

Congress of the United States

Washington, DC 20515

May 21, 2026

The Honorable Tulsi Gabbard
Director of National Intelligence
Washington, D.C. 20511

The Honorable Todd Blanche
Acting Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Director Gabbard and Acting Attorney Blanche:

We write with serious concern regarding the government's failure to prevent the sale to China, Iran, and other adversaries of location data collected from Americans' phones, and in particular, U.S. government employees, including the President, Members of Congress, and employees of the Central Intelligence Agency (CIA) and other intelligence agencies.

As you know, the sale of Americans' location data by data brokers poses a serious threat to U.S. national security, particularly when data about U.S. government employees is sold to foreign governments. Such data can reveal sensitive information that can be exploited for espionage purposes. Recognizing this threat, on February 28, 2024, President Biden issued Executive Order 14117 providing the Department of Justice (DOJ) new authority to prohibit data brokers' sale of sensitive data to countries of concern. As the EO states, "Countries of concern can use AI to target United States persons for espionage or blackmail by, for example, recognizing patterns across multiple unrelated datasets to identify potential individuals whose links to the Federal Government would be otherwise obscured in a single dataset." Accordingly, President Biden directed the DOJ to identify the countries that should be subject to the data sale ban, to establish a threshold for bulk data over which data exports to those countries would be prohibited, and to identify sensitive government sites for which it would be prohibited to sell location data from even one device. DOJ issued the regulations on January 8, 2025, which included identifying the countries of concern, specifying a threshold of 1,000 devices for bulk data transfers, and identifying 736 sensitive U.S. government-related locations, from which the sale of location data from even a single phone to the identified countries of concern is prohibited.

DOJ opted to apply these data sale restrictions to just six countries – China, Russia, Iran, North Korea, Cuba and Venezuela. While DOJ had the power to prohibit the sale of Americans' sensitive location data to other countries, DOJ chose to not do so. DOJ's failure to designate additional countries threatens national security and undermines the effectiveness of the ban on data sales to the countries that DOJ has identified. Specifically, DOJ failed to restrict data sales to other countries that have conducted espionage against Americans, U.S. businesses, or the U.S. government, and that could exploit sensitive location data to harm U.S. national security. Moreover, by not also banning data sales to countries with weak or ineffective privacy laws, DOJ created a huge loophole through which data brokers in such countries can simply resell Americans' data to prohibited countries.

In addition, DOJ's list of 736 sensitive U.S. government-related locations does not include some of the most sensitive U.S. government locations. First, while the list includes the headquarters of and major facilities used by the Director of National Intelligence (DNI), Defense Intelligence Agency, and National Security Agency, the

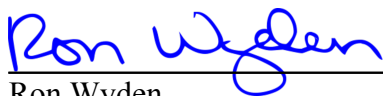
protected locations do not include the headquarters of the CIA, the National Reconnaissance Office or the National Geospatial-Intelligence Agency. Second, important continuity-of-government facilities are not protected. Third, federal labs that design and manufacture nuclear weapons are not protected. Fourth, the White House, Congress, and the Supreme Court are all unprotected. While DOJ's list includes a large zone covering all of Southwest Washington, D.C., and much of Arlington, Virginia, that zone ends one block from the U.S. Capitol and just a few blocks south of the White House. In contrast, DOJ's list of protected locations does include the Vice President's home at the Naval Observatory and Ft. McNair, where Secretary of State Rubio, Secretary of Defense Hegseth, and White House senior advisor Stephen Miller all reportedly live in government housing.

Rather than cherry picking particular government facilities while omitting others, DOJ should simply have designated the entire National Capital Region as a sensitive U.S. government-related location. This approach would have been far more thorough, would protect all of the previously described government facilities, and would also protect covert facilities that cannot be publicly linked to the government. There are no legal restrictions that would have barred DOJ from designating the entire National Capital Region as a sensitive U.S. government-related location. Indeed, DOJ's existing list already includes several very large protection zones, including 70,000 square miles of Florida containing Tallahassee, Panama City Beach, St. Petersburg, and most of Tampa, and 16,000 square miles of Washington and Oregon.

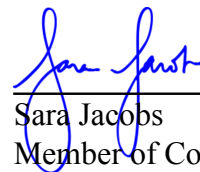
While DOJ's haphazard implementation of Executive Order 14117 occurred during the final days of the Biden Administration, this Administration has had more than a year to identify and correct those mistakes, yet has taken no public action to date. Given the serious national security threat posed by the ongoing sale of data to foreign adversaries from sensitive U.S. government facilities, we urge DOJ and the DNI to promptly act to address these problems. DOJ should replace the incomplete list of sensitive U.S. government-related locations in and around Washington, D.C., with a protection zone covering the entire National Capital Region. DOJ should also work with the DNI to expand the list of countries of concern to include those that conduct surveillance against Americans, U.S. businesses or the U.S. government or are otherwise likely to exploit sensitive personal data in ways harmful to U.S. national security. The list of countries of concern should also be expanded to include those with weak or ineffective privacy laws to prevent the resale of Americans' data by data brokers in those countries to foreign adversaries like China and Iran.

Thank you for your attention to this important matter.

Sincerely,



Ron Wyden
United States Senator



Sara Jacobs
Member of Congress



Martin Heinrich
United States Senator

CC: Chris Wright, Secretary, Department of Energy
John L. Ratcliffe, Director, Central Intelligence Agency
Chris Scolese, Director, National Reconnaissance Office
Michele Bredenkamp, Director, National Geospatial-Intelligence Agency