

.....
(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

To provide authorities to prohibit the provision of services by social media platforms to certain individuals and entities on the Specially Designated Nationals List and senior officials of governments of a state sponsor of terrorism.

IN THE HOUSE OF REPRESENTATIVES

Mr. BARR introduced the following bill; which was referred to the Committee
on _____

A BILL

To provide authorities to prohibit the provision of services by social media platforms to certain individuals and entities on the Specially Designated Nationals List and senior officials of governments of a state sponsor of terrorism.

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 “No Social Media Ac-
5 counts for Terrorists or State Sponsors of Terrorism Act
6 of 2021”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Despite having one of his Twitter accounts
4 suspended, the Supreme Leader of Iran, Ayatollah
5 Ali Khamanei, a Specially Designated Global Ter-
6 rorist by the Department of the Treasury, and the
7 leader of the world's leading State Sponsor of Ter-
8 rorism, has multiple social media accounts on Twit-
9 ter and Instagram. The Supreme Leader has used
10 his accounts to threaten violence against Americans,
11 support the destruction of the State of Israel, pro-
12 mote conspiracy theories and disinformation regard-
13 ing COVID-19 vaccines, and incite anti-Semitism on
14 a number of occasions.

15 (2) The Foreign Minister of Iran, Javad Zarif,
16 a senior official of a State Sponsor of Terrorism, has
17 a number of social media accounts on Twitter,
18 Instagram, and other platforms. On January 2,
19 2021, Zarif tweeted an anti-Semitic conspiracy the-
20 ory that Israel was plotting attacks on Americans in
21 Iraq.

22 (3) The President of the Syria, Bashar al-
23 Assad, responsible for the brutal killing of half a
24 million of his own people, and the President of a
25 State Sponsor of Terrorism, has multiple social
26 media accounts on Twitter and Instagram. He has

1 used his accounts on social media to whitewash and
2 promote his regime, and promote hatred against the
3 United States and Israel.

4 (4) The President of Cuba, Miguel Diaz-Canel,
5 who heads a regime responsible for multiple gross
6 violations of human rights, and which is a State
7 Sponsor of Terrorism, has an account on Twitter
8 representing the official Cuban Presidency. He has
9 used his account on social media to promote global
10 communism, anti-Americanism, and whitewash the
11 Cuban regime's human rights abuses.

12 (5) Terrorist organizations and entities sanc-
13 tioned for terrorism under Executive Order 13224,
14 including the Iranian Islamic Revolutionary Guard
15 Corps (IRGC), Hezbollah, Kata'ib Hezbollah,
16 Hamas, and Asa'ib ahl al-Haq, have a number of so-
17 cial media accounts on Twitter, Facebook,
18 Instagram, and YouTube.

19 (6) Social media platforms make a profit on ac-
20 counts provided and maintained to individuals and
21 entities sanctioned for terrorism through the sale of
22 advertisements which are viewed by such sanctioned
23 individuals through their accounts.

24 (7) Economic sanctions prohibiting the provi-
25 sion of services to individuals and entities sanctioned

1 for terrorism should apply to social media platforms,
2 while still supporting the free flow of information
3 and maintaining the important principle that infor-
4 mation should remain free of sanctions.

5 **SEC. 3. AUTHORITIES TO PROHIBIT THE PROVISION OF**
6 **SERVICES BY SOCIAL MEDIA PLATFORMS TO**
7 **CERTAIN INDIVIDUALS AND ENTITIES ON**
8 **THE SPECIALLY DESIGNATED NATIONALS**
9 **LIST AND SENIOR OFFICIALS OF GOVERN-**
10 **MENTS OF A STATE SPONSOR OF TERRORISM.**

11 (a) AUTHORITIES UNDER THE INTERNATIONAL
12 EMERGENCY ECONOMIC POWERS ACT.—

13 (1) IN GENERAL.—Section 203 of the Inter-
14 national Emergency Economic Powers Act (50
15 U.S.C. 1702) is amended—

16 (A) by redesignating subsection (c) as sub-
17 section (d); and

18 (B) by inserting after subsection (b) the
19 following:

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

1 “(A) an individual or entity who, pursuant to
2 the exercise of authorities under part 594 of title 31,
3 Code of Federal Regulations, is on the list of spe-
4 cially designated nationals and blocked persons
5 maintained by the Office of Foreign Assets Control
6 of the Department of the Treasury, if such provider
7 knew or should have known that such individual or
8 entity was on such list and that such provider was
9 providing such service to such individual or entity;
10 or

11 “(B) an individual who is a senior official of a
12 government of a state sponsor of terrorism, if such
13 provider knew or should have known that such indi-
14 vidual was such a senior official and that such pro-
15 vider was providing such service to such individual.

