

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 9508

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, learn sensitive data about Americans, or spread influence campaigns, propaganda, and censorship.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2022

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

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## 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, learn 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. IMPOSITION OF SANCTIONS AGAINST CERTAIN SO-**  
4 **CIAL MEDIA COMPANIES.**

5 (a) IMPOSITION OF SANCTIONS.—

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

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

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

23 (2) INAPPLICABILITY OF CERTAIN PROVI-  
24 SIONS.—The requirements of section 202 and the  
25 limitations under section 203(b) of the International

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

4       (b) SOCIAL MEDIA COMPANY DESCRIBED.—

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

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

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

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

22            (D) The company is subject to substantial  
23      influence, directly or indirectly, from a country  
24      of concern or entity of concern owing to  
25      which—

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

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

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

16 (A) Bytedance, Ltd.

17 (B) TikTok.

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

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

24 (e) EXCEPTIONS.—

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

7           (2) IMPORTATION OF GOODS.—

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

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

18           (d) IMPLEMENTATION; PENALTIES.—

19           (1) IMPLEMENTATION.—The President may ex-  
20 ercise the authorities provided to the President  
21 under sections 203 and 205 of the International  
22 Emergency Economic Powers Act (50 U.S.C. 1702  
23 and 1704) to the extent necessary to carry out this  
24 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 and is domiciled and living  
13 in a country of concern, and who is subject to  
14 substantial influence, directly or indirectly, from  
15 a country of concern; or

16 (E) a private business or a state-owned en-  
17 terprise domiciled in a country of concern, or  
18 owned or controlled by a private business or  
19 state-owned enterprise domiciled in a country of  
20 concern.

21 (3) SOCIAL MEDIA COMPANY.—The term “social  
22 media company”—

23 (A) means any entity that operates, di-  
24 rectly or indirectly, including through its parent  
25 company, subsidiaries, or affiliates, a website,

1 desktop application, or mobile application  
2 that—

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

8 (ii) sells digital advertising space;

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

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

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

19 (B) does not include an entity if the entity  
20 does not operate a website, desktop application,  
21 or mobile application except for a website, desk-  
22 top application, or mobile application the pri-  
23 mary purpose of which is—



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

4 (ii) to provide emergency alert serv-  
5 ices.

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