

Suspend the Rules and Pass the Bill, HR. 275, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

110TH CONGRESS
2^D SESSION

H. R. 275

To promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

Mr. SMITH of New Jersey (for himself and Mr. WOLF) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Global Online Freedom Act of 2008”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Severability.

TITLE I—PROMOTION OF GLOBAL INTERNET FREEDOM

- Sec. 101. Statement of policy.
- Sec. 102. Sense of Congress.
- Sec. 103. Annual country reports on human rights practices.
- Sec. 104. Office of Global Internet Freedom.
- Sec. 105. Annual designation of Internet-restricting countries; report.

**TITLE II—MINIMUM CORPORATE STANDARDS FOR ONLINE
FREEDOM**

- Sec. 201. Protection of personally identifiable information.
- Sec. 202. Integrity of personally identifiable information.
- Sec. 203. Transparency regarding search engine filtering.
- Sec. 204. Transparency regarding Internet censorship.
- Sec. 205. Protection of United States-supported online content.
- Sec. 206. Penalties.
- Sec. 207. Presidential waiver.

**TITLE III—EXPORT CONTROLS FOR INTERNET-RESTRICTING
COUNTRIES**

- Sec. 301. Feasibility study on establishment of export controls.
- Sec. 302. Report.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Freedom of speech and freedom of the press
9 are fundamental human rights, and free flow of in-
10 formation on the Internet is protected in Article 19
11 of the Universal Declaration of Human Rights,
12 which guarantees freedom to “receive and impart in-

1 formation and ideas through any media regardless of
2 frontiers”.

3 (2) The Internet has been a success because it
4 quickly provides information to its more than one
5 billion users globally.

6 (3) The growth of the Internet and other infor-
7 mation technologies can be a force for democratic
8 change if the information is not subject to political
9 censorship.

10 (4) The Department of State’s 2007 Country
11 Reports on Human Rights Practices highlighted how
12 governments in every region of the globe responded
13 to growing demands for personal and political free-
14 dom by oppressing those who advocated for human
15 rights, such as Internet writers. Nongovernmental
16 organizations, such as Reporters Without Borders,
17 found in their reports for 2007 that Internet restric-
18 tions now comprise a growing percentage of the
19 global violations of international guarantees of free-
20 dom of speech and freedom of the press. Arrest of
21 Internet journalists and bloggers was a specific
22 problem in many countries. According to Reporters
23 Without Borders, the People’s Republic of China re-
24 mains the leading jailer of Internet writers, holding

1 50 of the 64 cyber-dissidents who are in prison
2 around the globe.

3 (5) Chinese journalist Shi Tao and democracy
4 advocates Wang Xiaoning and Li Zhi continue to
5 serve prison sentences in the People's Republic of
6 China in connection with their online writings. Evi-
7 dence obtained from a United States Internet com-
8 pany was cited in the court documents leading to the
9 arrest and conviction of these dissidents. Dissident
10 Jiang Lijun, whose verdict also cited information
11 provided by the same United States company to Chi-
12 nese security authorities, has been released after
13 serving his prison term.

14 (6) Web sites that provide uncensored news and
15 information, such as the Web sites of the Voice of
16 America and Radio Free Asia, are routinely blocked
17 by authoritarian foreign governments.

18 (7) In an effort to collect information and pros-
19 ecute possible dissidents, many foreign governments
20 and their security services require or request infor-
21 mation about Internet use from companies operating
22 within their jurisdictions, including from United
23 States companies. Security authorities have an easi-
24 er time accessing such information when it is stored
25 within their jurisdiction. As a result, some countries

1 require companies operating within their jurisdic-
2 tions to store information in their country for speci-
3 fied periods of time.

4 (8) United States technology companies that
5 operate in countries controlled by authoritarian for-
6 eign governments have a moral responsibility to
7 comply with the principles of the Universal Declara-
8 tion of Human Rights.

9 (9) United States technology companies have
10 succumbed to pressure by authoritarian foreign gov-
11 ernments to provide such governments with informa-
12 tion about Internet users that has led to the arrest
13 and imprisonment of cyber-dissidents in violation of
14 the corporate responsibility of such companies to
15 protect and uphold human rights.

