

109TH CONGRESS
2^D SESSION

H. R. 4780

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

FEBRUARY 16, 2006

Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. WOLF, Mr. PAYNE, Mr. ROHRBACHER, and Mr. RYAN of Ohio) introduced the following bill; which was referred to the Committee on International Relations, 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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Global Online Freedom Act of 2006”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 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 search engines and content services.
- Sec. 202. Integrity of search engines.
- Sec. 203. Transparency regarding search engine filtering.
- Sec. 204. Protection of United States-supported online content.
- Sec. 205. Transparency regarding Internet censorship.
- Sec. 206. Integrity of user identifying information.
- Sec. 207. Penalties.

TITLE III—EXPORT CONTROLS FOR INTERNET-RESTRICTING
 COUNTRIES

- Sec. 301. Establishment of export controls.
- Sec. 302. Report.

3 **SEC. 2. FINDINGS.**

4 Congress makes the following findings:

- 5 (1) Freedom of speech and freedom of the press
- 6 are fundamental human rights, and free use of the
- 7 Internet is protected in Article 19 of the Universal
- 8 Declaration of Human Rights, which guarantees
- 9 freedom to “receive and impart information and
- 10 ideas through any media regardless of frontiers”.

1 (2) The Internet has been a success because it
2 quickly provides information to its more than 972
3 million users globally.

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

8 (4) The Internet has played a role in bringing
9 international attention to issues the discussion of
10 which are forbidden by authoritarian foreign govern-
11 ments, such as attempts by the Government of the
12 People's Republic of China to suppress news of the
13 severe acute respiratory syndrome (SARS) outbreak
14 in 2004.

15 (5) The rapid provision of full and uncensored
16 information through the Internet has become a
17 major industry of the United States, and one of its
18 major exports.

19 (6) Political censorship of the Internet degrades
20 the quality of that service and ultimately threatens
21 the integrity and viability of the industry itself, both
22 in the United States and abroad.

23 (7) Authoritarian foreign governments such as
24 the Governments of Belarus, Burma, the People's
25 Republic of China, Cuba, Iran, Libya, the Maldives,

1 Nepal, North Korea, Saudi Arabia, Syria, Tunisia,
2 Turkmenistan, Uzbekistan, and Vietnam block, re-
3 strict, and monitor the information their citizens try
4 to obtain.

5 (8) Web sites that provide uncensored news and
6 information, such as the Web sites of the Voice of
7 America and Radio Free Asia, are routinely blocked
8 in such countries.

9 (9) In June 2003, the Government of the So-
10 cialist Republic of Vietnam arrested, convicted of
11 “spying”, and sentenced to 13 years’ imprisonment
12 and 3 years’ house arrest (later reduced on appeal
13 to 5 years’ imprisonment and 6 years’ house arrest)
14 Dr. Pham Hong Son after he translated an Internet
15 article titled “What is Democracy” from the Web
16 site of the United States Embassy in Vietnam.

17 (10) According to the Department of State’s
18 Country Reports on Human Rights Practices, the
19 Government of Vietnam in 2004 tightened control of
20 the Internet, requiring Internet agents, such as
21 cyber cafes, to register the personal information of
22 their customers and store records of Internet sites
23 visited by customers. The Vietnamese Government
24 also monitored electronic mail, searched for sensitive
25 key words, and regulated Internet content.

1 (11) The Government of the People’s Republic
2 of China has employed censorship of the Internet in
3 violation of Article 35 of the Chinese Constitution,
4 which guarantees freedom of speech, freedom of the
5 press, freedom of assembly, freedom of association,
6 freedom of procession, and freedom of demonstra-
7 tion.

8 (12) This censorship by the Chinese Govern-
9 ment promotes, perpetuates, and exacerbates a
10 xenophobic—and at times particularly anti-Amer-
11 ican—Chinese nationalism, the long-term effect of
12 which will be deleterious to United States efforts to
13 prevent the relationship between the United States
14 and China from becoming hostile.

15 (13) Unchecked transfers of dual use tech-
16 nology have already increased China’s ability to suc-
17 cessfully invade Taiwan, and correspondingly dimin-
18 ished United States and Taiwanese capacity to de-
19 fend that democratic society, thereby greatly increas-
20 ing tension in East Asia.

