AMENDMENT TO RULES COMMITTEE PRINT

118–10

OFFERED BY MR. TORRES OF NEW YORK

Add at the end of subtitle C of title XVIII the following:

SEC. 18. PROHIBITION ON THE USE OF CERTAIN FINANCIAL SERVICE APPLICATIONS ON GOVERNMENT PHONES.

(a) Prohibition.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, and the Secretary of Defense, and consistent with the information security requirements under subchapter II of chapter 35 of title 44, United States Code, shall develop standards and guidelines for executive agencies requiring the removal of any covered application from information technology.

(2) Exceptions.—The standards and guidelines developed under paragraph (1)—
(A) shall include exceptions to the requirement described under such paragraph as follows:

(i) An exception for law enforcement activities.

(ii) An exception for national security interests and activities.

(iii) An exception for security researchers.

(iv) An exception that allows financial regulators to test the covered application for compliance or other purposes in accordance with any requirement from the national security agencies, including the Department of Homeland Security, the Department of Defense, and the Central Intelligence Agency, that ensures the covered application is not able to access information from the financial regulator;

(B) shall include for any authorized use of a covered application under an exception, requirements for agencies to develop and document risk mitigation actions for such use; and

(C) may include any exception determined necessary for the national interest by the Direc-
tor of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, and the Secretary of Defense.

(b) Definitions.—In this section:

(1) Covered application.—

(A) In general.—The term “covered application” means any financial service application domiciled in a jurisdiction controlled by the People’s Republic of China or controlled by an entity domiciled in a jurisdiction controlled by the Chinese Communist Party.

(B) Controlled defined.—In this paragraph, “controlled” means any entity with at least a 10 percent voting interest.

(2) Executive agency.—The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

(3) Information technology.—The term “information technology” has the meaning given that term in section 11101 of title 40, United States Code.