16 (10) United States technology companies have
17 provided technology and training to authoritarian
18 foreign governments which have been used by such
19 governments in filtering and blocking information
20 that promotes democracy and freedom.

21 (11) United States technology companies should
22 develop standards by which they can conduct busi-
23 ness with authoritarian foreign governments while
24 protecting human rights to freedom of speech and
25 freedom of expression.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

6 (A) the Committee on Foreign Affairs, the
7 Committee on the Judiciary, and the Com-
8 mittee on Energy and Commerce of the House
9 of Representatives; and

10 (B) the Committee on Foreign Relations,
11 the Committee on the Judiciary, and the Com-
12 mittee on Commerce, Science and Transpor-
13 tation of the Senate.

14 (2) ELECTRONIC COMMUNICATION AND OTHER
15 TITLE 18 DEFINITIONS.—The terms “electronic com-
16 munication”, “electronic communications system”,
17 “electronic storage”, and “contents” have the mean-
18 ings given such terms in section 2510 of title 18,
19 United States Code.

20 (3) FOREIGN OFFICIAL.—

21 (A) IN GENERAL.—The term “foreign offi-
22 cial” means—

23 (i) any officer or employee of a for-
24 eign government or of any department,
25 agency, state-owned enterprise, or instru-
26 mentality thereof; or

1 (ii) any individual acting in an official
2 capacity for or on behalf of, or acting
3 under color of law with the knowledge of,
4 any such government or such department,
5 agency, state-owned enterprise, or instru-
6 mentality.

7 (B) STATE-OWNED ENTERPRISE.—For
8 purposes of subparagraph (A), the term “state-
9 owned enterprise” means a commercial entity in
10 which a foreign government owns or controls,
11 directly or indirectly, more than 50 percent of
12 the outstanding capital stock or other beneficial
13 interest in such commercial entity.

14 (4) INTERNET.—The term “Internet” has the
15 meaning given the term in section 231(e) of the
16 Communications Act of 1934 (47 U.S.C. 231(e)).

17 (5) INTERNET-RESTRICTING COUNTRY.—The
18 term “Internet-restricting country” means a country
19 designated by the Secretary of State pursuant to
20 section 105(a) of this Act.

21 (6) INTERNET COMMUNICATIONS SERVICES.—
22 The term “Internet communications services”—

23 (A) means a method for providing commu-
24 nications services via the Internet, including
25 electronic mail, Internet telephony, online chat,

1 online text messaging, Internet bulletin boards,
2 or Web pages on which individuals can express
3 political, religious, or ideological opinion or be-
4 lief; and

5 (B)(i) includes providing Internet access;
6 but

7 (ii) does not include activities conducted by
8 a financial institution (as such term is defined
9 in 5312 of title 31, United States Code) that
10 are financial in nature, even if such activities
11 are conducted using the Internet.

12 (7) INTERNET CONTENT HOSTING SERVICE.—
13 The terms “Internet content hosting service” and
14 “content hosting service” mean a service that—

15 (A) stores, through electromagnetic or
16 other means, electronic data, such as the con-
17 tent of Web pages, electronic mail, documents,
18 images, audio and video files, online discussion
19 boards, or Web logs; and

20 (B) makes such data available via the
21 Internet.

22 (8) INTERNET JAMMING.—The term “Internet
23 jamming” means jamming, censoring, blocking,
24 monitoring, or restricting access to the Internet, or
25 to content made available via the Internet, by using

1 technologies such as firewalls, filters, and “black
2 boxes”.

3 (9) INTERNET SEARCH ENGINE.—The term
4 “Internet search engine” or “search engine” means
5 a service made available via the Internet that, on the
6 basis of a query consisting of terms, concepts, ques-
7 tions, or other data input by a user, searches infor-
8 mation available on the Internet and returns to the
9 user a means, such as a hyperlinked list of Uniform
10 Resource Identifiers, of locating, viewing, or
11 downloading information or data available on the
12 Internet relating to such query.