21 (14) Technology companies in the United
22 States that operate in countries controlled by au-
23 thoritarian foreign governments have a responsibility
24 to comply with the principles of the Universal Dec-
25 laration of Human Rights.

1 (15) Technology companies in the United
2 States have succumbed to pressure by authoritarian
3 foreign governments to provide such governments
4 with information about Internet users that has led
5 to the arrest and imprisonment of cyber dissidents,
6 in violation of the corporate responsibility of such
7 companies to protect and uphold human rights.

8 (16) Technology companies in the United
9 States have provided the technology and training to
10 authoritarian foreign governments to assist such
11 governments in filtering and blocking information
12 that promotes democracy and freedom.

13 (17) Technology companies in the United
14 States have failed to develop standards by which
15 they can conduct business with authoritarian foreign
16 governments while protecting human rights to free-
17 dom of speech and freedom of expression.

18 (18) The United States supports the universal
19 right to freedom of speech and freedom of the press.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—Except as otherwise provided in this Act, the
24 term “appropriate congressional committees”
25 means—

1 (A) the Committee on International Rela-
2 tions of the House of Representatives; and

3 (B) the Committee on Foreign Relations of
4 the Senate.

5 (2) FOREIGN OFFICIAL.—

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

8 (i) any officer or employee of a for-
9 eign government or any department, agen-
10 cy, state-owned enterprise, or instrumen-
11 tality thereof; or

12 (ii) any person acting in an official ca-
13 pacity for or on behalf of any such govern-
14 ment or department, agency, state-owned
15 enterprise, or instrumentality.

16 (B) STATE-OWNED ENTERPRISE.—For
17 purposes of subparagraph (A), the term “state-
18 owned enterprise” means a commercial entity in
19 which a foreign government owns, directly or
20 indirectly, more than 50 percent of the out-
21 standing capital stock or other beneficial inter-
22 est in such commercial entity.

23 (3) INTERNET.—The term “Internet” means
24 the combination of computer facilities, telecommuni-
25 cations facilities, electromagnetic transmission

1 media, and related equipment and software, com-
2 prising the interconnected worldwide network of
3 computer networks that employ the Transmission
4 Control Protocol/Internet Protocol or any successor
5 protocol to transmit information.

6 (4) INTERNET CONTENT HOSTING SERVICE.—
7 The terms “Internet content hosting service” and
8 “content hosting service” mean a service that—

9 (A) stores, through electromagnetic or
10 other means, electronic data, including the con-
11 tent of web pages, electronic mail, documents,
12 images, audio and video files, online discussion
13 boards, and weblogs; and

14 (B) makes such data available via the
15 Internet.

16 (5) INTERNET JAMMING.—The term “Internet
17 jamming” means jamming, censoring, blocking,
18 monitoring, or restricting access to the Internet, or
19 to content made available via the Internet, by using
20 technologies such as firewalls, filters, and “black
21 boxes”.

22 (6) INTERNET-RESTRICTING COUNTRY.—The
23 term “Internet-restricting country” means a country
24 designated by the President pursuant to section
25 105(a) of this Act.

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

11 (8) LEGITIMATE FOREIGN LAW ENFORCEMENT
12 PURPOSES.—

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

21 (B) RULE OF CONSTRUCTION.—For pur-
22 poses of this Act, the control, suppression, or
23 punishment of peaceful expression of political or
24 religious opinion, which is protected by Article
25 19 of the International Covenant on Civil and

1 Political Rights, does not constitute a legitimate
2 foreign law enforcement purpose.

3 (9) PROTECTED FILTER TERMS.—The term
4 “protected filter terms” means the words, terms,
5 and phrases identified by the Office of Global Inter-
6 net Freedom pursuant to section 104(b)(4) of this
7 Act.

