are going
235 to continue to work on that.

236 So I appreciate the work of all my colleagues on both
237 sides of the aisle on these important bills. And with that,
238 Madam Chair, I yield back the balance of my time.

239 *The Chair. The gentleman yields back.

240 The Chair calls up H.R. 7521 and asks the clerk to
241 report.

242 *The Clerk. H.R. 7521, a bill to protect the national
243 security of the United States from the threat posed by
244 foreign adversary-controlled applications such as _

245 *The Chair. Without objection, the first reading of the
246 bill is dispensed with, and the bill will be open for
247 amendment at any point.

248 So ordered.

249 Does anyone seek to be recognized on the bill?

250 Seeing none, the question now occurs on approving _
251 okay.

252 Yes. For what purpose does Ms. Eshoo seek recognition?

253 *Ms. Eshoo. Thank you, Madam Chair. I am going to
254 strike the last word.

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255 *The Chair. The gentlelady is recognized for five
256 minutes.

257 [H.R. 7521 follows:]

258

259 *****COMMITTEE INSERT*****

260

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261 *Ms. Eshoo. Thank you, Madam Chairwoman and our Ranking
262 Member.

263 Thank you for the work that was put into this, both to
264 have the secured briefing and now the markup of very
265 important legislation.

266 I support the legislation, and I do so because our first
267 and most important responsibility as members of Congress is
268 to defend our constitution, protect and defend our nation,
269 and we do so by protecting our national security. And this
270 issue is a national security issue.

271 I don't support banning, and I don't think anyone on
272 this committee does. But I do think that we have a very
273 important case relative to divestiture.

274 This legislation would separate TikTok, the company,
275 from Beijing, and its PRC based parent company, and it would
276 separate the data that TikTok collects, its algorithms, and
277 its source code from Beijing.

278 TikTok has over 170 million users in the United States.
279 This is a stunning scale, and that gives it access to the
280 personal data of every single one that is part of the 170
281 million plus users.

282 The national security law of the People's Republic of

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283 China requires all Chinese organizations to, "support,
284 assist, and cooperate with national intelligence efforts'".

285 Under law, ByteDance could be compelled by the Chinese
286 government to provide data on American TikTok users. This is
287 a serious national security threat to the United States and
288 to the privacy of every American, and we can't ignore it.

289 The Protecting Americans' Data from Foreign Adversary
290 Controlled Applications Act will address a known and
291 immediate national security threat, and it will protect
292 Americans' privacy, and it will give this Administration and
293 future administrations the authority to respond to such
294 future national security threats.

295 I know that my colleagues here have heard me say that I
296 served for almost a decade on the House Intelligence
297 Committee, and I am privy to the details of Chinese espionage
298 and the threat that that poses.

299 I raised the alarm on Huawei and ZTE well over a decade
300 ago, and Congress finally took action. We identified the
301 threat posed by equipment manufactured by untrusted suppliers
302 like Huawei and ZTE, and passed the Secure and Trusted
303 Communications Networks Act and the Secure Equipment Act to
304 address those threats.

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305 The precedent for Congress to take this action exists,
306 and we shouldn't delay. The technology we are considering
307 today may be different, but the threat and our duty remain
308 the same.

309 Even when this bill becomes law, we still will need to
310 pass comprehensive privacy legislation that limits what data
311 can be collected and used and to protect Americans' data far
312 better than banning any single company.

313 So with that, Madam Chair, I yield back, general.

314 *The Chair. The gentlelady yields back.

315 Further discussion?

316 The Chair recognizes Mr. Crenshaw for five minutes to
317 speak on the bill.

318 *Mr. Crenshaw. Thank you, Madam Chair. I move to
319 strike the last word.

320 *The Chair. The gentlemen is recognized for five
321 minutes.

322 *Mr. Crenshaw. In 1999, two Chinese generals wrote a
323 doctrine called unrestricted warfare, where they argued that
324 to beat the US, China has to confront the United States in a
325 non-war, non-military sphere of conflict.

326 They wrote that, "warfare is no longer an activity

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327 confined only to the military sphere and that the course of
328 any war could be changed or its outcome decided by political
329 factors, economic factors, diplomatic factors, cultural
330 factors, technological factors, or other nonmilitary
331 factors.''

332 China is at war with us, and they use TikTok as a
333 weapon, or at least they can. It is a platform that 150
334 million users are addicted to and can be persuaded by.