13 (10) LEGITIMATE FOREIGN LAW ENFORCEMENT
14 PURPOSES.—

15 (A) IN GENERAL.—The term “legitimate
16 foreign law enforcement purpose” means for the
17 purpose of enforcement, investigation, or pros-
18 ecution by a foreign official based on a publicly
19 promulgated law of reasonable specificity that
20 proximately relates to the protection or pro-
21 motion of the health, safety, or morals of the
22 citizens of the jurisdiction of such official.

23 (B) RULE OF CONSTRUCTION.—For pur-
24 poses of this Act, the control, suppression, or
25 punishment of peaceful expression of political,

1 religious, or ideological opinion or belief shall
2 not be construed to constitute a legitimate for-
3 eign law enforcement purpose. Among expres-
4 sion that should be construed to be protected
5 against control, suppression, or punishment
6 when evaluating a foreign government's claim
7 of a legitimate foreign law enforcement purpose
8 is expression protected by Article 19 of the
9 International Covenant on Civil and Political
10 Rights.

11 (11) LOCATE.—The term “locate” includes,
12 with respect to an electronic communication—

13 (A) computer storage or processing by fa-
14 cilities of a “remote computing service”, as
15 such term is defined in section 2711 of title 18,
16 United States Code;

17 (B) electronic storage by any electronic or
18 computer server or facility of an electronic com-
19 munications system; and

20 (C) any other storage by any electronic or
21 computer server or facility.

22 (12) PERSONALLY IDENTIFIABLE INFORMA-
23 TION.—The term “personally identifiable informa-
24 tion”—

1 (A) includes any information described in
2 section 2703(c)(2) of title 18, United States
3 Code; and

4 (B) does not include—

5 (i) any traffic data; or

6 (ii) any record of aggregate data
7 which cannot be used to identify particular
8 persons.

9 (13) PERSONALLY IDENTIFIABLE INFORMATION
10 USED TO ESTABLISH OR MAINTAIN AN ACCOUNT.—
11 The term “personally identifiable information used
12 to establish or maintain an account” does not in-
13 clude—

14 (A) information collected in the course of
15 establishing or operating accounts for commu-
16 nications within a company;

17 (B) information collected in the course of
18 the purchase, sale, shipment, or distribution of
19 goods, including transactions for goods or serv-
20 ices utilizing the Internet, other than commu-
21 nication services on which a political, religious,
22 or ideological opinion or belief can be expressed;

23 (C) personally identifiable information vol-
24 unteered by a writer in an electronic commu-
25 nication, other than in a communication made

1 in the course of establishing an account for
2 Internet communications services, such as an
3 electronic mail signature line or an electronic
4 mail, on-line video, or Web page in which the
5 author voluntarily provides personally identifi-
6 able information about himself or others; or

7 (D) with respect to the collection of per-
8 sonally identifiable information required in
9 order to provide Internet communications serv-
10 ice, information that is located in an Internet-
11 restricting country temporarily at the time of
12 establishing an account for Internet commu-
13 nications services, if—

14 (i) a system exists that promptly
15 transfers such information to another loca-
16 tion outside of any Internet-restricting
17 country;

18 (ii) no duplicates of such information
19 remain in any Internet-restricting country
20 after such transfer; and

21 (iii) no transfers occur that violate
22 section 202.

23 (14) SUBSTANTIAL RESTRICTIONS ON INTER-
24 NET FREEDOM.—The term “substantial restrictions
25 on Internet freedom” means actions that restrict or

1 punish the free availability of information via the
2 Internet for reasons other than legitimate foreign
3 law enforcement purposes, including—

4 (A) deliberately blocking, filtering, or cen-
5 soring information available via the Internet
6 based on its peaceful political, religious, or ideo-
7 logical opinion or belief, including by electronic
8 mail; or

9 (B) persecuting, prosecuting, or otherwise
10 punishing an individual or group for posting or
11 transmitting peaceful political, religious, or ide-
12 ological opinion or belief via the Internet, in-
13 cluding by electronic mail.

14 (15) TRAFFIC DATA.—The term “traffic data”
15 means, with respect to an electronic communication,
16 any information contained in or relating to such
17 communication that is processed for the purpose of
18 the conveyance of the communication by an elec-
19 tronic communications system or for the billing
20 thereof, including any Internet Protocol address or
21 other means of identifying a location within an elec-
22 tronic communications system, but that cannot be
23 used to identify a particular person. Such term can-
24 not be used to include the contents of any electronic
25 communication.

