

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4780
OFFERED BY MR. SMITH OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

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 2006”.

4 (b) TABLE OF CONTENTS.—The table of contents of
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.



1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

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

10 (2) The Internet has been a success because it
11 quickly provides information to its more than
12 972,000,000 users globally.

13 (3) The growth of the Internet and other infor-
14 mation technologies can be a force for democratic
15 change if the information is not subject to political
16 censorship.

17 (4) The Internet has played a role in bringing
18 international attention to issues the discussion of
19 which are forbidden by authoritarian foreign govern-
20 ments, such as attempts by the Government of the
21 People’s Republic of China to suppress news of the
22 severe acute respiratory syndrome (SARS) outbreak
23 in 2004.

24 (5) The rapid provision of full and uncensored
25 information through the Internet has become a



1 major industry of the United States, and one of its
2 major exports.

3 (6) Political censorship of the Internet degrades
4 the quality of that service and ultimately threatens
5 the integrity and viability of the industry itself, both
6 in the United States and abroad.

7 (7) Authoritarian foreign governments such as
8 the Governments of Belarus, Cuba, Ethiopia, Iran,
9 Laos, North Korea, the People's Republic of China,
10 Tunisia, and Vietnam block, restrict, and monitor
11 the information their citizens try to obtain.

12 (8) Web sites that provide uncensored news and
13 information, such as the Web sites of the Voice of
14 America and Radio Free Asia, are routinely blocked
15 in such countries.

16 (9) In June 2003, the Government of the So-
17 cialist Republic of Vietnam arrested, convicted of
18 "spying", and sentenced to 13 years imprisonment
19 and 3 years house arrest (later reduced on appeal to
20 5 years imprisonment and 3 years house arrest) Dr.
21 Pham Hong Son after he translated an Internet ar-
22 ticle titled "What is Democracy" from the Web site
23 of the United States Embassy in Vietnam.

24 (10) According to the Department of State's
25 Country Reports on Human Rights Practices, the



1 Government of Vietnam in 2004 tightened control of
2 the Internet, requiring Internet agents, such as
3 cyber cafes, to register the personal information of
4 their customers and store records of Internet sites
5 visited by customers. The Vietnamese Government
6 also monitored electronic mail, searched for sensitive
7 key words, and regulated Internet content.

8 (11) The Government of the People's Republic
9 of China has employed censorship of the Internet in
10 violation of Article 35 of the Chinese Constitution,
11 which guarantees freedom of speech, freedom of the
12 press, freedom of assembly, freedom of association,
13 freedom of procession, and freedom of demonstra-
14 tion.

15 (12) This censorship by the Chinese Govern-
16 ment promotes, perpetuates, and exacerbates a
17 xenophobic—and at times particularly anti-Amer-
18 ican—Chinese nationalism, the long-term effect of
19 which will be deleterious to United States efforts to
20 prevent the relationship between the United States
21 and China from becoming hostile.

22 (13) Technology companies in the United
23 States that operate in countries controlled by au-
24 thoritarian foreign governments have a moral re-



1 sponsibility to comply with the principles of the Uni-
2 versal Declaration of Human Rights.

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

10 (15) Technology companies in the United
11 States have provided technology and training to au-
12 thoritarian foreign governments which have been
13 used by such governments in filtering and blocking
14 information that promotes democracy and freedom.

15 (16) Technology companies in the United
16 States should develop standards by which they can
17 conduct business with authoritarian foreign govern-
18 ments while protecting human rights to freedom of
19 speech and freedom of expression.

20 (17) The United States supports the universal
21 right to freedom of speech and freedom of the press.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) APPROPRIATE CONGRESSIONAL COMMIT-
25 TEES.—Except as otherwise provided in this Act, the



1 term “appropriate congressional committees”
2 means—

3 (A) the Committee on International Rela-
4 tions of the House of Representatives; and

5 (B) the Committee on Foreign Relations of
6 the Senate.

7 (2) FOREIGN OFFICIAL.—

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

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

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

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



1 (3) INTERNET.—The term “Internet” means
2 the combination of computer facilities, telecommuni-
3 cations facilities, electromagnetic transmission
4 media, and related equipment and software, com-
5 prising the interconnected worldwide network of
6 computer networks that employ the Transmission
7 Control Protocol/Internet Protocol or any successor
8 protocol to transmit information.

9 (4) INTERNET CONTENT HOSTING SERVICE.—
10 The terms “Internet content hosting service” and
11 “content hosting service” mean a service that—

12 (A) stores, through electromagnetic or
13 other means, electronic data, including the con-
14 tent of Web pages, electronic mail, documents,
15 images, audio and video files, online discussion
16 boards, and Web logs; and

17 (B) makes such data available via the
18 Internet.

