


A large, semi-transparent image of the United States Capitol building in Washington, D.C., serving as the background for the entire page. The building's iconic dome and classical columns are clearly visible.

# US Federal Privacy Legislation Tracker

## Introduced in the 118th Congress (2023-2024)

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A large, semi-transparent green image of the U.S. Capitol building in Washington, D.C., serving as a background for the left side of the page.

**E**fforts to pass U.S. privacy legislation at the federal level have been ongoing for years, with dozens of privacy-related bills working their way through the halls of Congress. Numerous legislators from across the aisle have worked together on legislation addressing all facets of privacy, including individual rights and business obligations, special protections for sensitive information and access, records by law enforcement, and emerging technologies, such as facial recognition and artificial intelligence.









The IAPP Research and Insights team tracks and organizes the privacy-related bills proposed in Congress to keep our members informed of developments within the federal privacy landscape. The tracker includes proposed legislation organized by topic and summarizes the key parts of each bill to shed light on the most impactful provisions. The tracker also illustrates which bills would preempt state law or enable enforcement of a private right of action, two of the most contentious and closely watched issues within the federal privacy law debate. Each bill is color-coded based on the party affiliation of its sponsors and cosponsors: **Democrat sponsors only**, **Republican sponsors only**, **bipartisan (Democrat and Republican) sponsors**.

The tracker is organized by the topics of consumer and individual privacy, health privacy, financial privacy, children's and educational privacy, Federal Trade Commission authority and enforcement, and government restrictions and obligations.

The Westin Research Center will periodically update this tracker. If you are aware of a proposed federal bill that is absent from our list, please feel free to reach out to the contacts provided at the end of this resource.







The bills in the table below establish various consumer rights and business obligations related to privacy. Although they range in scope, their key provisions involve issues such as notice and transparency; opt-in/opt-out consent; rights to access, correction, deletion and data portability; protections for sensitive information; and the designation of privacy officers. Within each table, bills are ordered by number or by earliest date of introduction. The table also indicates whether each bill includes a provision that would preempt state law or establish a private right of action. "Preemption" is a complex term, but its use herein generally refers to the displacement of state laws that afford a greater level of protection to individuals.

### CONSUMER/INDIVIDUAL PRIVACY







Title	Number/Date introduced	Sponsor	Key provisions	Preemption	Private right of action
<b>Informing Consumers about Smart Devices Act</b>	<a href="#">S.90</a> 25 Jan. 2023	Sen. Ted Cruz, R-Texas	Requires manufacturers of internet-connected devices (e.g., smart appliances) equipped with a camera or microphone to disclose that a camera or microphone is part of the device prior to purchase. Does not apply to mobile phones, laptops or other devices a consumer would reasonably expect to include a camera or microphone.		
	<a href="#">H.R.538</a> 26 Jan. 2023	Rep. John Curtis, R-Utah			
<b>Stop Spying Bosses Act</b>	<a href="#">S.262</a> 2 Feb. 2023	Sen. Robert Casey Jr., D-Pa.	Prohibits, or requires the disclosure, surveillance, monitoring and collection of certain worker data by employers. Applies to employers who employ 11 or more covered individuals.		
<b>Upholding Protections for Health and Online Location Data Privacy Act of 2023</b>	<a href="#">S.631</a> 2 March 2023	Sen. Amy Klobuchar, D-Minn.	Establishes protections for personally identifiable health and location data, including the prohibition of health data use for commercial advertising; minimization of health data collection, retention, use and disclosure; prohibition of location data sales to and from data brokers; and rights of access and deletion.		
<b>Data Care Act of 2023</b>	<a href="#">S.744</a> 9 March 2023	Sen. Brian Schatz, D-Hawaii	Imposes various duties, including duty of care, duty of loyalty and duty of confidentiality, on online service providers that collect individual identifying data about end users.		