335 As we are seeing just today, if you want to use your
336 TikTok account, you have to put in your zip code so that
337 TikTok can tell you which representative you should call.
338 And that is just the beginning.

339 Imagine when China wants to use it more nefariously.
340 Imagine when they want to truly engage in psychological
341 warfare against the American people. Spread rumors to
342 intimidate us, break down our will, manipulate what we see,
343 manipulate public opinion.

344 They could drive cultural trends. They could drive us
345 into insanity if they wanted, because people are truly
346 addicted to watching that app, and they have all your data.

347 They could tailor that message to speak to each
348 individual. You want to know how you build a super AI

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349 machine? With a lot of data, and they could easily weaponize
350 that when they want to.

351 That is why we are so concerned about this. It is not
352 because we are old and grumpy and don't understand TikTok and
353 how you use it for your business and how you use it to
354 communicate with your friends.

355 I was on social media long before any of the Gen Z's who
356 were mad about TikTok. I understand. But the reality is
357 that TikTok is owned by a Chinese company called ByteDance.
358 Despite their denials, it is actually on their website that
359 their parent company is ByteDance.

360 ByteDance is in China. And when you are in China, you
361 are subject to Chinese laws. And Chinese laws dictate that
362 if they want you to be a spy for China or operate on behalf
363 of the Communist Party, you are obligated to do so.

364 That is just how China works. And so this scenario that
365 I am putting out there where they could manipulate and engage
366 in psychological warfare against the American people, it is
367 not a crazy scenario.

368 It is an absolutely plausible scenario. Worth noting.
369 This legislation doesn't actually ban TikTok. This
370 legislation simply says that it would have to be owned by an

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371 American company. That is it. If it is owned by an American
372 company, then we could all download it and be happy with it
373 and we can watch our dance videos.

374 So that is all this says. I don't think this goes too
375 far. This legislation has been carefully thought through in
376 collaboration with our colleagues across the aisle, in
377 collaboration with experts in the administration.

378 And I urge my colleagues to pass it for the sake of our
379 future, for our future against potentially adversarial
380 Chinese Communist Party, and for the sake of our young
381 people. And I yield back.

382 *The Chair. The gentleman yields back.

383 Further discussion?

384 Are there any amendments?

385 Seeing none, the question now occurs on approving H.R.
386 7521 and a roll call has been requested.

387 The clerk will call the roll.

388 *The Clerk. Burgess?

389 *Mr. Burgess. Burgess says aye.

390 *The Clerk. Burges votes aye.

391 Latta?

392 *Mr. Latta. Aye.

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393 *The Clerk. Latta votes aye.
394 Guthrie?
395 *Mr. Guthrie. Aye.
396 *The Clerk. Guthrie votes aye.
397 Griffith?
398 *Mr. Griffith. Aye.
399 *The Clerk. Griffith votes aye.
400 Bilirakis?
401 *Mr. Bilirakis. Aye.
402 *The Clerk. Bilirakis votes aye.
403 Bucshon?
404 *Mr. Bucshon. Aye.
405 *The Clerk. Bucshon votes aye.
406 Hudson?
407 *Mr. Hudson. Aye.
408 *The Clerk. Hudson votes aye.
409 Walberg?
410 *Mr. Walberg. Aye.
411 *The Clerk. Wahlberg votes aye.
412 Carter?
413 *Mr. Carter. Aye.
414 *The Clerk. Carter votes aye.

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415 Duncan?

416 *Mr. Duncan. Aye.

417 *The Clerk. Duncan votes aye.

418 Palmer?

419 Dunn?

420 *Mr. Dunn. Aye.

421 *The Clerk. Dunn votes aye.

422 Curtis?

423 *Mr. Curtis. Aye.

424 *The Clerk. Curtis votes aye.

425 Lesko?

426 *Mrs. Lesko. Aye.

427 *The Clerk. Lesko votes aye.

428 Pence?

429 *Mr. Pence. Aye.

430 *The Clerk. Pence votes aye.

431 Crenshaw?

432 *Mr. Crenshaw. Aye.

433 *The Clerk. Crenshaw votes aye.

434 Joyce?

435 *Mr. Joyce. Aye.

436 *The Clerk. Joyce votes aye.