1 (16) UNITED STATES BUSINESS.—The term
2 “United States business” means—

3 (A) any corporation, partnership, associa-
4 tion, joint-stock company, business trust, unin-
5 corporated organization, or sole proprietorship
6 that—

7 (i) has its principal place of business
8 in the United States; or

9 (ii) is organized under the laws of a
10 State of the United States or a territory,
11 possession, or commonwealth of the United
12 States; and

13 (B) any issuer of a security registered pur-
14 suant to section 12 of the Securities Exchange
15 Act of 1934 (15 U.S.C. 78l).

16 (17) UNITED STATES-SUPPORTED CONTENT.—
17 The term “United States-supported content” means
18 content that is created or developed, in whole or in
19 part, by a United States-supported information enti-
20 ty.

21 (18) UNITED STATES-SUPPORTED INFORMA-
22 TION ENTITY.—The term “United States-supported
23 information entity” means—

24 (A) any authority of the Government of
25 the United States; and

1 (B) any entity that—

2 (i) receives grants from the Broad-
3 casting Board of Governors to carry out
4 international broadcasting activities in ac-
5 cordance with the United States Inter-
6 national Broadcasting Act of 1994 (title
7 III of Public Law 103–236; 22 U.S.C.
8 6201 et seq.);

9 (ii) exists within the Broadcasting
10 Board of Governors and carries out non-
11 military international broadcasting activi-
12 ties supported by the Government of the
13 United States in accordance with such Act;
14 or

15 (iii) receives grants or other similar
16 funding from the Government of the
17 United States to carry out any information
18 dissemination activities.

19 (19) UNITED STATES-SUPPORTED WEB SITE.—
20 The term “United States-supported Web site”
21 means a location on the World Wide Web that is
22 owned or managed by, or is registered to, a United
23 States-supported information entity.

1 **SEC. 4. SEVERABILITY.**

2 If any provision of this Act, or the application of such
3 provision to any individual or circumstance, is held invalid,
4 the remainder of this Act, and the application of such pro-
5 vision to other persons not similarly situated or to other
6 circumstances, shall not be affected by such invalidation.

7 **TITLE I—PROMOTION OF**
8 **GLOBAL INTERNET FREEDOM**

9 **SEC. 101. STATEMENT OF POLICY.**

10 It shall be the policy of the United States—

11 (1) to promote as a fundamental component of
12 United States foreign policy the right of every indi-
13 vidual to freedom of opinion and expression, includ-
14 ing the right to hold opinions, and to seek, receive,
15 and impart information and ideas through any
16 media and regardless of frontiers, without inter-
17 ference;

18 (2) to use all appropriate instruments of United
19 States influence, including diplomacy, trade policy,
20 and export controls, to support, promote, and
21 strengthen principles, practices, and values that pro-
22 mote the free flow of information without inter-
23 ference or discrimination, including through the
24 Internet and other electronic media; and

25 (3) to deter any United States business from
26 cooperating with officials of Internet-restricting

1 countries in effecting the political censorship of on-
2 line content.

3 **SEC. 102. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) the President should through bilateral, and
6 where appropriate, multilateral activities, seek to ob-
7 tain the agreement of other countries to promote the
8 goals and objectives of this Act and to protect Inter-
9 net freedom; and

10 (2) to the extent that a United States business
11 empowers or assists an authoritarian foreign govern-
12 ment in its efforts to restrict online access to the
13 Web sites of Radio Free Asia, the Voice of America,
14 or other United States-supported Web sites and on-
15 line access to United States Government reports
16 such as the Annual Country Reports on Human
17 Rights Practices, the Annual Reports on Inter-
18 national Religious Freedom, and the Annual Traf-
19 ficking in Human Persons Reports, or to identify in-
20 dividual Internet users, such business is working
21 contrary to the foreign policy interests of the United
22 States and is undercutting United States taxpayer-
23 funded efforts to promote freedom of information for
24 all people, including those in undemocratic and re-
25 pressive societies.

