

117TH CONGRESS
2D SESSION

H. R. 8041

To provide authorities to prohibit the provision of services by social media platforms to individuals and entities on the Specially Designated Nationals List and certain officials and other individuals and entities of the People's Republic of China, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2022

Mr. MAST (for himself, Mr. BANKS, Mr. WILSON of South Carolina, and Mr. TIFFANY) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To provide authorities to prohibit the provision of services by social media platforms to individuals and entities on the Specially Designated Nationals List and certain officials and other individuals and entities of the People's Republic of China, and for other purposes.

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 “China Social Media
5 Reciprocity Act”.

1 **SEC. 2. AUTHORITIES TO PROHIBIT THE PROVISION OF**
2 **SERVICES BY SOCIAL MEDIA PLATFORMS TO**
3 **INDIVIDUALS AND ENTITIES ON THE SPE-**
4 **CIALY DESIGNATED NATIONALS LIST AND**
5 **CERTAIN OFFICIALS AND OTHER INDIVID-**
6 **UALS AND ENTITIES OF THE PEOPLE’S RE-**
7 **PUBLIC OF CHINA.**

8 (a) **AUTHORITIES UNDER THE INTERNATIONAL**
9 **EMERGENCY ECONOMIC POWERS ACT.—**

10 (1) **IN GENERAL.—**Section 203 of the Inter-
11 national Emergency Economic Powers Act (50
12 U.S.C. 1702) is amended—

13 (A) by redesignating subsection (c) as sub-
14 section (d); and

15 (B) by inserting after subsection (b) the
16 following:

17 “(c)(1) Notwithstanding subsection (b) and except as
18 provided in paragraph (2), the authority granted to the
19 President by this section does include the authority to reg-
20 ulate or prohibit the provision by a provider of a social
21 media platform of a covered service to—

22 “(A) an individual or entity who, pursuant to
23 the exercise of authorities under part 594 of title 31,
24 Code of Federal Regulations, is on the list of spe-
25 cially designated nationals and blocked persons
26 maintained by the Office of Foreign Assets Control

1 of the Department of the Treasury, if such provider
2 knew or should have known that such individual or
3 entity was on such list and that such provider was
4 providing such service to such individual or entity;

5 “(B) an individual who is a senior official of the
6 Government of the People’s Republic of China or an
7 individual or entity acting at the direction of such
8 individual, if such provider knew or should have
9 known that such individual was such a senior official
10 or such individual or entity was acting at the direc-
11 tion of such individual, as the case may be, and that
12 such provider was providing such service to such in-
13 dividual or such individual or entity, as the case may
14 be;

15 “(C) an individual who is a senior member of
16 the CCP or an individual or entity acting at the di-
17 rection of such individual, if such provider knew or
18 should have known that such individual was such a
19 senior member or such individual or entity was act-
20 ing at the direction of such individual, as the case
21 may be, and that such provider was providing such
22 service to such individual or such individual or enti-
23 ty, as the case may be;

24 “(D) an individual who is a spokesperson of the
25 CCP or the Government of the People’s Republic of

1 China, or an individual or entity acting at the direc-
2 tion of such individual, if such provider knew or
3 should have known that such individual was such a
4 spokesperson or such an individual or entity was act-
5 ing at the direction of such individual, as the case
6 may be, and that such provider was providing such
7 service to such individual or such individual or enti-
8 ty, as the case may be;

9 “(E) an individual or entity who is an agent or
10 instrumentality of the CCP or the Government of
11 the People’s Republic of China, if such provider
12 knew or should have known that such individual or
13 entity was such an agent or instrumentality and that
14 such provider was providing such service to such in-
15 dividual or entity; or

16 “(F) an individual or entity who is or owned or
17 controlled by the CCP or the Government of the
18 People’s Republic of China, if such provider knew or
19 should have known that such individual or entity
20 was owned or controlled by the CCP or the Govern-
21 ment of the People’s Republic of China and that
22 such provider was providing such service to such in-
23 dividual or entity.

24 “(2) The authority granted to the President by this
25 section does not include the authority to regulate or pro-

1 hibit the provision by a provider of a social media platform
2 of a covered service to an individual who is a senior official
3 of a Government of the People’s Republic of China de-
4 scribed in paragraph (1)(B) solely for legitimate emer-
5 gency alert purposes.

6 “(3) In this subsection—

7 “(A) the term ‘CCP’ means the Chinese Com-
8 munist Party of the People’s Republic of China or
9 any successor entity;

10 “(B) the term ‘covered service’—

11 “(i) means, with respect to a provider of a
12 social media platform, any service provided by
13 the provider through the platform, including a
14 service that is publicly available and free of
15 charge (including permitting an individual or
16 entity to create or maintain an account or pro-
17 file); and

18 “(ii) does not include the ability of an indi-
19 vidual or entity to—

20 “(I) access the platform without an
21 account or profile; or

22 “(II) send or receive private commu-
23 nications on the platform;

24 “(C) the term ‘social media platform’—

1 “(i) means a website or other internet me-
2 dium, including a mobile application, 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) enables one or more users to
9 generate content that can be viewed by
10 other users of the medium; and

11 “(III) enables users to view content
12 generated by other users of the medium;
13 and

14 “(ii) does not include—

15 “(I) any such website or other inter-
16 net medium that serves fewer than
17 100,000 users who access their account or
18 profile at least once a month;

19 “(II) an email program, email dis-
20 tribution list, or multi-person text message
21 group;

22 “(III) a website or other internet me-
23 dium that is primarily for the purpose of
24 internet commerce;

1 “(IV) a software application (includ-
2 ing a mobile application) used solely to
3 communicate with others through instant
4 messages, audio calls, video calls, or any
5 combination thereof; or

