

118TH CONGRESS
1ST SESSION

H. R. 1081

To protect Americans from the threat posed by certain foreign adversaries using current or potential future social media companies that those foreign adversaries control to surveil Americans, gather sensitive data about Americans, or spread influence campaigns, propaganda, and censorship.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2023

Mr. GALLAGHER (for himself and Mr. KRISHNAMOORTHY) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To protect Americans from the threat posed by certain foreign adversaries using current or potential future social media companies that those foreign adversaries control to surveil Americans, gather sensitive data about Americans, or spread influence campaigns, propaganda, and censorship.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Averting the National
5 Threat of Internet Surveillance, Oppressive Censorship

1 and Influence, and Algorithmic Learning by the Chinese
2 Communist Party Act” or the “ANTI-SOCIAL CCP Act”.

3 **SEC. 2. PROTECTING AMERICANS FROM SOCIAL MEDIA**
4 **COMPANIES CONTROLLED BY COUNTRIES OF**
5 **CONCERN.**

6 (a) PROHIBITED COMMERCIAL TRANSACTIONS.—

7 (1) IN GENERAL.—On and after the date that
8 is 30 days after the date of the enactment of this
9 Act, the President shall exercise all the powers
10 granted to the President under the International
11 Emergency Economic Powers Act (50 U.S.C. 1701
12 et seq.) to the extent necessary to block and prohibit
13 all transactions in all property and interests in prop-
14 erty of a social media company described in sub-
15 section (b) if such property and interests in prop-
16 erty—

17 (A) are in the United States or come with-
18 in the United States; or

19 (B) to the extent necessary to prevent
20 commercial operation of the social media com-
21 pany in the United States, are or come within
22 the possession or control of a United States
23 person.

24 (2) INAPPLICABILITY OF CERTAIN PROVI-
25 SIONS.—The requirements of section 202 and the

1 limitations under section 203(b) of the International
2 Emergency Economic Powers Act (50 U.S.C. 1701
3 and 1702(b)) shall not apply for purposes of this
4 section.

5 (b) SOCIAL MEDIA COMPANY DESCRIBED.—

6 (1) IN GENERAL.—A social media company de-
7 scribed in this subsection is a social media company
8 that meets one or more of the following conditions:

9 (A) The company is domiciled in, has its
10 principal place of business in, has its head-
11 quarters in, or is organized under the laws of
12 a country of concern.

13 (B) A country of concern, entity of con-
14 cern, or some combination thereof, directly or
15 indirectly owns, controls with the ability to de-
16 cide important matters, or holds with power to
17 vote, 20 percent or more of the outstanding vot-
18 ing stock or shares of the company.

19 (C) The company employs software or al-
20 gorithms controlled or whose export is re-
21 stricted by a country of concern or entity of
22 concern.

23 (D) The company is subject to substantial
24 influence, directly or indirectly, from a country

1 of concern or entity of concern owing to
2 which—

3 (i) the company shares or could be
4 compelled to share data on United States
5 citizens with a country of concern or entity
6 of concern; or

7 (ii) the content moderation practices
8 of the company are subject to substantial
9 influence from a country of concern or en-
10 tity of concern.

11 (2) DEEMED COMPANIES.—The following com-
12 panies shall be deemed to be social media companies
13 described in this subsection as of the date of the en-
14 actment of this Act unless and until the date on
15 which the President certifies to Congress that the
16 company no longer meets any of the conditions de-
17 scribed in paragraph (1):

18 (A) Bytedance, Ltd.

19 (B) TikTok.

20 (C) A subsidiary of or a successor com-
21 pany to a company listed in subparagraph (A),
22 (B), or (C).

23 (D) A company owned or controlled di-
24 rectly or indirectly by a company listed in sub-
25 paragraph (A), (B), or (C).

1 (c) EXCEPTIONS.—

2 (1) INTELLIGENCE ACTIVITIES.—Sanctions
3 under this section shall not apply to any activity
4 subject to the reporting requirements under title V
5 of the National Security Act of 1947 (50 U.S.C.
6 3091 et seq.) or any authorized intelligence activities
7 of the United States.