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



1 (6) INTERNET-RESTRICTING COUNTRY.—The
2 term “Internet-restricting country” means a country
3 designated by the President pursuant to section
4 105(a) of this Act.

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

15 (8) LEGITIMATE FOREIGN LAW ENFORCEMENT
16 PURPOSES.—

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



1 (B) RULE OF CONSTRUCTION.—For pur-
2 poses of this Act, the control, suppression, or
3 punishment of peaceful expression of political or
4 religious opinion, which is protected by Article
5 19 of the International Covenant on Civil and
6 Political Rights, does not constitute a legitimate
7 foreign law enforcement purpose.

8 (9) PERSONALLY IDENTIFIABLE INFORMA-
9 TION.—The term “personally identifiable
10 information”—

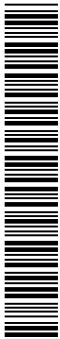
11 (A) includes any information described in
12 section 2703(c)(2) of title 18, United States
13 Code; and

14 (B) does not include—

15 (i) any traffic data (as such term is
16 defined in section 201(b) of this Act; or

17 (ii) any record of aggregate data that
18 does not identify particular persons.

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



1 (A) deliberately blocking, filtering, or cen-
2 soring information available via the Internet
3 based on its peaceful political or religious con-
4 tent; or

5 (B) persecuting, prosecuting, or otherwise
6 punishing an individual or group for posting or
7 transmitting peaceful political or religious opin-
8 ions via the Internet, including by electronic
9 mail.

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

12 (A) any corporation, partnership, associa-
13 tion, joint-stock company, business trust, unin-
14 corporated organization, or sole proprietorship
15 that—

16 (i) has its principal place of business
17 in the United States; or

18 (ii) is organized under the laws of a
19 State of the United States or a territory,
20 possession, or commonwealth of the United
21 States;

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



1 (C) any foreign subsidiary of an entity de-
2 scribed in subparagraph (A) or (B) to the ex-
3 tent such entity—

4 (i) controls the voting shares or other
5 equities of the foreign subsidiary; or

6 (ii) authorizes, directs, controls, or
7 participates in acts carried out by the for-
8 eign subsidiary that are prohibited by this
9 Act.

10 (12) UNITED STATES-SUPPORTED CONTENT.—

11 The term “United States-supported content” means
12 content that is created or developed, in whole or in
13 part, by a United States-supported information enti-
14 ty.

15 (13) UNITED STATES-SUPPORTED INFORMA-
16 TION ENTITY.—The term “United States-supported
17 information entity” means—

18 (A) any authority of the Government of
19 the United States; and

20 (B) any entity that—

21 (i) receives grants from the Broad-
22 casting Board of Governors to carry out
23 international broadcasting activities in ac-
24 cordance with the United States Inter-
25 national Broadcasting Act of 1994 (title



1 III of Public Law 103–236; 22 U.S.C.
2 6201 et seq.);

3 (ii) in coordination with the Inter-
4 national Broadcasting Bureau, carries out
5 all nonmilitary international broadcasting
6 activities supported by the Government of
7 the United States in accordance with such
8 Act (other than the international broad-
9 casting activities supported by the Broad-
10 casting Board of Governors as specified in
11 such Act); or

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

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

21 **SEC. 4. SEVERABILITY.**

22 If any provision of this Act, or the application of such
23 provision to any person or circumstance, is held invalid,
24 the remainder of this Act, and the application of such pro-



1 vision to other persons not similarly situated or to other
2 circumstances, shall not be affected by such invalidation.

3 **TITLE I—PROMOTION OF**
4 **GLOBAL INTERNET FREEDOM**

5 **SEC. 101. STATEMENT OF POLICY.**

6 It shall be the policy of the United States—

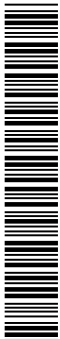
7 (1) to promote as a fundamental component of
8 United States foreign policy the right of everyone to
9 freedom of opinion and expression, including the
10 freedom to hold opinions without interference and to
11 seek, receive, and impart information and ideas
12 through any media and regardless of frontiers;

13 (2) to use all appropriate instruments of United
14 States influence, including diplomacy, trade policy,
15 and export controls, to support, promote, and
16 strengthen principles, practices, and values that pro-
17 mote the free flow of information, including through
18 the Internet and other electronic media; and

19 (3) to deter any United States business from
20 cooperating with officials of Internet-restricting
21 countries in effecting the political censorship of on-
22 line content.