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437 Armstrong?
438 *Mr. Armstrong. Yes.
439 *The Clerk. Armstrong votes aye.
440 Weber?
441 *Mr. Weber. Yes.
442 *The Clerk. Weber votes aye.
443 Allen?
444 *Mr. Allen. Allen votes aye.
445 *The Clerk. Allen votes aye.
446 Balderson?
447 *Mr. Balderson. Aye.
448 *The Clerk. Balderson votes aye.
449 Fulcher?
450 *Mr. Fulcher. Aye.
451 *The Clerk. Fulcher votes aye.
452 Pfluger?
453 *Mr. Pfluger. Aye.
454 *The Clerk. Pfluger votes aye.
455 Harshbarger?
456 *Ms. Harshbarger. Yes.
457 *The Clerk. Harshbarger votes aye.
458 Miller-Meeks?

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459 *Ms. Miller-Meeks. Aye.
460 *The Clerk. Miller-Meeks votes aye.
461 Cammack?
462 *Ms. Cammack. Aye.
463 *The Clerk. Cammack votes aye.
464 Oberholte?
465 *Mr. Oberholte. Aye.
466 *The Clerk. Oberholte votes aye.
467 Pallone?
468 *Mr. Pallone. Aye.
469 *The Clerk. Pallone votes aye.
470 Eshoo?
471 *Ms. Eshoo. Aye.
472 *The Clerk. Eshoo votes aye.
473 DeGette?
474 *Ms. DeGette. Aye.
475 *The Clerk. DeGette votes aye.
476 Schakowsky?
477 Matsui?
478 *Ms. Matsui. Aye.
479 *The Clerk. Matsui votes aye.
480 Castor?

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481 *Ms. Castor. Aye.
482 *The Clerk. Castor votes aye.
483 Sarbanes?
484 *Mr. Sarbanes. Aye.
485 *The Clerk. Sarbanes votes aye.
486 Tonko?
487 *Mr. Tonko. Tonko votes aye.
488 *The Clerk. Tonko votes aye.
489 Clarke?
490 *Ms. Clarke. Aye.
491 *The Clerk. Clarke votes aye.
492 Cardenas?
493 *Mr. Cardenas. Aye.
494 *The Clerk. Cardenas votes aye.
495 Ruiz?
496 *Mr. Ruiz. Aye.
497 *The Clerk. Ruiz votes aye.
498 Peters?
499 *Mr. Peters. Aye.
500 *The Clerk. Peters votes aye.
501 Dingell?
502 *Mrs. Dingell. Aye.

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503 *The Clerk. Dingell votes aye.
504 Veasey?
505 *The Clerk. Veasey votes aye.
506 Kuster?
507 *Ms. Kuster. Aye.
508 *The Clerk. Kuster votes aye.
509 Kelly?
510 *Ms. Kelly. Aye.
511 *The Clerk. Kelly votes aye.
512 Barragan?
513 Blunt Rochester?
514 Soto?
515 *Mr. Soto. Aye.
516 *The Clerk. Soto votes aye.
517 Criag?
518 *Ms. Craig. Aye.
519 *The Clerk. Craig votes aye.
520 Schrier?
521 *Ms. Schrier. Aye.
522 *The Clerk. Schrier votes aye.
523 Trahan?
524 *Mrs. Trahan. Aye.

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525 *The Clerk. Trahan votes aye.

526 Fletcher?

527 *Mrs. Fletcher. Aye.

528 *The Clerk. Fletcher votes aye.

529 Chair Rodgers?

530 *The Chair. Aye.

531 *The Clerk. Chair Rodgers votes aye.

532 *The Chair. Is Mr. Palmer recorded?

533 *The Clerk. Mr. Palmer is not recorded.

534 *Mr. Palmer. Aye.

535 *The Clerk. Palmer votes Aye.

536 *The Chair. Madam Clerk, how is Ms. Schakowsky

537 recorded?

538 *The Clerk. Ms. Schakowsky is not recorded.

539 *Ms. Schakowsky. Aye.

540 *The Clerk. Schakowsky votes aye.

541 *The Chair. How is Ms. Barragan recorded?

542 *The Clerk. Ms. Barragan is not recorded.

543 *Ms. Barragan. Aye.

544 *The Clerk. Barragan votes aye.

545 *The Chair. Clerk will report.

546 *The Clerk. Chair Rodgers on that vote, there were 50

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547 ayes and zero noes.

548 *The Chair. The ayes have it and the bill is adopted.

549 Chair calls up H.R. 7520 and asks the clerk to report.

550 *The Clerk. H.R. 7520, a bill to prohibit data brokers

551 from transferring sensitive data of the United States

552 individuals to foreign adversaries and for other purposes _

553 *The Chair. Without objection, the first reading of the

554 bill is dispensed with and the bill will be open for

555 amendment at any point. So ordered.

