

118TH CONGRESS
1ST SESSION

H. R. 742

To require that any person that maintains an internet website or that sells or distributes a mobile application that stores and maintains information collected from such website or application in the People's Republic of China to disclose that such information is stored and maintained in the People's Republic of China and whether the Chinese Communist Party or a Chinese State-owned entity has access to such information.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2023

Mr. DUNCAN (for himself, Ms. KAPTUR, and Mr. PERRY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require that any person that maintains an internet website or that sells or distributes a mobile application that stores and maintains information collected from such website or application in the People's Republic of China to disclose that such information is stored and maintained in the People's Republic of China and whether the Chinese Communist Party or a Chinese State-owned entity has access to such information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Telling Everyone the
3 Location of data Leaving the U.S. Act” or the “TELL
4 Act”.

5 **SEC. 2. COUNTRY DISCLOSURE REQUIREMENTS.**

6 (a) DISCLOSURE REQUIREMENTS.—Any person that
7 maintains an internet website or that sells or distributes
8 a mobile application that stores and maintains information
9 collected from such website or application in the People’s
10 Republic of China shall disclose to any individual who
11 downloads or otherwise uses such website or application,
12 in a clear and conspicuous manner, the following:

13 (1) That such information is stored and main-
14 tained in the People’s Republic of China.

15 (2) Whether the Chinese Communist Party or
16 a Chinese State-owned entity has access to such in-
17 formation.

18 (b) FALSE INFORMATION.—It shall be unlawful for
19 a person required to disclose information under subsection
20 (a) to knowingly disclose false information under such
21 subsection.

22 **SEC. 3. ENFORCEMENT.**

23 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
24 A violation of this Act shall be treated as a violation of
25 a rule defining an unfair or deceptive act or practice pre-

1 scribed under section 18(a)(1)(B) of the Federal Trade
2 Commission Act (15 U.S.C. 57a(a)(1)(B)).

3 (b) POWERS OF FEDERAL TRADE COMMISSION.—

4 (1) IN GENERAL.—The Federal Trade Commis-
5 sion shall enforce this Act in the same manner, by
6 the same means, and with the same jurisdiction,
7 powers, and duties as though all applicable terms
8 and provisions of the Federal Trade Commission Act
9 (15 U.S.C. 41 et seq.) were incorporated into and
10 made a part of this Act.

11 (2) PRIVILEGES AND IMMUNITIES.—Any person
12 that violates this Act shall be subject to the pen-
13 alties, and entitled to the privileges and immunities,
14 provided in the Federal Trade Commission Act (15
15 U.S.C. 41 et seq.).

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