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(Original Signature of Member)

109TH CONGRESS  
2D SESSION

# H. R. \_\_\_\_\_

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.

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## IN THE HOUSE OF REPRESENTATIVES

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

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# 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.

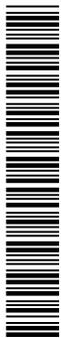
TITLE III—EXPORT CONTROLS FOR INTERNET-RESTRICTING  
COUNTRIES

- 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.

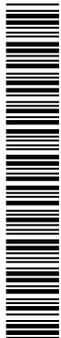


1           (11) The Government of the People's Republic  
2 of China has employed censorship of the Internet in  
3 violation of Article 35 of the Chinese Constitution,  
4 which guarantees freedom of speech, freedom of the  
5 press, freedom of assembly, freedom of association,  
6 freedom of procession,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

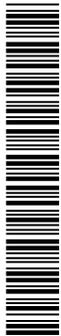
13           (17) Technology companies in the United  
14 States have failed to develop standards by which  
15 they can conduct business with authoritarian foreign  
16 governments while protecting human rights to free-  
17 dom of speech and freedom of expression.

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.

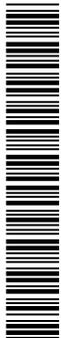
6 (4) INTERNET CONTENT HOSTING SERVICE.—  
7 The terms “Internet content hosting service” and  
8 “content hosting service” mean a service that—

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.

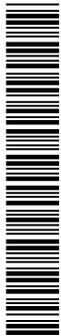
3 (13) UNITED STATES-SUPPORTED INFORMA-  
4 TION ENTITY.—The term “United States-supported  
5 information entity” means—

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  
26 country—



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.