### CONSUMER/INDIVIDUAL PRIVACY

Title	Number/Date introduced	Sponsor	Key provisions	Preemption	Private right of action
<a href="#">Online Privacy Act of 2023</a>	<a href="#">H.R.2701</a> 19 April 2023	Rep. Anna Eshoo, D-Calif.	Establishes individual privacy rights, including rights of access, correction, deletion, portability, human review of automated decision and individual autonomy, as well as the right to be informed and the right to impermanence. Imposes data minimization requirements on covered entities, as well as prohibitions on disclosure, reidentification, discriminatory processing and use of "dark patterns" in notice and consent. Creates a Digital Privacy Agency responsible for establishing rules and implementing enforcement actions, among other tasks.		
<a href="#">Platform Accountability and Transparency Act</a>	<a href="#">S.1876</a> 8 June 2023	Sen. Christopher Coons, D-Del.	Empowers the National Science Foundation, in consultation with the FTC, to establish privacy-protected, secure pathways for independent research on data held by large internet companies. Requires the FTC to regulate platforms' transparency and public reporting around certain content, user accounts, algorithms, company metrics and data, and content-moderation practices.		
<a href="#">American Innovation and Choice Online Act</a>	<a href="#">S.2033</a> 15 June 2023	Sen. Amy Klobuchar, D-Minn.	Prohibits certain discriminatory behaviors by covered platforms, including those that condition access to, or give preference to, products, services or lines of business in ways that "materially harm competition," impede interoperability and/or restrict portability. Applies to online platforms with 50 million U.S.-based monthly active users, or online platforms with 100,000 U.S.-based monthly active business users that meet certain net annual sales and market capitalization thresholds.		

### CONSUMER/INDIVIDUAL PRIVACY

Title	Number/Date introduced	Sponsor	Key provisions	Preemption	Private right of action
<b>Data Elimination and Limiting Extensive Tracking and Exchange Act</b>	<a href="#">S.2121</a> 22 June 2023  <a href="#">H.R.4311</a> 22 June 2023	Sen. Bill Cassidy, R-La.  Rep. Lori Trahan, D-Mass.	Establishes a centralized system allowing individuals to request deletion of their personal information from data brokers. Requires data brokers, defined as entities that knowingly collect or obtain the personal information of individuals with whom they do not have direct relationships, to register annually with the FTC.		
<b>Algorithmic Justice and Online Platform Transparency Act</b>	<a href="#">S.2325</a> 13 July 2023  <a href="#">H.R.4624</a> 13 July 2023	Sen. Edward Markey, D-Mass.  Rep. Doris Matsui, D-Calif.	Prohibits various discriminatory practices, imposes transparency and notice requirements on online platforms, and establishes a right to data portability for users. Exempts small businesses, which are commercial entities with annual gross revenues less than USD25 million that process the personal information of fewer than 100,000 individuals annually, derive less than half of annual revenue from the transfer of personal data and employ fewer than 50 people.		
<b>No Robot Bosses Act</b>	<a href="#">S.2419</a> 20 July 2023	Sen. Robert Casey Jr., D-Pa.	Prohibits employers from relying exclusively on automated decision-making systems to make decisions regarding employment. Establishes various requirements for automated decision-making system outputs including pre-deployment testing and validation with respect to factors such as potential discriminatory impacts of the system.		

### CONSUMER/INDIVIDUAL PRIVACY

Title	Number/Date introduced	Sponsor	Key provisions	Preemption	Private right of action
<p><b>Deceptive Experiences to Online Users Reduction Act</b></p>	<p><b>S.2708</b> 27 July 2023</p>	<p>Sen. Mark Warner, D-Va.</p>	<p>Prohibits large online operators from manipulating consumers into providing personal information or giving consent. Prohibits the design of online products that lead to compulsive usage by children. Applies to entities that provide an online service, have more than 100,000 authenticated users over a 30-day period and are subject to the FTC's jurisdiction.</p>	<p>⊗</p>	<p>⊗</p>
<p><b>Banning Surveillance Advertising Act of 2023</b></p>	<p><b>S.</b> 18 Sept. 2023 <b>H.R.</b> 18 Sept. 2023</p>	<p>Sen. Cory Booker, D-N.J. Rep. Anna Eshoo, D-Calif.</p>	<p>Prohibits targeted advertising by advertising facilitators and advertisers, with an exception for location targeting. Also explicitly permits contextual advertising.</p>	<p>⊗</p>	<p>✔</p>











The bills in the table below all involve the regulation of health or genetic information or consumer devices, software or applications that collect and process health information, protections for data related to COVID-19 or restrictions/prohibitions on the use of "vaccine passports." Bills are ordered by number or by earliest date of introduction.

