

117TH CONGRESS  
1ST SESSION

# H. R. 3801

To require the Secretary of Commerce and Federal Trade Commission to conduct an assessment and analysis of regulations regarding data localization and to establish a compendium of such laws and develop a means for maintaining, tracking, and updating such compendium.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2021

Mr. UPTON introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require the Secretary of Commerce and Federal Trade Commission to conduct an assessment and analysis of regulations regarding data localization and to establish a compendium of such laws and develop a means for maintaining, tracking, and updating such compendium.

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 “Showing How Isola-  
5       tionism Effects Long-term Development Act” or the  
6       “SHIELD Act”.

1 **SEC. 2. DATA LOCALIZATION COMPENDIUM.**

2 (a) IN GENERAL.—Not later than 2 years after the  
3 date of enactment of this Act, the Secretary of Commerce  
4 and the Federal Trade Commission shall jointly conduct  
5 a study on electronic commerce, including data sharing  
6 and data flow, and its impact on the United States econ-  
7 omy.

8 (b) REQUIREMENTS FOR STUDY.—In conducting the  
9 study, the Secretary and the Commission shall survey elec-  
10 tronic commerce, including data sharing and data flow,  
11 through outreach to participating entities to—

12 (1) review and determine the economic benefit  
13 of the free transfer of data;

14 (2) review and determine the impact digital  
15 trade barriers (limited to non-tariff trade barriers)  
16 have on the United States economy and business de-  
17 velopment; and

18 (3) review any data agreement to determine the  
19 benefits such agreements have on commerce.

20 (c) COMPENDIUM.—The Secretary and Commission  
21 shall establish a compendium of data localization regula-  
22 tions (such as regulations requiring that any data main-  
23 tained about an individual be maintained where such indi-  
24 vidual resides and where such information was collected)  
25 and develop a means for maintaining, tracking, and updat-  
26 ing such compendium. The Secretary and Commission

1 shall update such compendium as appropriate, but not less  
2 than annually.

3 (d) REPORT TO CONGRESS.—The Secretary and the  
4 Commission shall transmit to the Committee on Energy  
5 and Commerce of the House of Representatives and the  
6 Committee on Commerce, Science, and Transportation of  
7 the Senate a report that contains—

8 (1) the results of the study conducted under  
9 subsection (a); and

10 (2) recommendations to develop any legislation  
11 to promote United States economic activity through  
12 electronic commerce, including data sharing and  
13 data flows, and any related consumer protection  
14 issues.

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