16 “(2) The authority granted to the President by this
17 section does not include the authority to regulate or pro-
18 hibit the provision by a provider of a social media platform
19 of a covered service to an individual who is a senior official
20 of a government of a state sponsor of terrorism described
21 in paragraph (1)(B) solely for legitimate emergency alert
22 purposes.

23 “(3) In this subsection—

24 “(A) the term ‘covered service’—

1 “(I) means, with respect to a provider of
2 a social media platform, any service provided by
3 the provider through the platform, including a
4 service that is publicly available and free of
5 charge (including permitting an individual or
6 entity to create or maintain an account or pro-
7 file); and

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

10 “(I) access the platform without an
11 account or profile; or

12 “(II) send or receive private commu-
13 nications on the platform;

14 “(B) the term ‘social media platform’—

15 “(I) means a website or other internet me-
16 dium, including a mobile application, that—

17 “(I) permits an individual or entity to
18 create an account or profile for the pur-
19 pose of generating, sharing, and viewing
20 user-generated content through such ac-
21 count or profile;

22 “(II) enables one or more users to
23 generate content that can be viewed by
24 other users of the medium; and

1 “(III) enables users to view content
2 generated by other users of the medium;
3 and

4 “(ii) does not include—

5 “(I) any such website or other inter-
6 net medium that serves fewer than
7 100,000 users who access their account or
8 profile at least once a month;

9 “(II) an email program, email dis-
10 tribution list, or multi-person text message
11 group;

12 “(III) a website or other internet me-
13 dium that is primarily for the purpose of
14 internet commerce;

15 “(IV) a software application (includ-
16 ing a mobile application) used solely to
17 communicate with others through instant
18 messages, audio calls, video calls, or any
19 combination thereof; or

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

22 “(aa) to allow users to post prod-
23 uct reviews, business reviews, or travel
24 information and reviews; or

1 “(bb) to provide emergency alert
2 services;

3 “(C) the term ‘senior official’, with respect to
4 the government of a state sponsor of terrorism,
5 means—

6 “(I) the head of state;

7 “(ii) the head of government;

8 “(iii) the Supreme Leader;

9 “(iv) a member of the cabinet;

10 “(v) any other high ranking official in the
11 defense, security, or foreign affairs apparatus of
12 the government; or

13 “(vi) any other official which the President
14 determines to be a ‘senior official’ for purposes
15 of this subparagraph; and

16 “(D) the term ‘state sponsor of terrorism’
17 means a country the government of which the Sec-
18 retary of State determines has repeatedly provided
19 support for international terrorism pursuant to—

20 “(I) section 1754(c)(1)(A) of the Export
21 Control Reform Act of 2018 (50 U.S.C.
22 4318(c)(1)(A));

23 “(ii) section 620A of the Foreign Assist-
24 ance Act of 1961 (22 U.S.C. 2371);

1 “(iii) section 40 of the Arms Export Con-
2 trol Act (22 U.S.C. 2780); or

3 “(iv) any other provision of law.”.

4 (2) EFFECTIVE DATE.—The amendments made
5 by this subsection shall take effect on the date that
6 is 180 days after the date of the enactment of this
7 Act.

8 (b) IMPOSITION OF SANCTIONS.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this Act, the
11 President shall, except as provided in paragraph (2),
12 prohibit the provision by a provider of a social media
13 platform of a covered service to—

14 (A) an individual or entity who, pursuant
15 to the exercise of authorities under part 594 of
16 title 31, Code of Federal Regulations, is on the
17 list of specially designated nationals and
18 blocked persons maintained by the Office of
19 Foreign Assets Control of the Department of
20 the Treasury, if such provider knew or should
21 have known that such individual or entity was
22 on such list and that such provider was pro-
23 viding such service to such individual or entity;
24 or

1 (B) an individual who is a senior official of
2 a government of a state sponsor of terrorism, if
3 such provider knew or should have known that
4 such individual was such a senior official and
5 that such provider was providing such service to
6 such individual.

