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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. DUNCAN introduced the following bill; which was referred to the
Committee on _____

A BILL

To require that any person that maintains an Internet website or that sells or distributes a mobile application that maintains and stores information collected from such website or application in China to disclose that such information is stored and maintained in 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 maintains and stores information
9 collected from such website or application in China shall
10 disclose to any individual who downloads or otherwise uses
11 such application, in a clear and conspicuous manner, the
12 following—

13 (1) that such information is maintained and
14 stored in China; and

15 (2) whether the Chinese Communist Party or a
16 Chinese state-owned entity has access to such infor-
17 mation.

18 (b) **FALSE INFORMATION.**—It shall be unlawful for
19 the developer or publisher of such an application to know-
20 ingly provide false information with respect to the infor-
21 mation required under this section.

22 **SEC. 3. ENFORCEMENT.**

23 (a) **UNFAIR AND 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 (including the provisions of subsections (l) and
14 (m) of section 5 of such Act which provide for a
15 maximum civil penalty per violation of \$42,350 (as
16 of February 14, 2019)), and entitled to the privi-
17 leges and immunities, provided in the Federal Trade
18 Commission Act (15 U.S.C. 41 et seq.).