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.

IN THE SENATE OF THE UNITED STATES

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on ____________________

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

**SEC. 2. IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN SOCIAL MEDIA COMPANIES.**

(a) **IN GENERAL.**—On and after the date that is 30 days after the date of the enactment of this Act, the President shall exercise all the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et. seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a social media company described in subsection (b) if such property and interests in property—

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

(2) to the extent necessary to prevent commercial operation of the social media company in the United States, are or come within the possession or control of a United States person.

(b) **SOCIAL MEDIA COMPANY DESCRIBED.**—

(1) **IN GENERAL.**—A social media company described in this subsection is a social media company that meets one or more of the following conditions:

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

(B) A country of concern, entity of concern, or some combination thereof, directly or indirectly owns, controls with the ability to decide important matters, or holds with power to vote, ten percent or more of the outstanding voting stock or shares of the company.

(C) The company employs software or algorithms controlled or whose export is restricted by a country of concern or entity of concern.

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

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

(ii) the content moderation practices of the company are subject to substantial influence from a country of concern or entity of concern.
(2) DEEMED COMPANIES.—The following companies shall be deemed to be social media companies described in this subsection as of the date of the enactment of this Act unless and until the date on which the President certifies to Congress that the company no longer meets any of the conditions described in paragraph (1):

(A) Bytedance, Ltd.

(B) TikTok.

(C) A subsidiary of or a successor company to a company listed in subparagraph (A) or (B).

(D) A company owned or controlled directly or indirectly by a company listed in subparagraph (A) or (B).

(e) EXCEPTIONS.—

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

(2) IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements to impose sanctions under this sec-
tion shall not include the authority or requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(d) IMPLEMENTATION, PENALTIES, AND INAPPLICABILITY OF CERTAIN PROVISIONS.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, or causes a violation of subsection (a) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.
(3) Inapplicability of certain provisions.—The requirements under section 202 and
the limitations under section 203(b) of the International Emergency Economic Powers Act (50
U.S.C. 1701 and 1702(b)) shall not apply for purposes of this section.

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

(f) Definitions.—In this section:

(1) Country of concern.—The term “country of concern”—

(A) has the meaning given the term “foreign adversary” in section 8(c)(2) of the Secure
and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c)(2)); and

(B) includes the People’s Republic of China (including the Special Administrative Regions of China, including Hong Kong and
Macau), Russia, Iran, North Korea, Cuba, and Venezuela.
(2) ENTITY OF CONCERN.—The term “entity of concern” means—

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

(B) the armed forces of a country of concern;

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

(D) an individual who is a national of a country of concern and is domiciled and living in a country of concern, and who is subject to substantial influence, directly or indirectly, from a country of concern; or

(E) a private business or a state-owned enterprise domiciled in a country of concern or owned or controlled by a private business or state-owned enterprise domiciled in a country of concern.

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

(A) means any entity that operates, directly or indirectly, including through its parent company, subsidiaries, or affiliates, a website, desktop application, or mobile application that—
(i) permits an individual or entity to create an account or profile for the purpose of generating, sharing, and viewing user-generated content through such account or profile;

(ii) sells digital advertising space;

(iii) has more than 1,000,000 monthly active users for a majority of months during the preceding 12 months;

(iv) enables one or more users to generate content that can be viewed by other users of the website, desktop application, or mobile application; and

(v) enables users to view content generated by other users of the website, desktop application, or mobile application; and

(B) does not include an entity if the entity does not operate a website, desktop application, or mobile application except for a website, desktop application, or mobile application the primary purpose of which is—

(i) to allow users to post product reviews, business reviews, or travel information and reviews; or
(ii) to provide emergency alert services.