6 “(V) a website or other internet me-
7 dium the primary purpose of which is—

8 “(aa) to allow users to post prod-
9 uct reviews, business reviews, or travel
10 information and reviews; or

11 “(bb) to provide emergency alert
12 services;

13 “(D) the term ‘senior official of the Govern-
14 ment of the People’s Republic of China’ includes—

15 “(i) each member of the State Council, in-
16 cluding the Premier, Vice Premiers, and State
17 Councillors;

18 “(ii) the minister and vice ministers of the
19 Ministries of Foreign Affairs, National Defense,
20 State Security, Justice, Public Security, and
21 other ministries;

22 “(iii) the director, deputy director, or any
23 other high ranking official of the Hong Kong
24 and Macau Affairs Office, the Liaison Office of
25 the Central People’s Government in the Hong

1 Kong Special Administrative Region, the Liai-
2 son Office of the Central People’s Government
3 in the Macau Special Administrative Region,
4 the Office for Safeguarding National Security
5 of the Central People’s Government in the
6 Hong Kong Special Administrative Region, the
7 State Council Research Office, the Overseas
8 Chinese Affairs Office, the Taiwan Affairs Of-
9 fice, the Cyberspace Administration of China,
10 the State Council Information Office, the
11 Xinhua News Agency, the Chinese Academy of
12 Social Sciences, the China Media Group, the
13 National Ethnic Affairs Commission, the Na-
14 tional Radio and Television Administration, and
15 the National Press and Publication Administra-
16 tion;

17 “(iv) any other high ranking official in the
18 defense, security, or foreign affairs apparatus of
19 the government, including any ambassador and
20 any spokesman of any government agency or
21 department; and

22 “(v) any other official that the President
23 determines to be a ‘senior official’ for purposes
24 of this subparagraph; and

1 “(E) the term ‘senior member of the CCP’ in-
2 cludes each member of the CCP Central Committee,
3 including each member of the CCP Politburo (in-
4 cluding the Politburo Standing Committee and the
5 General Secretary), the Central Military Commission
6 (CMC), the Secretariat of the Central Committee,
7 the Central National Security Commission, Leading
8 Small Groups and their related work offices, the
9 Central Commission for Discipline Inspection, the
10 General Office, the Organization Department, the
11 Publicity Department, the International Liaison De-
12 partment, the United Front Work Department, the
13 External Propaganda Office of the Chinese Com-
14 munist Party Central Committee, the People’s Daily,
15 the Central Party School, the Central Policy Re-
16 search Office, the Central Taiwan Work Office, and
17 any other central-level CCP body.”.

18 (2) EFFECTIVE DATE.—The amendments made
19 by this subsection shall take effect on the date that
20 is 180 days after the date of the enactment of this
21 Act.

22 (b) IMPOSITION OF SANCTIONS.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act, the
25 President shall, except as provided in paragraph (2),

1 prohibit the provision by a provider of a social media
2 platform of a covered service to any individual or en-
3 tity described in subparagraph (A), (B), (C), (D),
4 (E), or (F) of paragraph (1) of subsection (c) of sec-
5 tion 203 of the International Emergency Economic
6 Powers Act (as added by subsection (a) of this sec-
7 tion).

8 (2) WAIVER.—The President may waive the
9 prohibition required by this subsection with respect
10 to an individual or entity if the President certifies to
11 the appropriate congressional committees that the
12 Government of the People’s Republic of China and
13 the Chinese Communist Party have verifiably re-
14 moved prohibitions on officials of the United States
15 Government from accessing, using, or participating
16 in social media platforms in the People’s Republic of
17 China, including by removing all forms of censorship
18 that prohibit persons in the People’s Republic of
19 China from accessing social media platforms or view-
20 ing content generated by such United States Gov-
21 ernment officials or United States persons on social
22 media platforms.

23 (3) PENALTIES.—The penalties provided for in
24 subsections (b) and (c) of section 206 of the Inter-
25 national Emergency Economic Powers Act (50

1 U.S.C. 1705) shall apply to a person that violates,
2 attempts to violate, conspires to violate, or causes a
3 violation of regulations promulgated to carry out
4 this subsection or the sanctions imposed pursuant to
5 this subsection to the same extent that such pen-
6 alties apply to a person that commits an unlawful
7 act described in section 206(a) of that Act.

8 (c) REGULATORY AUTHORITY.—

9 (1) IN GENERAL.—The President shall, not
10 later than 180 days after the date of the enactment
11 of this Act, prescribe regulations as necessary for
12 the implementation of this section and the amend-
13 ments made by this section.

14 (2) NOTIFICATION TO CONGRESS.—No later
15 than 10 days before the prescription of regulations
16 under paragraph (1), the President shall notify the
17 appropriate congressional committees regarding the
18 proposed regulations and the provisions this section
19 and the amendments made by this section that the
20 regulations are implementing.

21 (d) SUNSET.—The President's authority to issue
22 waivers or licenses with respect to sanctions required by
23 subsection (b) or pursuant to sections 203 and 205 of the
24 International Emergency Economic Powers Act (50
25 U.S.C. 1702 and 1704) with regard to prohibitions re-

1 quired by subsection (b) shall cease to apply beginning on
2 the date that is 2 years after the date of enactment of
3 this Act.

4 (e) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Foreign Affairs and
9 the Committee on Financial Services of the
10 House of Representatives; and

11 (B) the Committee on Foreign Relations
12 and the Committee on Banking, Housing, and
13 Urban Affairs of the Senate.

14 (2) COVERED SERVICE; SOCIAL MEDIA PLAT-
15 FORM.—The terms “covered service” and “social
16 media platform” have the meanings given the terms
17 in subsection (c) of section 203 of the International
18 Emergency Economic Powers Act (50 U.S.C. 1702),
19 as added by subsection (a) of this section.

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