7 (2) EXCEPTION.—The authority granted to the
8 President by this subsection does not include the au-
9 thority to regulate or prohibit the provision by a pro-
10 vider of a social media platform of a covered service
11 to an individual who is a senior official of a govern-
12 ment of a state sponsor of terrorism described in
13 paragraph (1)(B) solely for legitimate emergency
14 alert purposes.

15 (3) WAIVER.—The President may waive the
16 prohibition required by this subsection with respect
17 to an individual or entity if the President certifies to
18 the appropriate congressional committees that such
19 a waiver is in the national security interests of the
20 United States.

21 (4) PENALTIES.—The penalties provided for in
22 subsections (b) and (c) of section 206 of the Inter-
23 national Emergency Economic Powers Act (50
24 U.S.C. 1705) shall apply to a person that violates,
25 attempts to violate, conspires to violate, or causes a

1 violation of regulations promulgated to carry out
2 this subsection or the sanctions imposed pursuant to
3 this subsection to the same extent that such pen-
4 alties apply to a person that commits an unlawful
5 act described in section 206(a) of that Act.

6 (c) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) the Department of the Treasury and the
9 Department of State should encourage the free flow
10 of information in Iran, Syria, North Korea, Cuba,
11 and other countries controlled by authoritarian re-
12 gimes in order to counter such regimes' repression
13 of their peoples; and

14 (2) in order to facilitate the free flow of infor-
15 mation in such countries, in implementing this Act
16 and the amendments made by this Act, the Depart-
17 ment of Treasury should ensure that consumer com-
18 munication technologies, as well as tools to cir-
19 cumvent government censorship, are available to civil
20 society and democratic activists in such countries.

21 (d) RULE OF CONSTRUCTION.—Nothing in this Act
22 or any amendment made by this Act—

23 (1) may be construed to restrict the ability of
24 the general populations of Iran, Syria, North Korea,
25 Cuba, and other countries controlled by authori-

1 tarian regimes to create or maintain accounts or
2 profiles on social media platforms for individuals or
3 entities not listed in paragraph (1) of subsection (c)
4 of the International Emergency Economic Powers
5 Act (50 U.S.C. 1702), as added by subsection (a) of
6 this section; and

7 (2) may be construed to restrict or prohibit pri-
8 vate communications.

9 (e) REPORT.—Not later than one year after the date
10 of the enactment of this Act, the Secretary of the Treas-
11 ury, in consultation with the Secretary of State, shall sub-
12 mit to the appropriate congressional committees a report
13 on—

14 (1) the status of sanctions imposed pursuant to
15 subsection (b), including the impact of such sanc-
16 tions on the sanctioned individuals and entities; and

17 (2) efforts taken to facilitate the free flow of in-
18 formation in Iran, Syria, North Korea, Cuba, and
19 other countries controlled by authoritarian regimes
20 and access to communications technologies by civil
21 society and democratic activists in such countries.

22 (f) REGULATORY AUTHORITY.—

23 (1) IN GENERAL.—The President shall, not
24 later than 180 days after the date of the enactment
25 of this Act, prescribe regulations as necessary for

1 the implementation of this Act and the amendments
2 made by this Act.

3 (2) NOTIFICATION TO CONGRESS.—No later
4 than 10 days before the prescription of regulations
5 under subsection (1), the President shall notify the
6 appropriate congressional committees regarding the
7 proposed regulations and the provisions this Act and
8 the amendments made by this Act that the regula-
9 tions are implementing.

10 (g) DEFINITIONS.—In this section:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Foreign Affairs and
15 the Committee on Financial Services of the
16 House of Representatives; and

17 (B) the Committee on Foreign Relations
18 and the Committee on Banking of the Senate.

19 (2) COVERED SERVICE; SENIOR OFFICIAL; SO-
20 CIAL MEDIA PLATFORM; STATE SPONSOR OF TER-
21 RORISM.—The terms “covered service”, “senior offi-
22 cial”, “social media platform”, and “state sponsor of
23 terrorism” have the meanings given the terms in
24 subsection (c) of section 203 of the International

- 1 Emergency Economic Powers Act (50 U.S.C. 1702),
- 2 as added by subsection (a) of this section.