### HEALTH PRIVACY

Title	Number/Date introduced	Sponsor	Key provisions	Preemption	Private right of action
<a href="#">HHS Reproductive and Sexual Health Ombuds Act of 2023</a>	<a href="#">H.R.445</a> 20 Jan. 2023	Rep. Nikema Williams, D-Ga.	Establishes an Ombuds for Reproductive and Sexual Health within the Department of Health and Human Services to coordinate with the FTC on collecting information about, and addressing consumer protection and data privacy concerns on, the provision of any services relating to reproductive and sexual health, among other responsibilities.	⊗	⊗
<a href="#">No Vaccine Passports Act</a>	<a href="#">S.181</a> 31 Jan. 2023	Sen. Ted Cruz, R-Texas	Restricts use and disclosure of COVID-19 emergency health data. Applies to any person or government entity that collects, uses or discloses emergency health data or develops a website, mobile app, etc. for the purposes of tracking the COVID-19 public health emergency.	⊗	⊗
<a href="#">My Body, My Data Act of 2023</a>	<a href="#">S.1656</a> 17 May 2023 <a href="#">H.R.3420</a> 17 May 2023	Sen. Mazie Hirono, D-Hawaii Rep. Sara Jacobs, D-Calif.	Enhances privacy protections for personal reproductive or sexual health information by establishing data minimization requirements and restricting employee access to such data. Establishes rights to access, correct and delete individual personal reproductive or sexual health information and requires certain disclosures within privacy policies. Exempts covered entities and business associates under the Health Insurance Portability and Accountability Act.	⊗	✔
<a href="#">Protect Sexual and Reproductive Health Act of 2023</a>	<a href="#">H.R.4281</a> 22 June 2023	Rep. Cori Bush, D-Mo.	Establishes an Office of Sexual and Reproductive Health within HHS. Office responsibilities include consulting with the attorney general and the FTC chair to develop strategies to "protect consumers' privacy when seeking provision of, or information about, sexual and reproductive health care services."	⊗	⊗

The bills in the table below involve financial or taxpayer privacy protections or impose additional requirements or prohibitions on the U.S. Internal Revenue Service or Secretary of the Treasury with respect to the privacy of financial information. Bills are ordered by number or by earliest date of introduction.









### FINANCIAL PRIVACY

Title	Number/Date introduced	Sponsor	Key provisions	Preemption	Private right of action
<b>Data Privacy Act of 2023</b>	<a href="#">H.R.1165</a> 24 Feb. 2023	Rep. Patrick McHenry, R-N.C.	Amends the Gramm-Leach-Bliley Act to modernize the protection of the nonpublic personal information of individuals who have customer or consumer relationships with financial institutions. Establishes consumer rights and imposes institutional obligations regarding privacy policies, notices, opt-out requests, access and deletion.		
<b>Bank Privacy Reform Act</b>	<a href="#">H.R.1220</a> 27 Feb. 2023	Rep. John Rose, R-Tenn.	Reforms the Bank Secrecy Act by imposing confidentiality of records requirements, including search warrants for government authorities to access or obtain copies of customers' financial records.		
<b>Moving Americans Privacy Protection Act</b>	<a href="#">S.758</a> 9 March 2023 <a href="#">H.R.1568</a> 10 March 2023	Sen. Steve Daines, R-Mont. Rep. Michael Waltz, R-Fla.	Amends the Tariff Act of 1930 by revising requirements regarding the public disclosure of personally identifiable information, including Social Security numbers and passport numbers, contained in the manifest of vessels or aircraft entering a U.S. port or place.		
<b>Bank Loan Privacy Act</b>	<a href="#">H.R.1810</a> 27 March 2023	Rep. Blaine Luetkemeyer, R-Mo.	Requires the Bureau of Consumer Financial Protection to issue a rule, through advance notice and comment, before deleting or modifying certain small business loan data, and to describe how such deletions or modifications will advance a privacy interest.		
<b>Protect Taxpayers' Privacy Act</b>	<a href="#">S.1051</a> 29 March 2023	Sen. Mike Braun, R-Ind.	Increases the criminal penalty for the unauthorized disclosure of taxpayer information by federal employees and tax return preparers to USD250,000. Lowers the evidentiary requirements for removing employees who disclose tax return information without authorization.		



The privacy bills in the table below relate to the privacy of children or students and amend the U.S. Children's Online Privacy Protection Act of 1998 or the Family Educational Rights and Privacy Act of 1974. Bills are ordered by number or by earliest date of introduction.

