AMENDMENT TO RULES COMM. PRINT 117–13
OFFERED BY MR. BERGMAN OF MICHIGAN

At the appropriate place in title LX of division E, insert the following:

SEC. ___. DETERMINATION REGARDING WECHAT AND TIKTOK.

(a) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a determination whether WeChat, any component thereof, or any entity owned or controlled by WeChat, or TikTok, any component thereof, or any entity owned or controlled by TikTok, have—

(1) engaged in the theft of any user’s data or transmitted such data in an unauthorized manner; or

(2) provided access to such data to any of the following:

(A) A communist country, as such term is defined in section 620(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)(1)).

(B) A foreign adversary, as such term is defined in Executive Order 13920 (85 Fed.
Reg. 26595; relating to securing the United States bulk-power system), including the list, as in effect on January 19, 2021, of foreign adversaries identified by the Office of Electricity of the Department of Energy pursuant to such Executive Order on July 7, 2020.

(C) A country the government of which the Secretary of State determines has repeatedly provided support for international terrorism, pursuant to—

(i) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A));

(ii) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(iii) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(iv) any other provision of law.

(D) The Chinese Communist Party.

(b) FORM.—The determination required by subsection (a) shall be submitted in unclassified form but may contain a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For purposes of this section, the term “appropriate congressional committees” means—
(1) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate.