

118TH CONGRESS
1ST SESSION

H. R. 6410

To prohibit persons from storing the covered data of covered platforms in the United States in a foreign adversary or permitting governmental officials of foreign adversaries to access the covered data, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2023

Mrs. LUNA (for herself, Mrs. MILLER of Illinois, Mr. NORMAN, and Mr. SANTOS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit persons from storing the covered data of covered platforms in the United States in a foreign adversary or permitting governmental officials of foreign adversaries to access the covered data, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “U.S. Data on U.S.
5 Soil Act”.

1 **SEC. 2. STORAGE AND ACCESS BY FOREIGN ADVERSARY OF**
2 **COVERED DATA.**

3 (a) REGULATIONS.—Not later than 1 year after the
4 date of the enactment of this Act, the Commission shall
5 promulgate, under section 553 of title 5, United States
6 Code, regulations in accordance with this section that pro-
7 hibit a person, with respect to the covered data of any
8 covered platform in the United States, from knowingly—

9 (1) storing the covered data of the covered plat-
10 form in a physical data center in a foreign adver-
11 sary; or

12 (2) permitting a governmental official of a for-
13 eign adversary to access the covered data.

14 (b) ENFORCEMENT BY COMMISSION.—

15 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
16 TICES.—A violation of this section or a regulation
17 promulgated under this section shall be treated as a
18 violation of a regulation under section 18(a)(1)(B)
19 of the Federal Trade Commission Act (15 U.S.C.
20 57a(a)(1)(B)) regarding unfair or deceptive acts or
21 practices.

22 (2) POWERS OF COMMISSION.—The Commis-
23 sion shall enforce this section and the regulations
24 promulgated under this section in the same manner,
25 by the same means, and with the same jurisdiction,
26 powers, and duties as though all applicable terms

1 and provisions of the Federal Trade Commission Act
2 (15 U.S.C. 41 et seq.) were incorporated into and
3 made a part of this section. Any person who violates
4 this section or a regulation promulgated under this
5 section shall be subject to the penalties and entitled
6 to the privileges and immunities provided in the
7 Federal Trade Commission Act.

8 (c) RELATIONSHIP TO STATE LAWS.—

9 (1) PREEMPTION.—Nothing in this Act, or a
10 regulation promulgated under this Act, shall be con-
11 strued to preempt, displace, or supplant any State
12 law, except to the extent that a provision of State
13 law conflicts with a provision of this Act, or a regu-
14 lation promulgated under this Act, and then only to
15 the extent of the conflict.

16 (2) GREATER PROTECTION UNDER STATE
17 LAW.—For purposes of this subsection, a provision
18 of State law does not conflict with a provision of this
19 Act, or a regulation promulgated under this Act, if
20 such provision of State law provides greater privacy
21 protection or security of covered data than the pri-
22 vacy protection or security provided by such provi-
23 sion of this Act or such regulation.

1 (d) SAVINGS CLAUSE.—Nothing in this section may
2 be construed to limit the authority of the Commission
3 under any other provision of law.

4 (e) REPORT TO CONGRESS.—Not later than 1 year
5 after the date of the enactment of this Act, the Commis-
6 sion, in consultation with the Attorney General, shall sub-
7 mit to Congress a report on the implementation and en-
8 forcement of this section.

9 (f) DEFINITIONS.—In this section:

10 (1) COMMISSION.—The term “Commission”
11 means the Federal Trade Commission.

12 (2) COVERED DATA.—The term “covered data”
13 means information that identifies or is linked or rea-
14 sonably linkable, alone or in combination with other
15 information, to an individual who is a national of the
16 United States or a device that identifies or is linked
17 or reasonably linkable to such an individual, and
18 may include derived data and unique persistent iden-
19 tifiers.

20 (3) COVERED PLATFORM.—The term “covered
21 platform” means any website, desktop application,
22 or mobile application that is consumer-facing, sells
23 digital advertising space, and has more than
24 100,000,000 monthly active users for a majority of
25 months during the preceding 12 months.

1 (4) FOREIGN ADVERSARY.—The term “foreign
2 adversary”—

3 (A) has the meaning given that term in
4 section 8(c)(2) of the Secure and Trusted Com-
5 munications Networks Act of 2019 (47 U.S.C.
6 1607(c)(2)); and

7 (B) includes—

8 (i) the People’s Republic of China, in-
9 cluding the Hong Kong Special Adminis-
10 trative Region (China);

11 (ii) the Republic of Cuba (Cuba);

12 (iii) the Islamic Republic of Iran
13 (Iran);

14 (iv) the Democratic People’s Republic
15 of Korea (North Korea);

16 (v) the Russian Federation (Russia);

17 and

18 (vi) Venezuelan politician Nicolas
19 Maduro (Maduro Regime).

20 (5) NATIONAL OF THE UNITED STATES.—The
21 term “national of the United States” has the mean-
22 ing given that term in section 101(a)(22) of the Im-
23 migration and Nationality Act (8 U.S.C.
24 1101(a)(22)).

1 (6) STATE.—The term “State” means each
2 State of the United States, the District of Columbia,
3 each commonwealth, territory or possession of the
4 United States, and each federally recognized Indian
5 Tribe.

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