8 (10) SUBSTANTIAL RESTRICTIONS ON INTER-
9 NET FREEDOM.—The term “substantial restrictions
10 on Internet freedom” means actions that restrict or
11 punish the free availability of information via the
12 Internet for reasons other than legitimate foreign
13 law enforcement purposes, including—

14 (A) deliberately blocking, filtering, or cen-
15 soring information available via the Internet
16 based on its peaceful political or religious con-
17 tent; or

18 (B) persecuting, prosecuting, or otherwise
19 punishing an individual or group for posting or
20 transmitting peaceful political or religious opin-
21 ions via the Internet, including by electronic
22 mail.

23 (11) UNITED STATES BUSINESS.—The term
24 “United States business” means—

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

5 (i) has its principal place of business
6 in the United States; or

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

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

14 (C) any foreign subsidiary of an entity de-
15 scribed in subparagraph (A) or (B) to the ex-
16 tent such entity—

17 (i) controls the voting shares or other
18 equities of the foreign subsidiary; or

19 (ii) authorizes, directs, controls, or
20 participates in acts carried out by the for-
21 eign subsidiary that are prohibited by this
22 Act.

23 (12) UNITED STATES-SUPPORTED CONTENT.—

24 The term “United States-supported content” means
25 content that is created or developed, in whole or in

1 part, by a United States-supported information enti-
2 ty.

3 (13) UNITED STATES-SUPPORTED INFORMA-
4 TION ENTITY.—The term “United States-supported
5 information entity” means—

6 (A) any authority of the Government of
7 the United States; and

8 (B) any entity that—

9 (i) receives grants from the Broad-
10 casting Board of Governors to carry out
11 international broadcasting activities in ac-
12 cordance with the United States Inter-
13 national Broadcasting Act of 1994 (title
14 III of Public Law 103–236; 22 U.S.C.
15 6201 et seq.);

16 (ii) in coordination with the Inter-
17 national Broadcasting Bureau, carries out
18 all nonmilitary international broadcasting
19 activities supported by the Government of
20 the United States in accordance with such
21 Act (other than the international broad-
22 casting activities supported by the Broad-
23 casting Board of Governors as specified in
24 such Act); or

1 (iii) receives grants or other similar
2 funding from the Government of the
3 United States to carry out any information
4 dissemination activities.

5 (14) UNITED STATES-SUPPORTED WEBSITE.—
6 The term “United States-supported website” means
7 a location on the World Wide Web that is owned or
8 managed by, or is registered to, a United States-
9 supported information entity.

10 **SEC. 4. SEVERABILITY.**

11 If any provision of this Act, or the application of such
12 provision to any person or circumstance, is held invalid,
13 the remainder of this Act, and the application of such pro-
14 vision to other persons not similarly situated or to other
15 circumstances, shall not be affected by such invalidation.

16 **TITLE I—PROMOTION OF**
17 **GLOBAL INTERNET FREEDOM**

18 **SEC. 101. STATEMENT OF POLICY.**

19 It shall be the policy of the United States—
20 (1) to promote the ability of all to access and
21 contribute information, ideas, and knowledge via the
22 Internet and to advance the right to receive and im-
23 part information and ideas through any media and
24 regardless of frontiers as a fundamental component
25 of United States foreign policy;

1 (2) to use all instruments of United States in-
2 fluence, including diplomacy, trade policy, and ex-
3 port controls, to support, promote, and strengthen
4 principles, practices, and values that promote the
5 free flow of information; and

6 (3) to prohibit any United States businesses
7 from cooperating with officials of Internet-restricting
8 countries in effecting the political censorship of on-
9 line content.

10 **SEC. 102. SENSE OF CONGRESS.**

11 It is the sense of Congress that—

12 (1) the President should commence negotiations
13 in appropriate international fora, including the Or-
14 ganization of Economic Cooperation and Develop-
15 ment (OECD), the World Trade Organization
16 (WTO), the United Nations World Summit on the
17 Information Society (WSIS), and the Internet Gov-
18 ernance Forum (IGF), to obtain the agreement of
19 other countries to enact legislation similar to this
20 Act and to pursue the development of international
21 agreements protecting Internet freedom; and

22 (2) to the extent that a United States business
23 empowers or assists an authoritarian foreign govern-
24 ment in its efforts to restrict online access to the
25 Web sites of Radio Free Asia, the Voice of America,

1 or other United States-supported Web sites and on-
2 line access to United States Government reports
3 such as the Annual Country Reports on Human
4 Rights Practices and the International Religious
5 Freedom Report, that business is working contrary
6 to the foreign policy interests of the United States,
7 and is undercutting United States taxpayer-funded
8 efforts to promote freedom of information for all
9 people, including those in undemocratic and repres-
10 sive societies.