1 **SEC. 103. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
2 **PRACTICES.**

3 (a) REPORT RELATING TO ECONOMIC ASSIST-
4 ANCE.—Section 116 of the Foreign Assistance Act of
5 1961 (22 U.S.C. 2151n) is amended by adding at the end
6 the following new subsection:

7 “(g)(1) The report required by subsection (d) shall
8 include an assessment of the freedom of electronic infor-
9 mation in each foreign country. Such assessment shall in-
10 clude the following:

11 “(A) An assessment of the general extent
12 to which Internet access is available to and
13 used by citizens in that country.

14 “(B) An assessment of the extent to which
15 government authorities in that country attempt
16 to filter, censor, or otherwise block Internet
17 content, as well as a description of the means
18 by which they attempt to block such content.

19 “(C) A description of known instances in
20 which government authorities in that country
21 have persecuted, prosecuted, or otherwise pun-
22 ished a individual or group for the peaceful ex-
23 pression of political, religious, or ideological
24 opinion or belief via the Internet, including elec-
25 tronic mail.

1 “(D) A description of known instances in
2 which government authorities in that country
3 have sought to collect, request, obtain, or dis-
4 close the personally identifiable information of a
5 individual in connection with that person’s
6 peaceful expression of political, religious, or ide-
7 ological opinion or belief, including without lim-
8 itation communication that would be protected
9 by the International Covenant on Civil and Po-
10 litical Rights.

11 “(2) In compiling data and making assessments
12 for the purposes of paragraph (1), United States
13 diplomatic mission personnel shall consult with
14 human rights organizations, technology and Internet
15 companies, and other appropriate nongovernmental
16 organizations.”.

17 (b) REPORT RELATING TO SECURITY ASSISTANCE.—
18 Section 502B of the Foreign Assistance Act of 1961 (22
19 U.S.C. 2304) is amended by adding at the end the fol-
20 lowing new subsection:

21 “(i)(1) The report required by subsection (b) shall in-
22 clude an assessment of the freedom of electronic informa-
23 tion in each foreign country. Such assessment shall in-
24 clude the following:

1 “(A) An assessment of the general extent
2 to which Internet access is available to and
3 used by citizens in that country.

4 “(B) An assessment of the extent to which
5 government authorities in that country attempt
6 to filter, censor, or otherwise block Internet
7 content, as well as a description of the means
8 by which they attempt to block such content.

9 “(C) A description of known instances in
10 which government authorities in that country
11 have persecuted, prosecuted, or otherwise pun-
12 ished a individual or group for the peaceful ex-
13 pression of political, religious, or ideological
14 opinion or belief via the Internet, including elec-
15 tronic mail.

16 “(D) A description of known instances in
17 which government authorities in that country
18 have sought to collect, request, obtain, or dis-
19 close the personally identifiable information of a
20 individual in connection with that person’s com-
21 munication of ideas, facts, or views where such
22 communication would be protected by the Inter-
23 national Covenant on Civil and Political Rights.

24 “(2) In compiling data and making assessments
25 for the purposes of paragraph (1), United States

1 diplomatic mission personnel shall consult with
2 human rights organizations, technology and Internet
3 companies, and other appropriate nongovernmental
4 organizations.”.

5 **SEC. 104. OFFICE OF GLOBAL INTERNET FREEDOM.**

6 (a) **ESTABLISHMENT.**—There is established in the
7 Department of State the Office of Global Internet Free-
8 dom (in this section referred to as the “Office”).

9 (b) **DUTIES.**—In addition to such other responsibil-
10 ities as the President may assign, the Office shall—

11 (1) serve as the focal point for interagency ef-
12 forts to protect and promote abroad freedom of elec-
13 tronic information related to expression of political,
14 religious, or ideological opinion or belief;

15 (2) develop and ensure the implementation of a
16 global strategy and programs to combat state-spon-
17 sored and state-directed Internet jamming of com-
18 munications which express political, religious, or ide-
19 ological opinion or belief and to combat the intimidat-
20 ion and persecution by foreign governments of their
21 citizens who use the Internet for the peaceful expres-
22 sion of such opinion or belief;

23 (3) provide assistance to the Secretary of State
24 in connection with the annual designation of Inter-

1 net-restricting countries required by section 105(a)
2 of this Act;

3 (4) beginning not later than 180 days after the
4 date of the enactment of this Act—

