

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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August 7, 2020

The Honorable John Ratcliffe
Director of National Intelligence
Office of the Director of National Intelligence
1500 Tysons McLean Drive
McLean, V.A. 22102

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535-0001

Dear Director Ratcliffe and Director Wray:

I write today to formalize the Subcommittee on National Security's request for an interagency, classified staff briefing on the counterintelligence, economic, and geopolitical risks of foreign-owned and operated smartphone applications.

On August 6, 2020, President Trump signed two executive orders that would prohibit U.S. persons and companies from doing business with the popular smartphone applications TikTok and WeChat after 45 days. According to the executive orders, "the spread in the United States of mobile applications developed and owned by companies in the People's Republic of China (China) continues to threaten the national security, foreign policy, and economy of the United States."¹

The Subcommittee on National Security has been investigating the national security risks of foreign-owned and operated smartphone applications since December 2019. On February 26, 2020, I wrote to Federal Bureau of Investigation (FBI) Director Christopher Wray and then Acting Director of Intelligence Richard Grenell, asking for the Intelligence Community's assessment of whether "mobile applications developed, operated, or owned by foreign entities are a potential national security risk[.]"²

On July 7, 2020, the Office of the Director of National Intelligence (ODNI) told the Subcommittee that the key risk factors from foreign-developed applications are:

¹ The White House, *Executive Order on Addressing the Threat Posed by TikTok* (Aug. 6, 2020) (online at www.whitehouse.gov/presidential-actions/executive-order-addressing-threat-posed-tiktok/); The White House, *Executive Order on Addressing the Threat Posed by WeChat* (Aug. 6, 2020) (online at www.whitehouse.gov/presidential-actions/executive-order-addressing-threat-posed-wechat/).

² Letter from Chairman Stephen F. Lynch, Subcommittee on National Security, to Director Christopher A. Wray, Federal Bureau of Investigation, and Acting Director Richard Grenell, Director of National Intelligence (Feb. 26, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-02-26%20SFL%20to%20ODNI%20FBI%20re%20Apps.pdf>).

- Clear foreign government intent to harm U.S. interests;
- Technical skills and capabilities that would enable them to conduct supply chain operations;
- The nature of the information produced, collected, or stored by an application; and
- A legal/governance regime that would enable the foreign country to easily utilize commercial application developers for their foreign intelligence operations.³

In addition, on July 10, 2020, the FBI wrote to the Subcommittee:

[I]f users voluntarily provide information to a mobile application that is based in a foreign country or that stores information in a foreign country, the information is subject to the respective foreign country's laws, which may allow its acquisition by that country's government.⁴

These privacy and national security risks are not limited to Chinese applications; ODNI also highlighted in its response to the Subcommittee that "Russian firms that develop, own or operate mobile applications would be unable to resist attempts by Moscow to share U.S. person data that they collect."⁵

In light of the executive orders, the Trump Administration must provide Congress with additional information on the Intelligence Community's assessment of the risks of foreign smartphone applications, including WeChat and TikTok, so that we can make informed, targeted policy decisions that promote democratic values while protecting data privacy and U.S. national security. For these reasons, I respectfully request that you provide our Subcommittee with an interagency, classified staff briefing by Friday, August 14, 2020.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

³ Letter from Office of Director of National Intelligence to Chairman Stephen F. Lynch, Subcommittee on National Security, Committee on Oversight and Reform (July 7, 2020) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Unclassified%20NCSC%20Info%20for%20Rep%20Lynch_0.pdf).

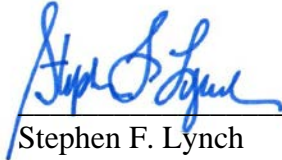
⁴ Letter from Assistant Director Jill C. Tyson, Federal Bureau of Investigation, to Chairman Stephen F. Lynch, Subcommittee on National Security, Committee on Oversight and Reform (July 10, 2020) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/20200710_FBI_Response_to_Chairman_Lynch_incoming_20200226.pdf).

⁵ Letter from Office of Director of National Intelligence to Chairman Stephen F. Lynch, Subcommittee on National Security, Committee on Oversight and Reform (July 7, 2020) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Unclassified%20NCSC%20Info%20for%20Rep%20Lynch_0.pdf).

The Honorable John Ratcliffe
The Honorable Christopher A. Wray
Page 3

Thank you for your urgent attention to this matter. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Stephen F. Lynch
Chairman
Subcommittee on National Security

cc: The Honorable Glenn Grothman, Ranking Member