

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.

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## 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

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## 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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