556 Does anyone seek to be recognized on the bill?

557 [H.R. 7520 follows:]

558

559 *****COMMITTEE INSERT*****

560

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561 *The Chair. Are there any amendments?

562 Mrs. Trahan, for what purpose do you seek recognition?

563 *Mrs. Trahan. Thank you, Chair Rodgers.

564 I have an amendment at the desk number CVNL 017.

565 *The Chair. The clerk will report.

566 *The Clerk. Amendment to H.R. 7520 offered by Ms.

567 Trahan.

568 Page 1, line 4, strike "as thee'" and all that follows
569 through the period at the end of line five and insert, "as a
570 data elimination and limiting extensive tracking and exchange
571 act'" _

572 *The Chair. Without objection, the reading will be
573 dispensed with.

574 The gentlelady is recognized for five minutes in support
575 of her amendment.

576 Mrs. Trahan?

577 [The amendment of Mrs. Trahan follows:]

578

579 *****COMMITTEE INSERT*****

580

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581 *Mrs. Trahan. Well, I would like to thank the Chair and
582 the Ranking Member for calling today's markup. I am thrilled
583 that the Committee has resumed its vital work to protect the
584 privacy of every American, and I commend the Committee for
585 bringing forward the Protecting American Data from Foreign
586 Adversaries Act.

587 Data brokers have recklessly engaged in invasive data
588 trafficking activities that violate our privacy and, in many
589 cases, pose a direct threat to our national security. Madam
590 chair, I would like to submit into the record a study from
591 Duke University that revealed the ease by which foreign
592 actors can purchase data on American service members.

593 *The Chair. Without objections.

594 *Mrs. Trahan. Thank you. In one case in this study,
595 for as little as twelve cents per individual researchers were
596 able to purchase the family histories, credit scores, home
597 addresses, health statuses, and political affiliations for
598 Americans in the military from foreign data brokers, and they
599 were able to do it with little to no vetting.

600 I will say that again. Family histories, credit scores,
601 home addresses, health statuses, and political affiliations.
602 And the same can be done for intelligence officials tasked

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603 with safeguarding our most closely held secrets.

604 This is a grave threat to our men and women in uniform
605 and to our national security. And while the efforts of the
606 Committee today represent an important step forward in
607 reining in the shady and often negligent practices of data
608 brokers, we must do more.

609 The bill in front of us today correctly bans data broker
610 sales to foreign adversaries. Like my colleagues here today,
611 I support that wholeheartedly. However, I am deeply
612 concerned about simple workarounds that would allow an
613 overseas middleman to buy the same data we are seeking to
614 protect and immediately resell it to a hostile nation like
615 China, Russia, Iran, or North Korea.

616 The only way to stop that from happening is to ensure
617 that the data can be taken out of the hands of brokers in the
618 first place. I introduced the bipartisan Delete Act with
619 senators Bill Cassidy and John Ossoff, to give every
620 American, including those brave service members who are
621 courageously defending our country, the right to have data
622 brokers delete and stop collecting their data.

623 And my amendment, which I will withdraw, would take that
624 straightforward approach, and make it part of this important

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625 bill.

626 I know this is a concern shared by many members on both
627 sides of the dais, as well as the officials who briefed us
628 earlier today. And I simply ask that the Chair and Ranking
629 Member work with me to ensure that we are maximizing this
630 legislation's ability to protect Americans' data and
631 strengthen our national security.

632 Why leave any decision over our personal, sensitive data
633 and that of the courageous Americans tasked with defending
634 our nation to data brokers who have shown blatant disregard
635 on how to handle it?

636 Let's work together to get this right. I withdraw my
637 amendment, and I yield back.

638 *The Chair. The gentlelady withdraws her amendment.

639 Are there further amendments?

640 Further discussion?

641 For what purpose does Ms. Eshoo seek recognition?

642 *Ms. Eshoo. I would just like to ask our colleague why
643 she is withdrawing the amendment. It seems to me that there
644 is a really compelling case that she has made, and it is an
645 opportunity for us to do something about it.

646 Why are we pushing that down the road?

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647 *Mr. Pallone. Will the gentlewoman yield?

648 *Ms. Eshoo. Sure, I would be happy to yield.

649 *Mr. Pallone. Let me just say this. What the
650 gentlewoman has, from Massachusetts, has detailed is part of
651 our National Data Privacy Bill, right. And I mean, I think I
652 need to stress to everybody, maybe I didn't stress it enough
653 when I spoke earlier.