5 (A) identify key words, terms, and phrases
6 relating to human rights, democracy, religious
7 free exercise, and peaceful political dissent, both
8 in general and as specifically related to the par-
9 ticular context and circumstances of each Inter-
10 net-restricting country; and

11 (B) maintain, update, and make publicly
12 available on a regular basis the key words,
13 terms, and phrases identified pursuant to sub-
14 paragraph (A);

15 (5) establish mechanisms to collect the informa-
16 tion required to be reported by sections 116(g) and
17 502B(i) of the Foreign Assistance Act of 1961 (as
18 added by section 103 of this Act) and sections 203
19 and 204 of this Act;

20 (6) establish a regularized consultative process
21 with regard to the control, suppression, or punish-
22 ment of peaceful expression of political, religious, or
23 ideological opinion or belief with appropriate tech-
24 nology companies involved in providing, maintaining,
25 or servicing the Internet, human rights organiza-

1 tions, academic experts, and others to develop a vol-
2 untary code of minimum corporate standards related
3 to Internet freedom, and to consult with such com-
4 panies, organizations, experts, and others regarding
5 new technologies and the implementation of appro-
6 priate policies relating to such technologies; and

7 (7) advise the appropriate congressional com-
8 mittees of legislative action that may be necessary to
9 keep the provisions of this Act and the amendments
10 made by this Act relevant to changing technologies.

11 (c) COOPERATION OF OTHER FEDERAL DEPART-
12 MENTS AND AGENCIES.—

13 (1) IN GENERAL.—The head of each depart-
14 ment and agency of the United States, including the
15 Department of Commerce, the Office of the United
16 States Trade Representative, the Department of
17 Justice, the International Broadcasting Bureau, and
18 the Office of the Director of National Intelligence,
19 shall, as appropriate, cooperate with and assist the
20 Office of Global Internet Freedom in the implemen-
21 tation of its duties, including the strategy developed
22 by the Office under subsection (b)(2).

23 (2) COORDINATION WITH DEPARTMENT OF
24 COMMERCE.—Notwithstanding the requirements of
25 paragraph (1), the head of the Office shall fully co-

1 ordinate its activities with those of the National
2 Telecommunications and Information Administration
3 of the Department of Commerce and the Assistant
4 Secretary of Commerce for Communications and In-
5 formation.

6 (d) **AUTHORIZATION OF APPROPRIATIONS.**—There
7 are authorized to be appropriated to the Office to carry
8 out this section such sums as may be necessary for each
9 of the fiscal years 2008 and 2009.

10 (e) **CONSTRUCTION.**—Nothing in this section shall
11 supersede the requirements of the National Telecommuni-
12 cations and Information Administration Organization Act
13 (47 U.S.C. 901 et seq.) or to affect the responsibilities
14 of the National Telecommunications and Information Ad-
15 ministration of the Department of Commerce and the As-
16 sistant Secretary of Commerce for Communications and
17 Information established by such Act and amendments to
18 such Act.

19 **SEC. 105. ANNUAL DESIGNATION OF INTERNET-RESTRICT-**
20 **ING COUNTRIES; REPORT.**

21 (a) **DESIGNATION.**—

22 (1) **IN GENERAL.**—Not later than 180 days
23 after the date of the enactment of this Act, and an-
24 nually thereafter, the Secretary of State shall des-

1 designate Internet-restricting countries for purposes of
2 this Act.

3 (2) STANDARD.—A foreign country shall be
4 designated as an Internet-restricting country if the
5 Secretary of State, after consultation with the Sec-
6 retary of Commerce, determines, based on the review
7 of the evidence and any ongoing multilateral discus-
8 sions on freedom of speech and the right to privacy,
9 that the government of the country is directly or in-
10 directly responsible for a systematic pattern of sub-
11 stantial restrictions on Internet freedom during any
12 part of the preceding 1-year period.

13 (b) REPORT.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of this Act, and an-
16 nually thereafter, the Secretary of State shall trans-
17 mit to the appropriate congressional committees a
18 report that contains the following:

19 (A) The name of each foreign country that
20 at the time of the transmission of the report is
21 designated as an Internet-restricting country
22 under subsection (a).

