# Amendment in the Nature of a Substitute to H.R. 742 Offered by M .

Strike all after the enacting clause and insert the following:

# 1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Telling Everyone the3 Location of data Leaving the U.S. Act" or the "TELL4 Act".

# 5 SEC. 2. COUNTRY DISCLOSURE REQUIREMENTS.

6 (a) DISCLOSURE REQUIREMENTS.—Any person that owns, provides, or controls an internet website or that sells 7 or distributes a mobile application that stores and main-8 9 tains, in the People's Republic of China, information about individuals that is collected from such website or applica-10 11 tion shall clearly and conspicuously disclose to any indi-12 vidual who downloads or otherwise uses such website or 13 application in the United States the following:

- 14 (1) That such information is stored and main-15 tained in the People's Republic of China.
- 16 (2) Whether the Chinese Communist Party or
  17 a Chinese state-owned entity has access to such in18 formation.

(b) FALSE INFORMATION.—It shall be unlawful for
 a person required to make a disclosure under subsection
 (a) to knowingly disclose false information under such
 subsection.

#### 5 SEC. 3. ENFORCEMENT.

6 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
7 A violation of this Act shall be treated as a violation of
8 a rule defining an unfair or deceptive act or practice pre9 scribed under section 18(a)(1)(B) of the Federal Trade
10 Commission Act (15 U.S.C. 57a(a)(1)(B)).

11 (b) POWERS OF FEDERAL TRADE COMMISSION.—

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

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

24 (3) AUTHORITY PRESERVED.—Nothing in this
25 Act shall be construed to limit the authority of the

Federal Trade Commission under any other provi sion of law.

#### 3 SEC. 4. INDIVIDUAL DEFINED.

4 In this Act, the term "individual" means a natural5 person residing in the United States.

### 6 SEC. 5. EFFECTIVE DATE.

7 This Act shall take effect on the date that is 180 days8 after the date of the enactment of this Act.

Amend the title so as to read: "A bill to require any person that owns, provides, or controls an internet website or that sells or distributes a mobile application that stores and maintains, in the People's Republic of China, information about individuals that is collected from such website or application 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.".

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