654 Our ultimate goal and is shared by Chair Rodgers and I,
655 is to get that bill passed. And so that is an inherent part
656 of that larger bill, and we haven't given up on it. We are
657 still meeting both sides of the aisle, four corners with the
658 Senate to try to move it.

659 So we are not in any way, I mean, not only not ignoring
660 it, we have embraced it completely. So I just wanted you to
661 be aware of that.

662 *Ms. Eshoo. Well, I appreciate the explanation, but we
663 are doing something about data brokers in this. So to me it
664 was a unique opportunity to take up the entirety the broader
665 issue.

666 But with that, I yield back the balance of my time. I
667 just hope, before I yield back, I just hope that it is a
668 policy, that there is a guarantee of taking it up because

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669 this really can't be left on the table. I would have
670 preferred it in this and gotten it done, but I am not in
671 charge. So I yield back.

672 *The Chair. The gentlelady yields back.

673 Further discussion?

674 For what purpose does Ms. Schakowsky seek recognition?

675 *Ms. Schakowsky. I ask to strike the last word.

676 *The Chair. The gentlelady is recognized for five
677 minutes.

678 *Ms. Schakowsky. Thank you.

679 I am in favor of the legislation of Mr. Pallone's, the
680 Protecting American data from legislation, but I also want to
681 say follow up on what he had said.

682 For far too long, data brokers have been operating out
683 of sight of most consumers. People don't really know that
684 there are such thing as data brokers, and they are not only
685 concerned about China or anyone else, they are concerned
686 right now and worried about the data that is being held and
687 used by all kinds of corporations that end up selling that
688 through data brokers.

689 And I wanted to reinforce what Congressman Pallone had
690 said is that what we need to do is to get moving on the

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691 American Data Privacy and Protection Act, that we have to
692 have a comprehensive privacy bill for people.

693 We have to give them the opportunity to opt out from
694 what data brokers are doing and provide them with some power
695 in order to protect themselves.

696 So I think this is a good first step, but I think that
697 as soon as we can, we have to go further. Consumers have
698 been waiting, American consumers have been waiting too long.
699 And with that, I yield back.

700 *The Chair. The gentlelady yields back.

701 The timeline has slipped on that other bill, but the
702 commitment is still very strong. We are working on it.

703 Okay, let's see here.

704 Further discussion?

705 Further amendments?

706 Seeing none, the question occurs on approving H.R. 7520
707 and a roll call has been requested.

708 The clerk will call the roll.

709 *The Clerk. Burgess?

710 *Mr. Burgess. Burgess says aye.

711 *The Clerk. Burgess votes aye.

712 Latta?

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713 Guthrie?
714 *Mr. Guthrie. Aye.
715 *The Clerk. Guthrie votes aye.
716 Griffith?
717 *Mr. Griffith. Aye.
718 *The Clerk. Griffith votes aye.
719 Bilirakis?
720 *Mr. Bilirakis. Aye.
721 *The Clerk. Bilirakis votes aye.
722 Bucshon?
723 *Mr. Bucshon. Aye.
724 *The Clerk. Bucshon votes aye.
725 Hudson?
726 *Mr. Hudson. Aye.
727 *The Clerk. Hudson votes aye.
728 Walberg?
729 *Mr. Walberg. Aye.
730 *The Clerk. Wahlberg votes aye.
731 Carter?
732 *Mr. Carter. Aye.
733 *The Clerk. Carter votes aye.
734 Duncan?

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735 *Mr. Duncan. Aye.
736 *The Clerk. Duncan votes aye.
737 Palmer?
738 *Mr. Palmer. Aye.
739 *The Clerk. Palmer votes aye.
740 Dunn?
741 *Mr. Dunn. Aye.
742 *The Clerk. Dunn votes aye.
743 Curtis?
744 *Mr. Curtis. Aye.
745 *The Clerk. Curtis votes aye.
746 Lesko?
747 *Mrs. Lesko. Aye.
748 *The Clerk. Lesko votes aye.
749 Pence?
750 *Mr. Pence. Aye.
751 *The Clerk. Pence votes aye.
752 Crenshaw?
753 *Mr. Crenshaw. Aye.
754 *The Clerk. Crenshaw votes aye.
755 Joyce?
756 *Mr. Joyce. Aye.