23 (B) An identification of each government
24 agency and quasi-government organization re-
25 sponsible for the substantial restrictions on

1 Internet freedom in each foreign country des-
2 igned as an Internet-restricting country under
3 subsection (a).

4 (C) A description of efforts by the United
5 States to counter the substantial restrictions on
6 Internet freedom referred to in subparagraph
7 (B).

8 (D) A description of the evidence used by
9 the Secretary of State to make the determina-
10 tions under subsection (a)(2) and any ongoing
11 multilateral discussions on freedom of speech
12 and the right to privacy referred to in such sub-
13 section.

14 (2) FORM.—The information required by para-
15 graph (1)(C) of the report may be provided in a
16 classified form if necessary.

17 (3) INTERNET AVAILABILITY.—All unclassified
18 portions of the report shall be made publicly avail-
19 able on the Internet Web site of the Department of
20 State.

1 **TITLE II—MINIMUM CORPORATE**
2 **STANDARDS FOR ONLINE**
3 **FREEDOM**

4 **SEC. 201. PROTECTION OF PERSONALLY IDENTIFIABLE IN-**
5 **FORMATION.**

6 A United States business that is an Internet search
7 engine or that offers to the public for commercial purposes
8 Internet communications services or Internet content
9 hosting services may not locate, within an Internet-re-
10 stricting country, any electronic communication containing
11 personally identifiable information used to establish or
12 maintain an account for Internet communications services
13 on which political, religious, or ideological opinion or belief
14 can be expressed.

15 **SEC. 202. INTEGRITY OF PERSONALLY IDENTIFIABLE IN-**
16 **FORMATION.**

17 (a) **USER PROTECTION.**—If a United States business
18 collects or obtains personally identifiable information
19 through the provision of products or services on the Inter-
20 net, such business may not provide such information to
21 any foreign official of an Internet-restricting country, ex-
22 cept for legitimate foreign law enforcement purposes as
23 determined by the Attorney General.

24 (b) **USE OF ESTABLISHED LEGAL CHANNELS.**—Any
25 information that may be provided under subsection (a) for

1 legitimate foreign law enforcement purposes may only be
2 provided through established legal channels as approved
3 by the Attorney General as secure and otherwise appro-
4 priate.

5 (c) PRIVATE RIGHT OF ACTION.—Any individual ag-
6 grieved by a violation of this section may bring against
7 a United States business that committed the violation an
8 action for damages, including punitive damages, or other
9 appropriate relief in the appropriate district court of the
10 United States, without regard to the amount in con-
11 troversy, and without regard to the citizenship of the par-
12 ties.

13 **SEC. 203. TRANSPARENCY REGARDING SEARCH ENGINE**
14 **FILTERING.**

15 Any United States business that creates, provides, or
16 hosts an Internet search engine shall provide the Office
17 of Global Internet Freedom, in a format and with a fre-
18 quency to be specified by the Office, with all terms and
19 parameters used to filter, limit, or otherwise affect the re-
20 sults provided by the search engine that are imple-
21 mented—

22 (1) at the request of, or by reason of any other
23 direct or indirect communication by, any foreign of-
24 ficial of an Internet-restricting country; or

1 (2) to comply with a policy or practice of re-
2 strictions on Internet freedom in an Internet-re-
3 stricting country.

4 **SEC. 204. TRANSPARENCY REGARDING INTERNET CENSOR-**
5 **SHIP.**

6 (a) PROVISION OF URLS.—Any United States busi-
7 ness that maintains an Internet content hosting service
8 shall provide the Office of Global Internet Freedom, in a
9 format and with a frequency to be specified by the Office,
10 with the Uniform Resource Locators (URLs) of all data
11 and content that such business has, under the cir-
12 cumstances set forth in subsection (b)—

13 (1) removed from the Internet content hosting
14 service of such business;

15 (2) blocked from availability on the Internet; or

16 (3) blocked from transmission via the Internet
17 into or within an Internet-restricting country.

18 (b) CIRCUMSTANCES.—The circumstances referred to
19 in subsection (a) are that the United States business took
20 the action under subsection (a)—

21 (1) at the request of, or by reason of any other
22 direct or indirect communication by, any foreign of-
23 ficial of an Internet-restricting country; or

1 (2) in order to comply with a policy or practice
2 of restrictions on Internet freedom in an Internet-re-
3 stricting country.