### CHILDREN'S/EDUCATIONAL PRIVACY





Title	Number/Date introduced	Sponsor	Key provisions	Preemption	Private right of action
<b>Children and Teens' Online Privacy Protection Act</b>	<a href="#">S.1418</a> 3 May 2023	Sen. Edward Markey, D-Mass.	Amends COPPA to extend privacy protections to children ages 12-16. Imposes various obligations on covered entities, including the provision of notice and consent, and the prohibition of targeted marketing to teens and children. Applies to operators of websites, online services, online apps and mobile apps targeted at children or minors.		
<b>Privacy in Education Regarding Individuals' Own Data Act</b>	<a href="#">H.R.951</a> 9 Feb. 2023	Rep. Adam Schiff, D-Calif.	Prohibits educational institutions that require students to provide information regarding their menstrual cycles from receiving federal funds.		
<b>Parents Bill of Rights Act</b>	<a href="#">H.R.5</a> 1 March 2023	Rep. Julia Letlow, R-La.	Amends FERPA to prohibit educational agencies or institutions from acting as an agent of a parent with respect to a student's use of technology or with respect to vaccines. Prohibits the sale of student information for commercial or financial gain, requires parental consultation for educational agency or institutional development of privacy policies or procedures, and requires certain information disclosures to parents.		
<b>Kids PRIVACY Act</b>	<a href="#">H.R.2801</a> 24 April 2023	Rep. Kathy Castor, D-Fla.	Expands coverage of COPPA for children's rights to access, correction and deletion, and prohibits targeted marketing to children and teens. Applies to operators of digital services that process any information linked, or reasonably linkable, to a specific teenager, child or their specific consumer device.		

### CHILDREN'S/EDUCATIONAL PRIVACY

Title	Number/Date introduced	Sponsor	Key provisions	Preemption	Private right of action
<p><b>Kids Online Safety Act</b></p>	<p><a href="#">S.1409</a> 2 May 2023</p>	<p>Sen. Richard Blumenthal, D-Conn.</p>	<p>Requires covered platforms, internet-connected apps and services likely to be used by minors, to act in the best interest of underage users, to prevent and mitigate heightened risk of harms, to provide safeguards such as restricted access to personal data and parental control of privacy and account settings, and to disclose information on the use of personalized recommendation systems and targeted advertising.</p>	<p>⊗</p>	<p>⊗</p>
<p><b>Protecting Education Privacy Act</b></p>	<p><a href="#">H.R.4252</a> 21 June 2023</p>	<p>Rep. Blaine Luetkemeyer, R-Mo.</p>	<p>Amends FERPA to clarify that authorized representatives may not "release any personally identifiable information contained in education records" except under certain circumstances.</p>	<p>⊗</p>	<p>⊗</p>

The bills in the table below impose additional requirements on the FTC, expand its scope or authority or establish agencies with similar but narrower privacy-related enforcement missions. Bills are ordered by number or by earliest date of introduction.

### FTC AUTHORITY AND ENFORCEMENT

Title	Number/Date introduced	Sponsor	Key provisions	Preemption	Private right of action
<p><b>Digital Platform Commission Act of 2023</b></p>	<p><a href="#">S.1671</a> 18 May 2023</p>	<p>Sen. Michael Bennet, D-Colo.</p>	<p>Establishes a commission with the rulemaking, investigative and enforcement authority to provide consumer protection for digital platforms, including the creation of age verification and age-appropriate design standards. Gives the commission authority to designate certain digital platforms as "systemically important" and subject them to certain rules.</p>	<p></p>	<p></p>
<p><b>Digital Consumer Protection Commission Act of 2023</b></p>	<p><a href="#">S.2597</a> 27 July 2023</p>	<p>Sen. Elizabeth Warren, D-Mass.</p>	<p>Amends the Clayton Act to establish the Digital Consumer Protection Commission, a body tasked with regulating digital platforms. Gives the commission investigatory, rulemaking and enforcement authority to undertake transparency, competition, privacy and data security reforms in coordination with the FTC.</p>	<p></p>	<p></p>

The bills in the table below involve various restrictions or obligations on U.S. governmental agencies or entities. Bills are ordered by number or by earliest date of introduction.