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757 *The Clerk. Joyce votes aye.
758 Armstrong?
759 *Mr. Armstrong. Yes.
760 *The Clerk. Armstrong votes aye.
761 Weber?
762 *Mr. Weber. Aye.
763 *The Clerk. Weber votes aye.
764 Allen?
765 *Mr. Allen. Aye.
766 *The Clerk. Allen votes aye.
767 Balderson?
768 *Mr. Balderson. Aye.
769 *The Clerk. Balderson votes aye.
770 Fulcher?
771 *Mr. Fulcher. Aye.
772 *The Clerk. Fulcher votes aye.
773 Pfluger?
774 *Mr. Pfluger. Aye.
775 *The Clerk. Pfluger votes aye.
776 Harshbarger?
777 *Ms. Harshbarger. Yes.
778 *The Clerk. Harshbarger votes aye.

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779 Miller-Meeks?
780 *Ms. Miller-Meeks. Aye.
781 *The Clerk. Miller-Meeks votes aye.
782 Cammack?
783 *Ms. Cammack. Aye.
784 *The Clerk. Cammack votes aye.
785 Obernolte?
786 *Mr. Obernolte. Aye.
787 *The Clerk. Obernolte votes aye.
788 Pallone?
789 *Mr. Pallone. Aye.
790 *The Clerk. Pallone votes aye.
791 Eshoo?
792 *Ms. Eshoo. Aye.
793 *The Clerk. Eshoo votes aye.
794 DeGette?
795 *Ms. DeGette. Aye.
796 *The Clerk. DeGette votes aye.
797 Schakowsky?
798 *Ms. Schakowsky. Aye.
799 *The Clerk. Schakowsky votes aye.
800 Matsui?

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801 *Ms. Matsui. Aye.
802 *The Clerk. Matsui votes aye.
803 Castor?
804 *Ms. Castor. Aye.
805 *The Clerk. Castor votes aye.
806 Sarbanes?
807 *Mr. Sarbanes. Aye.
808 *The Clerk. Sarbanes votes aye.
809 Tonko?
810 *Mr. Tonko. Aye.
811 *The Clerk. Tonko votes aye.
812 Clarke?
813 *Ms. Clarke. Aye.
814 *The Clerk. Clarke votes aye.
815 Cardenas?
816 *Mr. Cardenas. Aye.
817 *The Clerk. Cardenas votes aye.
818 Ruiz?
819 *Mr. Ruiz. Aye.
820 *The Clerk. Ruiz votes aye.
821 Peters?
822 *Mr. Peters. Aye.

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823 *The Clerk. Peters votes aye.
824 Dingell?
825 *Mrs. Dingell. Aye.
826 *The Clerk. Dingell votes aye.
827 Veasey?
828 *The Clerk. Veasey votes aye.
829 Kuster?
830 *Ms. Kuster. Aye.
831 *The Clerk. Kuster votes aye.
832 Kelly?
833 *Ms. Kelly. Aye.
834 *The Clerk. Kelly votes aye.
835 Barragan?
836 *Ms. Barragan. Aye.
837 *The Clerk. Barragan votes aye.
838 Blunt Rochester?
839 Soto?
840 *Mr. Soto. Aye.
841 *The Clerk. Soto votes aye.
842 Criag?
843 *Ms. Craig. Aye.
844 *The Clerk. Craig votes aye.

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845 Schrier?

846 *Ms. Schrier. Aye.

847 *The Clerk. Schrier votes aye.

848 Trahan?

849 *Mrs. Trahan. Aye.

850 *The Clerk. Trahan votes aye.

851 Fletcher?

852 *Mrs. Fletcher. Aye.

853 *The Clerk. Fletcher votes aye.

854 Chair Rodgers?

855 *The Chair. Aye.

856 *The Clerk. Chair Rodgers votes aye.

857 *The Chair. Madam Clerk, how is Mr. Latta recorded?

858 *The Clerk. Mr. Latta is not recorded.

859 *Mr. Latta. Aye.

860 *The Clerk. Latta votes Aye.

861 *The Chair. Clerk will report.

862 *The Clerk. Chair Rodgers. On that vote, there were 50
863 ayes and zero noes.

864 *The Chair. The ayes have it and the bill is adopted.

865 Without objection, staff is authorized to make technical

866 and conforming changes to the legislation approved by the

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867 Committee today.

868 So ordered.

869 Without objection, the Committee stands adjourned.

870 [Whereupon, at 3:42 p.m., the Committee was adjourned.]