8 (2) IMPORTATION OF GOODS.—

9 (A) IN GENERAL.—The authorities and re-
10 quirements to impose sanctions authorized
11 under this section shall not include the author-
12 ity or requirement to impose sanctions on the
13 importation of goods.

14 (B) GOOD DEFINED.—In this paragraph,
15 the term “good” means any article, natural or
16 manmade substance, material, supply or manu-
17 factured product, including inspection and test
18 equipment, and excluding technical data.

19 (d) IMPLEMENTATION; PENALTIES.—

20 (1) IMPLEMENTATION.—The President may ex-
21 ercise the authorities provided to the President
22 under sections 203 and 205 of the International
23 Emergency Economic Powers Act (50 U.S.C. 1702
24 and 1704) to the extent necessary to carry out this
25 section.

1 (2) PENALTIES.—A person that violates, at-
2 tempts to violate, or causes a violation of subsection
3 (a) or any regulation, license, or order issued to
4 carry out that subsection shall be subject to the pen-
5 alties set forth in subsections (b) and (c) of the sec-
6 tion 206 of the International Emergency Economic
7 Powers Act (50 U.S.C. 1705) to the same extent as
8 a person that commits an unlawful act described in
9 subsection (a) of that section.

10 (e) SEVERABILITY.—If any provision of this section
11 or its application to any person or circumstance is held
12 invalid, the invalidity does not affect other provisions or
13 applications of this section that can be given effect without
14 the invalid provision or application, and to this end the
15 provisions of this section are severable.

16 (f) DEFINITIONS.—In this section:

17 (1) COUNTRY OF CONCERN.—The term “coun-
18 try of concern”—

19 (A) has the meaning given the term “for-
20 eign adversary” in section 8(c)(2) of the Secure
21 and Trusted Communications Networks Act of
22 2019 (47 U.S.C. 1607(c)(2)); and

23 (B) includes the People’s Republic of
24 China (including the Special Administrative Re-
25 gions of China, including Hong Kong and

1 Macau), Russia, Iran, North Korea, Cuba, and
2 Venezuela.

3 (2) ENTITY OF CONCERN.—The term “entity of
4 concern” means—

5 (A) a governmental body at any level in a
6 country of concern;

7 (B) the armed forces of a country of con-
8 cern;

9 (C) the leading political party of a country
10 of concern;

11 (D) a natural person who is a national of
12 a country of concern, is domiciled and living in
13 such country, and is subject to substantial in-
14 fluence, directly or indirectly, from an entity de-
15 scribed in subparagraph (A), (B), or (C); or

16 (E) a private business or a state-owned en-
17 terprise that is domiciled in a country of con-
18 cern, or owned or controlled by a private busi-
19 ness or state-owned enterprise domiciled in a
20 country of concern, and that is subject to sub-
21 stantial influence, directly or indirectly, from an
22 entity described in subparagraph (A), (B), or
23 (C).

24 (3) SOCIAL MEDIA COMPANY.—The term “social
25 media company”—

1 (A) means any entity that operates, di-
2 rectly or indirectly, including through its parent
3 company, subsidiaries, or affiliates, a website,
4 desktop application, or mobile application
5 that—

6 (i) permits an individual or entity to
7 create an account or profile for the pur-
8 pose of generating, sharing, and viewing
9 user-generated content through such ac-
10 count or profile;

11 (ii) sells digital advertising space;

12 (iii) has more than 1,000,000 monthly
13 active users for a majority of months dur-
14 ing the preceding 12 months;

15 (iv) enables one or more users to gen-
16 erate content that can be viewed by other
17 users of the website, desktop application,
18 or mobile application; and

19 (v) enables users to view content gen-
20 erated by other users of the website, desk-
21 top application, or mobile application; and

22 (B) does not include an entity if the entity
23 does not operate a website, desktop application,
24 or mobile application except for a website, desk-

1 top application, or mobile application the pri-
2 mary purpose of which is—

3 (i) to allow users to post product re-
4 views, business reviews, or travel informa-
5 tion and reviews; or

6 (ii) to provide emergency alert serv-
7 ices.

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