

AMENDMENT TO RULES COMMITTEE
PRINT 117-13
OFFERED BY MR. GOODEN OF TEXAS

At the end of subtitle E of title VIII, insert the following:

1 SEC. 856. LIMITATION ON AVAILABILITY OF FUNDS FOR BIG
2 TECH MONOPOLIES.

3 (a) IN GENERAL.—None of the funds authorized to
4 be appropriated by this Act or otherwise made available
5 for fiscal year 2022 for the Department of Defense may
6 be obligated or expended with respect to any covered plat-
7 form that the Attorney General or the Commission deter-
8 mines has created, or maintains, an unlawful monopoly.

9 (b) COVERED PLATFORM DESIGNATION.—Not later
10 than 120 days after the date of the enactment of this sec-
11 tion, the Attorney General or the Commission shall des-
12 ignate whether an entity is a covered platform for the pur-
13 pose of implementing this section. Such designation
14 shall—

15 (1) be based on a finding that the criteria set
16 forth in clauses (i) through (iii) of subsection
17 (d)(1)(B) are met;

1 (2) be issued in writing and published in the
2 Federal Register; and

3 (3) will apply for 10 years from its issuance re-
4 gardless of whether there is a change in control or
5 ownership over the covered platform unless the At-
6 torney General or the Commission removes the des-
7 ignation pursuant to subsection (c).

8 (c) REMOVAL OF COVERED PLATFORM DESIGNA-
9 TION.—The Attorney General or the Commission shall—

10 (1) consider whether its designation of a cov-
11 ered platform pursuant to subsection (b) should be
12 removed prior to the expiration of the 10-year period
13 if the covered platform operator files a request with
14 the Attorney General or the Commission, which
15 shows that the online platform is no longer a critical
16 trading partner;

17 (2) determine whether to grant a request sub-
18 mitted under paragraph (1) not later than 120 days
19 after the date of the filing of such request; and

20 (3) obtain the concurrence of the Attorney Gen-
21 eral or the Commission, as appropriate, before
22 granting a request submitted under paragraph (1).

23 (d) DEFINITIONS.—In this section:

24 (1) COVERED PLATFORM.—the term “covered
25 platform” means an online platform—

1 (A) that has been designated as a “covered
2 platform” under subsection (b); or

3 (B) that—

4 (i) at the time of the Attorney Gen-
5 eral’s or the Commission’s designation
6 under subsection (b), or any of the twelve
7 months preceding that time—

8 (I) has at least 50,000,000
9 United States-based monthly active
10 users on the online platform; or

11 (II) has at least 100,000 United
12 States-based monthly active business
13 users on the platform;

14 (ii) is owned or controlled by a person
15 with net annual sales, or a market capital-
16 ization greater than \$600,000,000,000 at,
17 adjusted for inflation on the basis of the
18 Consumer Price Index, the time of the At-
19 torney General’s or the Commission’s des-
20 ignation under subsection (b) or any of the
21 two years preceding that time; or

22 (iii) is a critical trading partner for
23 the sale or provision of any product or
24 service offered on or directly related to the
25 online platform.

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