11 **SEC. 103. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
12 **PRACTICES.**

13 (a) REPORT RELATING TO ECONOMIC ASSIST-
14 ANCE.—Section 116 of the Foreign Assistance Act of
15 1961 (22 U.S.C. 2151n) is amended by adding at the end
16 the following new subsection:

17 “(g)(1) The report required by subsection (d) shall
18 include an assessment of the freedom of electronic infor-
19 mation in each foreign country. Such assessment shall in-
20 clude the following:

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

24 “(B) An assessment of the extent to which gov-
25 ernment authorities in that country attempt to filter,

1 censor, or otherwise block Internet content, as well
2 as a description of the means by which they attempt
3 to block such content.

4 “(C) A description of known instances in which
5 government authorities in that country have per-
6 secuted, prosecuted, or otherwise punished a person
7 or group for the peaceful expression of political, reli-
8 gious, or dissenting views via the Internet, including
9 electronic mail.

10 “(2) In compiling data and making assessments for
11 the purposes of paragraph (1), United States diplomatic
12 mission personnel shall consult with human rights organi-
13 zations and other appropriate nongovernmental organiza-
14 tions.”.

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

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

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

1 “(B) An assessment of the extent to which gov-
2 ernment authorities in that country attempt to filter,
3 censor, or otherwise block Internet content, as well
4 as a description of the means by which they attempt
5 to block such content.

6 “(C) A description of known instances in which
7 government authorities in that country have per-
8 secuted, prosecuted, or otherwise punished a person
9 or group for the peaceful expression of political, reli-
10 gious, or dissenting views via the Internet, including
11 electronic mail.

12 “(2) In compiling data and making assessments for
13 the purposes of paragraph (1), United States diplomatic
14 mission personnel shall consult with human rights organi-
15 zations and other appropriate nongovernmental organiza-
16 tions.”.

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

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

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

23 (1) serve as the focal point for interagency ef-
24 forts to protect and promote freedom of electronic
25 information abroad;

1 (2) develop and implement a global strategy to
2 combat state-sponsored and state-directed Internet
3 jamming by authoritarian foreign governments, and
4 the intimidation and persecution by such govern-
5 ments of their citizens who use the Internet;

6 (3) provide assistance to the President in con-
7 nection with the annual designation of Internet-re-
8 stricting countries required by section 105(a) of this
9 Act;

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

12 (A) identify key words, terms, and phrases
13 relating to human rights, democracy, religious
14 free exercise, and peaceful political dissent, both
15 in general and as specifically related to the par-
16 ticular context and circumstances of each Inter-
17 net-restricting country, for purposes of compli-
18 ance by United States businesses with the re-
19 quirements of section 202 of this Act; and

20 (B) maintain, update, and make publicly
21 available on a regular basis the key words,
22 terms, and phrases identified pursuant to sub-
23 paragraph (A);

24 (5) establish mechanisms by which United
25 States businesses can transmit to the Office the in-

1 formation required to be reported by sections 203
2 and 205 of this Act;

3 (6) work with appropriate technology companies
4 involved in providing, maintaining, or servicing the
5 Internet, human rights organizations, academic ex-
6 perts, and others to develop a voluntary code of min-
7 imum corporate standards related to Internet free-
8 dom; and

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

13 (c) COOPERATION OF OTHER FEDERAL DEPART-
14 MENTS AND AGENCIES.—Each department and agency of
15 the Government of the United States, including the De-
16 partment of Commerce, the Office of the United States
17 Trade Representative, the Department of Justice, the
18 International Broadcasting Bureau, and the Office of the
19 Director of National Intelligence, shall—

20 (1) cooperate fully with, and assist in the imple-
21 mentation of, the duties of the Office described in
22 subsection (b), including the strategy developed by
23 the Office pursuant to paragraph (2) of subsection
24 (b); and

1 (2) make such resources and information avail-
2 able to the Office as is necessary to achieve the pur-
3 poses of this Act and the amendments made by this
4 Act.

