AMENDMENT TO RULES COMMITTEE
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OFFERED BY MR. GOODEN OF TEXAS

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

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

(a) In General.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2022 for the Department of Defense may be obligated or expended with respect to any covered platform that the Attorney General or the Commission determines has created, or maintains, an unlawful monopoly.

(b) Covered Platform Designation.—Not later than 120 days after the date of the enactment of this section, the Attorney General or the Commission shall designate whether an entity is a covered platform for the purpose of implementing this section. Such designation shall—

(1) be based on a finding that the criteria set forth in clauses (i) through (iii) of subsection (d)(1)(B) are met;
(2) be issued in writing and published in the Federal Register; and

(3) will apply for 10 years from its issuance regardless of whether there is a change in control or ownership over the covered platform unless the Attorney General or the Commission removes the designation pursuant to subsection (c).

(c) REMOVAL OF COVERED PLATFORM DESIGNATION.—The Attorney General or the Commission shall—

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

(2) determine whether to grant a request submitted under paragraph (1) not later than 120 days after the date of the filing of such request; and

(3) obtain the concurrence of the Attorney General or the Commission, as appropriate, before granting a request submitted under paragraph (1).

(d) DEFINITIONS.—In this section:

(1) COVERED PLATFORM.—the term “covered platform” means an online platform—
(A) that has been designated as a “covered platform” under subsection (b); or

(B) that—

(i) at the time of the Attorney General’s or the Commission’s designation under subsection (b), or any of the twelve months preceding that time—

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

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

(ii) is owned or controlled by a person with net annual sales, or a market capitalization greater than $600,000,000,000 at, adjusted for inflation on the basis of the Consumer Price Index, the time of the Attorney General’s or the Commission’s designation under subsection (b) or any of the two years preceding that time; or

(iii) is a critical trading partner for the sale or provision of any product or service offered on or directly related to the online platform.
(2) COMMISSION.—The term “Commission” means the Federal Trade Commission.