

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

# S. 5245

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 SENATE OF THE UNITED STATES

DECEMBER 13, 2022

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban 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 WITH RESPECT TO CER-**  
4 **TAIN SOCIAL MEDIA COMPANIES.**

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

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

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

19 (b) SOCIAL MEDIA COMPANY DESCRIBED.—

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

23 (A) The company is domiciled in,  
24 headquartered in, has its principal place of

1 business in, or is organized under the laws of  
2 a country of concern.

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

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

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

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

21 (ii) the content moderation practices  
22 of the company are subject to substantial  
23 influence from a country of concern or en-  
24 tity of concern.

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

8                   (A) Bytedance, Ltd.

9                   (B) TikTok.

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

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

16           (c) EXCEPTIONS.—

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

23                  (2) IMPORTATION OF GOODS.—

24                    (A) IN GENERAL.—The authorities and re-  
25                    quirements to impose sanctions under this sec-

1           tion shall not include the authority or require-  
2           ment to impose sanctions on the importation of  
3           goods.

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

9           (d) IMPLEMENTATION, PENALTIES, AND INAPPLICA-  
10          BILITY OF CERTAIN PROVISIONS.—

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

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

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

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

13          (f) DEFINITIONS.—In this section:

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

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

20                       (B) includes the People’s Republic of  
21                       China (including the Special Administrative Re-  
22                       gions of China, including Hong Kong and  
23                       Macau), Russia, Iran, North Korea, Cuba, and  
24                       Venezuela.

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

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

5           (B) the Armed Forces of a country of con-  
6 cern;

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

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

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

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

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

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

6 (ii) sells digital advertising space;

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

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

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

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

22 (i) to allow users to post product re-  
23 views, business reviews, or travel informa-  
24 tion and reviews; or



1 (ii) to provide emergency alert serv-  
2 ices.

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