5 (d) DEFINITION.—In this section, the term “appro-
6 priate congressional committees” means—

7 (1) the Committee on International Relations
8 and the Committee on Energy and Commerce of the
9 House of Representatives; and

10 (2) the Committee on Foreign Relations and
11 the Committee on Commerce, Science, and Trans-
12 portation of the Senate.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Office to carry
15 out this section such sums as may be necessary for fiscal
16 year 2007 and each subsequent fiscal year.

17 **SEC. 105. ANNUAL DESIGNATION OF INTERNET-RESTRICT-**
18 **ING COUNTRIES; REPORT.**

19 (a) DESIGNATION.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this Act, and an-
22 nually thereafter, the President shall designate
23 Internet-restricting countries for purposes of this
24 Act.

1 (2) STANDARD.—A foreign country shall be
2 designated as an Internet-restricting country if the
3 President determines that the government of the
4 country is directly or indirectly responsible for a sys-
5 tematic pattern of substantial restrictions on Inter-
6 net freedom during the preceding one-year period.

7 (3) INITIAL DESIGNEES.—

8 (A) IN GENERAL.—Each of the countries
9 specified in subparagraph (B) shall be deemed
10 to be designated as an Internet-restricting
11 country pursuant to paragraph (1) beginning
12 on the date of the enactment of this Act and
13 ending on the date on which the President cer-
14 tifies to the appropriate congressional commit-
15 tees that the country involved is no longer di-
16 rectly or indirectly responsible for a systematic
17 pattern of substantial restrictions on Internet
18 freedom.

19 (B) COUNTRIES.—The countries referred
20 to in subparagraph (A) are Burma, the People’s
21 Republic of China, Iran, North Korea, Tunisia,
22 Uzbekistan, and Vietnam.

23 (b) REPORT.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this Act, and an-

1 nually thereafter, the President shall transmit to the
2 appropriate congressional committees a report that
3 contains the following:

4 (A) The name of each foreign country that
5 at the time of the transmission of the report is
6 designated as an Internet-restricting country
7 pursuant to subsection (a).

8 (B) An identification of each government
9 agency and quasi-government organization re-
10 sponsible for the substantial restrictions on
11 Internet freedom in each foreign country des-
12 ignated as an Internet-restricting country pur-
13 suant to subsection (a).

14 (C) A description of efforts by the United
15 States to counter the substantial restrictions on
16 Internet freedom referred to in subparagraph
17 (B).

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

21 (3) INTERNET AVAILABILITY.—All unclassified
22 portions of the report shall be made publicly avail-
23 able on the Internet Web site of the Department of
24 State.

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

4 **SEC. 201. PROTECTION OF SEARCH ENGINES AND CONTENT**
5 **SERVICES.**

6 Any United States business that creates, provides, or
7 hosts any Internet search engine or maintains an Internet
8 content hosting service may not locate, within a designated
9 Internet-restricting country, any computer hardware used
10 to house, store, serve, or maintain files or other data in-
11 volved in providing such search engine or content hosting
12 service.

13 **SEC. 202. INTEGRITY OF SEARCH ENGINES.**

14 Any United States business that creates, provides, or
15 hosts any Internet search engine may not alter the oper-
16 ation of such search engine with respect to protected filter
17 terms either—

18 (1) at the request of, or by reason of any other
19 direct or indirect communication by, of a foreign of-
20 ficial of an Internet-restricting country; or

21 (2) in a manner intended or likely to produce
22 different search engine results for users accessing
23 the search engine from within an Internet-restricting
24 country as compared to users elsewhere.

1 **SEC. 203. TRANSPARENCY REGARDING SEARCH ENGINE**
2 **FILTERING.**

3 Any United States business that creates, provides, or
4 hosts an Internet search engine shall provide the Office
5 of Global Internet Freedom, in a format and with a fre-
6 quency to be specified by the Office, with all terms and
7 parameters submitted, entered, or otherwise provided by
8 any foreign official of an Internet-restricting country, that
9 are used to filter, limit, or otherwise affect the results pro-
10 vided by the search engine when used by other users.