### GOVERNMENT RESTRICTIONS AND OBLIGATIONS

Title	Number/Date introduced	Sponsor	Key provisions	Preemption	Private right of action
<b>Fourth Amendment Restoration Act</b>	<a href="#">H.R.237</a> 10 Jan. 2023	Rep. Andy Biggs, R-Ariz.	Repeals the Foreign Intelligence Surveillance Act of 1978, imposes prohibitions on surveilling U.S. citizens, limits use of information concerning U.S. citizens acquired during surveillance of non-U.S. citizens and establishes criminal sanctions (i.e., fines and imprisonment) for violations.	⊗	⊗
<b>Facial Recognition and Biometric Technology Moratorium Act of 2023</b>	<a href="#">S.681</a> 7 March 2023 <a href="#">H.R.1404</a> 7 March 2023	Sen. Edward Markey, D-Mass.  Rep. Pramila Jayapal, D-Wash.	Prohibits the federal government from conducting biometric surveillance without explicit statutory authorization and withholds certain federal public safety grants from state and local governments if they engage in biometric surveillance.	⊗	✔
<b>Improving Digital Identity Act of 2023</b>	<a href="#">S.884</a> 21 March 2023	Sen. Kyrsten Sinema, I-Ariz.	Establishes the Improving Digital Identity Task Force within the Executive Office of the President to coordinate a government-wide effort to improve access and enhance security between physical and digital identity credentials. Promotes the development of digital versions of existing physical identity credentials, including driver's licenses, passports, Social Security numbers and birth certificates.	⊗	⊗
<b>Civil Liberties Protection Act of 2023</b>	<a href="#">H.R.4107</a> 14 June 2023	Rep. Warren Davidson, R-Ohio	Establishes a Civil Liberties Protection Officer for the Financial Crimes Enforcement Network within the Department of the Treasury to ensure the protection of civil liberties and privacy, conduct annual privacy impact assessments and fulfill other responsibilities.	⊗	⊗

### GOVERNMENT RESTRICTIONS AND OBLIGATIONS

Title	Number/Date introduced	Sponsor	Key provisions	Preemption	Private right of action
<b>Protecting Americans' Data From Foreign Surveillance Act of 2023</b>	<a href="#">S.1974</a> 14 June 2023 <a href="#">H.R.4108</a> 14 June 2023	Sen. Ron Wyden, D-Ore. Rep. Warren Davidson, R-Ohio	Amends the Export Control Reform Act of 2018 to require export controls for certain personal data of U.S. nationals and individuals in the U.S.	⊗	⊗
<b>Taxpayer Notification and Privacy Act of 2023</b>	<a href="#">S.2111</a> 22 June 2023	Sen. John Barrasso, R-Wyo.	Amends the Internal Revenue Code of 1986 to require the Internal Revenue Service to notify taxpayers whenever their information is sought by third parties for tax administration and other purposes.	⊗	⊗
<b>E-Verify Data Privacy and Wrongful Unemployment Act of 2023</b>	<a href="#">H.R.4430</a> 30 June 2023	Rep. Richard McCormick, R-Ga.	Amends the Immigration and Nationality Act to improve the data privacy of the employment verification system by prohibiting inclusion of data related to race, religion, politics, philosophical beliefs, genetics, biometric information, health information or vaccination status.	⊗	⊗
<b>Speech Privacy Act of 2023</b>	<a href="#">H.R.4417</a> 6 July 2023	Rep. Kelly Armstrong, R-N.D.	Prohibits federal government entities from collecting or requiring the submission of identifying information of individuals who make donations to tax-exempt organizations.	⊗	⊗
<b>Privacy Enhancing Technology Research Act</b>	<a href="#">H.R.4755</a> 9 July 2023	Rep. Haley Stevens, D-Mich.	Requires the Director of the National Science Foundation to support "merit-reviewed and competitively awarded research on privacy enhancing technologies." Directs the Office of Science and Technology Policy to coordinate with the NSF, National Institute of Science and Technology, and FTC to "accelerate the development, deployment, and adoption of privacy enhancing technologies."	⊗	⊗
<b>Purchased Data Inventory Act</b>	<a href="#">S.2292</a> 13 July 2023	Sen. Gary Peters, D-Mich.	Imposes transparency obligations on federal agencies that purchase personally identifying information.	⊗	⊗



### GOVERNMENT RESTRICTIONS AND OBLIGATIONS

Title	Number/Date introduced	Sponsor	Key provisions	Preemption	Private right of action
<p><b>Exploitative Workplace Surveillance and Technologies Task Force Act of 2023</b></p>	<p><a href="#">S.2440</a> 20 July 2023</p>	<p>Sen. Robert Casey Jr., D-Pa.</p>	<p>Establishes an interagency task force chaired by Department of Labor and OSTP representatives focused on employer surveillance practices and technologies used to conduct workplace surveillance.</p>	<p>⊗</p>	<p>⊗</p>
<p><b>Fourth Amendment Is Not For Sale Act</b></p>	<p><a href="#">S.2576</a> 27 July 2023 <a href="#">H.R.4639</a> 14 July 2023</p>	<p>Sen. Ron Wyden, D-Ore.  Rep. Warren Davidson, R-Ohio</p>	<p>Prevents law enforcement and intelligence agencies from "obtaining subscriber or customer records in exchange for anything of value."</p>	<p>⊗</p>	<p>⊗</p>

A large, vertical image of the United States Capitol building in Washington, D.C., rendered in a semi-transparent green tint. The image shows the iconic dome and the neoclassical architecture of the building.

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