4 **SEC. 205. PROTECTION OF UNITED STATES-SUPPORTED ON-**
5 **LINE CONTENT.**

6 A United States business that maintains an Internet
7 content hosting service may not conduct Internet jamming
8 of a United States-supported Web site or United States-
9 supported content in an Internet-restricting country.

10 **SEC. 206. PENALTIES.**

11 (a) IN GENERAL.—Any United States business that
12 violates this Act shall be subject to a civil penalty of not
13 more than \$2,000,000 imposed in an action brought by
14 the Attorney General.

15 (b) LIABILITY OF U.S. BUSINESSES FOR ACTS OF
16 FOREIGN ENTITIES.—A United States business shall be
17 subject to the penalties under subsection (a) for the acts
18 carried out by a foreign entity that would be a violation
19 under this Act if engaged in by a United States business,
20 if the United States business—

21 (1) controls a controlling interest in the voting
22 shares or other equities of the foreign entity;

23 (2) authorizes, directs, controls, or participates
24 in the acts by the foreign entity; or

1 (3) authorizes, in whole or in part, by license or
2 otherwise, the foreign entity to use the trade name
3 of the United States business in connection with
4 goods or services provided by the foreign entity.

5 (c) CRIMINAL PENALTIES FOR KNOWING VIOLA-
6 TIONS.—Whoever knowingly provides to a foreign official
7 of an Internet-restricting country information under cir-
8 cumstances in which, if a United States business provided
9 such information, doing so would violate section 202(a)
10 of this Act, and knowing that so providing such informa-
11 tion will further a policy on the part of the government
12 of such country of prosecuting, persecuting, or otherwise
13 punishing individuals or groups on account of the peaceful
14 expression of political, religious, or ideological opinion or
15 belief, and with the result that so providing such informa-
16 tion leads to the death, torture, serious bodily injury, dis-
17 appearance, or detention of any individual on such ac-
18 count, shall be fined under title 18, United States Code,
19 or imprisoned not more than 5 years, or both.

20 **SEC. 207. PRESIDENTIAL WAIVER.**

21 (a) IN GENERAL.—Subject to subsection (b), the
22 President may waive the application of any of the provi-
23 sions of sections 201 through 205 with respect to a United
24 States business or an Internet-restricting country, if the

1 President determines and so reports to the appropriate
2 congressional committees that—

3 (1) the government of the country has ceased
4 the activities giving rise to the designation of the
5 country as an Internet-restricting country;

6 (2) the exercise of such waiver authority would
7 further the purposes of this Act; or

8 (3) the important national interest of the
9 United States requires the exercise of such waiver
10 authority.

11 (b) CONGRESSIONAL NOTIFICATION.—Not later than
12 the date of the exercise of a waiver under subsection (a),
13 the President shall notify the appropriate congressional
14 committees of the waiver or the intention to exercise the
15 waiver, together with a detailed justification for the waiv-
16 er.

17 **TITLE III—EXPORT CONTROLS**
18 **FOR INTERNET-RESTRICTING**
19 **COUNTRIES**

20 **SEC. 301. FEASIBILITY STUDY ON ESTABLISHMENT OF EX-**
21 **PORT CONTROLS.**

22 Not later than 180 days after the date of the enact-
23 ment of this Act, the Secretary of Commerce, in consulta-
24 tion with the Secretary of State, shall complete a feasi-
25 bility study regarding the development of export controls

1 and export license requirements regarding the export of
2 any item subject to sections 730 through 774 of title 15,
3 Code of Federal Regulations (commonly known as the
4 “Export Administration Regulations”) to an end user in
5 an Internet-restricting country for the purpose, in whole
6 or in part, of facilitating substantial restrictions on Inter-
7 net freedom.

8 **SEC. 302. REPORT.**

9 Not later than 30 days after the end of the 180-day
10 period described in section 301, the Secretary of Com-
11 merce, in consultation with the Secretary of State, shall
12 submit to the appropriate congressional committees a re-
13 port describing the actions taken to carry out section 301.