

118TH CONGRESS
1ST SESSION

S. 347

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 SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Mr. RUBIO (for himself and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban 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.—On
7 and after the date that is 30 days after the date of the
8 enactment of this Act, the President shall exercise all the
9 powers granted to the President under the International
10 Emergency Economic Powers Act (50 U.S.C. 1701 et.
11 seq.) to the extent necessary to block and prohibit all
12 transactions in all property and interests in property of
13 a social media company described in subsection (b) if such
14 property and interests in property—

15 (1) are in the United States or come within the
16 United States; or

17 (2) to the extent necessary to prevent commer-
18 cial operation of the social media company in the
19 United States, are or come within the possession or
20 control of a United States person.

21 (b) SOCIAL MEDIA COMPANY DESCRIBED.—

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

1 (A) The company is domiciled in,
2 headquartered in, has its principal place of
3 business in, or is organized under the laws of
4 a country of concern.

5 (B) A country of concern, entity of con-
6 cern, or some combination thereof, directly or
7 indirectly owns, controls with the ability to de-
8 cide important matters, or holds with power to
9 vote, 20 percent or more of the outstanding vot-
10 ing stock or shares of the company.

11 (C) The company employs software or al-
12 gorithms controlled or whose export is re-
13 stricted by a country of concern or entity of
14 concern.

15 (D) The company is subject to substantial
16 influence, directly or indirectly, from a country
17 of concern or entity of concern owing to
18 which—

19 (i) the company shares or could be
20 compelled to share data on United States
21 citizens with a country of concern or entity
22 of concern; or

23 (ii) the content moderation practices
24 of the company are subject to substantial

1 influence from a country of concern or en-
2 tity of concern.

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

10 (A) Bytedance, Ltd.

11 (B) TikTok.

12 (C) A subsidiary of or a successor com-
13 pany to a company listed in subparagraph (A)
14 or (B).

15 (D) A company owned or controlled di-
16 rectly or indirectly by a company listed in sub-
17 paragraph (A) or (B).

18 (c) EXCEPTIONS.—

19 (1) INTELLIGENCE ACTIVITIES.—Sanctions
20 under this section shall not apply to any activity
21 subject to the reporting requirements under title V
22 of the National Security Act of 1947 (50 U.S.C.
23 3091 et seq.) or any authorized intelligence activities
24 of the United States.

25 (2) IMPORTATION OF GOODS.—

1 (A) IN GENERAL.—The authorities and re-
2 quirements to impose sanctions under this sec-
3 tion shall not include the authority or require-
4 ment to impose sanctions on the importation of
5 goods.

6 (B) GOOD DEFINED.—In this paragraph,
7 the term “good” means any article, natural or
8 manmade substance, material, supply or manu-
9 factured product, including inspection and test
10 equipment, and excluding technical data.

11 (d) IMPLEMENTATION, PENALTIES, AND INAPPLICA-
12 BILITY OF CERTAIN PROVISIONS.—

13 (1) IMPLEMENTATION.—The President may ex-
14 ercise all authorities provided under sections 203
15 and 205 of the International Emergency Economic
16 Powers Act (50 U.S.C. 1702 and 1704) to carry out
17 this section.

18 (2) PENALTIES.—A person that violates, at-
19 tempts to violate, or causes a violation of subsection
20 (a) or any regulation, license, or order issued to
21 carry out that subsection shall be subject to the pen-
22 alties set forth in subsections (b) and (c) of section
23 206 of the International Emergency Economic Pow-
24 ers Act (50 U.S.C. 1705) to the same extent as a

1 person that commits an unlawful act described in
2 subsection (a) of that section.

3 (3) INAPPLICABILITY OF CERTAIN PROVI-
4 SIONS.—The requirements under section 202 and
5 the limitations under section 203(b) of the Inter-
6 national Emergency Economic Powers Act (50
7 U.S.C. 1701 and 1702(b)) shall not apply for pur-
8 poses of this section.

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

15 (f) DEFINITIONS.—In this section:

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

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

22 (B) includes the People’s Republic of
23 China (including the Special Administrative Re-
24 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) an individual who is—

12 (i) a national of a country of concern;

13 (ii) domiciled and living in a country
14 of concern; and

15 (iii) subject to substantial influence,
16 directly or indirectly, from an entity speci-
17 fied under any of subparagraphs (A)
18 through (C); or

19 (E) a private business or a state-owned en-
20 terprise that is—

21 (i) domiciled in a country of concern
22 or owned or controlled by a private busi-
23 ness or State-owned enterprise domiciled in
24 a country of concern; and

1 (ii) subject to substantial influence,
2 directly or indirectly, from an entity speci-
3 fied under any of subparagraphs (A)
4 through (C).

5 (3) SOCIAL MEDIA COMPANY.—The term “social
6 media company”—

7 (A) means any entity that operates, di-
8 rectly or indirectly, including through its parent
9 company, subsidiaries, or affiliates, a website,
10 desktop application, or mobile application
11 that—

12 (i) permits an individual or entity to
13 create an account or profile for the pur-
14 pose of generating, sharing, and viewing
15 user-generated content through such ac-
16 count or profile;

17 (ii) sells digital advertising space;

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

21 (iv) enables one or more users to gen-
22 erate content that can be viewed by other
23 users of the website, desktop application,
24 or mobile application; and

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

4 (B) does not include an entity if the entity
5 does not operate a website, desktop application,
6 or mobile application except for a website, desk-
7 top application, or mobile application the pri-
8 mary purpose of which is—

9 (i) to allow users to post product re-
10 views, business reviews, or travel informa-
11 tion and reviews; or

12 (ii) to provide emergency alert serv-
13 ices.

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