

118TH CONGRESS
1ST SESSION

S. 941

To remove immunity protections from social media platforms which host accounts of censoring foreign adversaries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2023

Mr. RUBIO (for himself and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To remove immunity protections from social media platforms which host accounts of censoring foreign adversaries, 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 “Removing Section 230
5 Immunity for Official Accounts of Censoring Foreign Ad-
6 versaries Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) CENSORING FOREIGN ADVERSARY.—The
2 term “censoring foreign adversary” means an adver-
3 sarial foreign government that—

4 (A) restricts access to covered social media
5 platforms; and

6 (B) is designated as a censoring foreign
7 adversary pursuant to section 3.

8 (2) COVERED, VERIFIED, OR OTHER AUTHEN-
9 TIC ACCOUNT.—The term “covered, verified, or
10 other authentic account” means any account on a
11 covered social media platform that—

12 (A) is under the control or working on be-
13 half of—

14 (i) a government agency, department,
15 ministry, or institution of a censoring for-
16 eign adversary;

17 (ii) a government official of a cen-
18 soring foreign adversary, including heads
19 of state, elected officials, appointed min-
20 isters, ambassadors, and official spokes-
21 persons; or

22 (iii) a company, or the employees of a
23 company, that—

24 (I) is directly or indirectly owned
25 by a censoring foreign adversary;

1 (II) is controlled by a censoring
 2 foreign adversary that has the author-
 3 ity to decide important matters with
 4 respect to such company; or

5 (III) has, as a shareholder hold-
 6 ing at least 10 percent of the out-
 7 standing voting stock or shares of the
 8 company, a censoring foreign adver-
 9 sary; and

10 (B)(i) displays a badge, check mark, or
 11 other public-facing identification tool that—

12 (I) is issued by the platform; and

13 (II) is used to indicate the authen-
 14 ticity, validity, or verification of the per-
 15 son, organization, government, or other en-
 16 tity, represented by the account; or

17 (ii) has more than 500,000 followers.

18 (3) COVERED SOCIAL MEDIA PLATFORM.—The
 19 term “covered social media platform”—

20 (A) means an Internet website, application,
 21 or platform that—

22 (i) is open to the public;

23 (ii) allows citizens from any country
 24 to create an account on, register for, and

1 enjoy as a user, such website, application,
2 or platform;

3 (iii) enables users to communicate
4 with other users for the primary purpose
5 of posting information, comments, mes-
6 sages, or images;

7 (iv) has more than 50,000,000 active
8 users in the United States in a calendar
9 month; and

10 (v) is headquartered, or has its prin-
11 cipal place of business, in the United
12 States; and

13 (B) does not include—

14 (i) electronic mail; or

15 (ii) an online service, application, or
16 website—

17 (I) that consists primarily of
18 news, sports, entertainment, or other
19 information or content that is not
20 user generated, but is preselected by
21 the provider; and

22 (II) for which any chat, com-
23 ments, or interactive functionality is
24 incidental to, directly related to, or

1 dependent on the provision of the con-
2 tent described in subparagraph (I).

3 (4) FOLLOWER.—The term “follower” means
4 an account that has taken any action to subscribe to
5 another account’s content, updates, or posts.

6 (5) USER.—The term “user” means a person
7 or entity who posts, uploads, transmits, shares, or
8 otherwise publishes or receives content through a so-
9 cial media platform.

10 **SEC. 3. DESIGNATED CENSORING FOREIGN ADVERSARIES.**

11 The Secretary of State shall compile a list of cen-
12 soring foreign adversaries, which shall include—

13 (1) the Government of the People’s Republic of
14 China;

15 (2) the Government of the Russian Federation;

16 (3) the Government of the Democratic People’s
17 Republic of Korea;

18 (4) the Government of the Islamic Republic of
19 Iran;

20 (5) the Government of the Republic of Cuba;

21 (6) the Government of the Syrian Arab Repub-
22 lic; and

23 (7) the regime of Nicolás Maduro in Venezuela.

1 **SEC. 4. LIABILITY PROTECTION.**

2 (a) IN GENERAL.—Covered social media platforms
3 that knowingly host, distribute, or actively display a cov-
4 ered, verified, or other authentic account of a censoring
5 foreign adversary shall not receive any protection under
6 section 230 of the Communications Act of 1934 (47
7 U.S.C. 230) for content shared, edited, or created by such
8 account.

9 (b) CLARIFICATION.—For purposes of subsection (a),
10 a covered social media platform is deemed to have knowl-
11 edge with respect to any content shared, edited, or created
12 by a covered, verified, or other authentic account that
13 meets the requirements described in section 2(2)(B)(i).

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