11 **SEC. 204. PROTECTION OF UNITED STATES-SUPPORTED ON-**
12 **LINE CONTENT.**

13 A United States business that maintains an Internet
14 content hosting service may not conduct Internet jamming
15 of a United States-supported website or United States-
16 supported content in an Internet restricting country.

17 **SEC. 205. TRANSPARENCY REGARDING INTERNET CENSOR-**
18 **SHIP.**

19 Any United States business that maintains an Inter-
20 net content hosting service shall provide the Office of
21 Global Internet Freedom, in a format and with a fre-
22 quency to be specified by the Office, with copies of all data
23 and content that such business has, at the request of, or
24 by reason of any other direct or indirect communication
25 by, any foreign official of an Internet-restricting coun-
26 try—

1 (1) removed from the content hosting service of
2 such business;

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

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

6 **SEC. 206. INTEGRITY OF USER IDENTIFYING INFORMATION.**

7 (a) **USER PROTECTION.**—Any United States business
8 that maintains an Internet content hosting service may
9 not provide to any foreign official of an Internet-restrict-
10 ing country information that personally identifies a par-
11 ticular user of such content hosting service, except for le-
12 gitimate foreign law enforcement purposes as determined
13 by the Department of Justice.

14 (b) **PRIVATE RIGHT OF ACTION.**—Any person ag-
15 grieved by a violation of this section may bring an action
16 for damages, including punitive damages, or other appro-
17 priate relief in the appropriate district court of the United
18 States, without regard to the amount in controversy, and
19 without regard to the citizenship of the parties.

20 **SEC. 207. PENALTIES.**

21 (a) **CIVIL PENALTIES.**—(1) Any United States busi-
22 ness or United States person that violates section 206(a)
23 shall be fined not more than \$2,000,000.

24 (2) Any United States business or United States per-
25 son that violates sections 201, 202, 203, 204 or 205 shall

1 be subject to a civil penalty of not more than \$10,000 im-
2 posed in an action brought by the Attorney General.

3 (b) CRIMINAL PENALTIES.—(1) Any United States
4 business that willfully violates, or willfully attempts to vio-
5 late section 206(a) shall be fined not more than
6 \$2,000,000, or if a natural person who is an officer, direc-
7 tor, employee, or agent of a United States business, or
8 stockholder acting on behalf of such United States busi-
9 ness, shall be fined not more than \$100,000, or impris-
10 oned not more than 5 years, or both.

11 (2) Any United States business that willfully violates,
12 or willfully attempts to violate section 201, 202, 203, 204
13 or 205 of this Act shall be fined not more than \$10,000,
14 or if a natural person who is an officer, director, employee,
15 or agent of a United States business, or stockholder acting
16 on behalf of such United States business, shall be fined
17 not more than \$10,000, or imprisoned not more than 1
18 year, or both.

19 (3) Whenever a fine is imposed under paragraph (2)
20 upon any officer, director, employee, agent, or stockholder
21 of a United States business, such fine may not be paid,
22 directly or indirectly, by such United States business.

1 **TITLE III—EXPORT CONTROLS**
2 **FOR INTERNET-RESTRICTING**
3 **COUNTRIES**

4 **SEC. 301. ESTABLISHMENT OF EXPORT CONTROLS.**

5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Secretary of State, in consultation
7 with the Secretary of Commerce, shall promulgate regula-
8 tions to ensure the establishment of appropriate foreign
9 policy control and export license requirements before any
10 person subject to the jurisdiction of the United States may
11 knowingly export any item subject to sections 730 through
12 774 of title 15, Code of Federal Regulations (commonly
13 known as the “Export Administration Regulations”) to an
14 end user in an Internet-restricting country for the pur-
15 pose, in whole or in part, of facilitating Internet censor-
16 ship.

17 **SEC. 302. REPORT.**

18 Not later than 120 days after the date of the enact-
19 ment of this Act, the Secretary of State, in consultation
20 with the Secretary of Commerce, shall submit to the ap-
21 propriate congressional committees a report describing the
22 actions taken to implement the requirements of section
23 301 of this Act.

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