23 **SEC. 102. SENSE OF CONGRESS.**

24 It is the sense of Congress that—



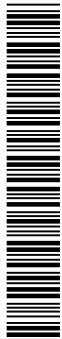
1 (1) the President should through bilateral, and
2 where appropriate, multilateral activities, seek to ob-
3 tain the agreement of other countries to promote the
4 goals and objectives of this Act and to protect Inter-
5 net freedom; and

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

21 **SEC. 103. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**

22 **PRACTICES.**

23 (a) REPORT RELATING TO ECONOMIC ASSIST-
24 ANCE.—Section 116 of the Foreign Assistance Act of



1 1961 (22 U.S.C. 2151n) is amended by adding at the end
2 the following new subsection:

3 “(g)(1) The report required by subsection (d) shall
4 include an assessment of the freedom of electronic infor-
5 mation in each foreign country. Such assessment shall in-
6 clude the following:

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

10 “(B) An assessment of the extent to which gov-
11 ernment authorities in that country attempt to filter,
12 censor, or otherwise block Internet content, as well
13 as a description of the means by which they attempt
14 to block such content.

15 “(C) A description of known instances in which
16 government authorities in that country have per-
17 secuted, prosecuted, or otherwise punished a person
18 or group for the peaceful expression of political, reli-
19 gious, or dissenting views via the Internet, including
20 electronic mail.

21 “(2) In compiling data and making assessments for
22 the purposes of paragraph (1), United States diplomatic
23 mission personnel shall consult with human rights organi-
24 zations and other appropriate nongovernmental organiza-
25 tions.”.



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

5 “(i)(1) The report required by subsection (b) shall in-
6 clude an assessment of the freedom of electronic informa-
7 tion in each foreign country. Such assessment shall in-
8 clude the following:

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

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

17 “(C) A description of known instances in which
18 government authorities in that country have per-
19 secuted, prosecuted, or otherwise punished a person
20 or group for the peaceful expression of political, reli-
21 gious, or dissenting views via the Internet, including
22 electronic mail.

23 “(2) In compiling data and making assessments for
24 the purposes of paragraph (1), United States diplomatic
25 mission personnel shall consult with human rights organi-



1 zations and other appropriate nongovernmental organiza-
2 tions.”.

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

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

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

9 (1) serve as the focal point for interagency ef-
10 forts to protect and promote freedom of electronic
11 information abroad;

12 (2) develop and ensure the implementation of a
13 global strategy and programs to combat state-spon-
14 sored and state-directed Internet jamming by au-
15 thoritarian foreign governments, and the intimidat-
16 ion and persecution by such governments of their
17 citizens who use the Internet;

18 (3) provide assistance to the President in con-
19 nection with the annual designation of Internet-re-
20 stricting countries required by section 105(a) of this
21 Act;

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

24 (A) identify key words, terms, and phrases
25 relating to human rights, democracy, religious



1 free exercise, and peaceful political dissent, both
2 in general and as specifically related to the par-
3 ticular context and circumstances of each Inter-
4 net-restricting country; and

5 (B) maintain, update, and make publicly
6 available on a regular basis the key words,
7 terms, and phrases identified pursuant to sub-
8 paragraph (A);

9 (5) establish mechanisms by which United
10 States businesses can transmit to the Office the in-
11 formation required to be reported by sections 203
12 and 204 of this Act;

13 (6) establish a regularized consultative process
14 with appropriate technology companies involved in
15 providing, maintaining, or servicing the Internet,
16 human rights organizations, academic experts, and
17 others to develop a voluntary code of minimum cor-
18 porate standards related to Internet freedom, and to
19 consult with such companies, organizations, experts,
20 and others regarding new technologies and the im-
21 plementation of appropriate policies relating to such
22 technologies; and

23 (7) advise the appropriate congressional com-
24 mittees of legislative action that may be necessary to



1 keep the provisions of this Act and the amendments
2 made by this Act relevant to changing technologies.

3 (c) COOPERATION OF OTHER FEDERAL DEPART-
4 MENTS AND AGENCIES.—Each department and agency of
5 the Government of the United States, including the De-
6 partment of Commerce, the Office of the United States
7 Trade Representative, the Department of Justice, the
8 International Broadcasting Bureau, and the Office of the
9 Director of National Intelligence, shall—

10 (1) cooperate fully with, and assist in the imple-
11 mentation of, the duties of the Office described in
12 subsection (b), including the strategy developed by
13 the Office pursuant to paragraph (2) of subsection
14 (b); and

15 (2) make such resources and information avail-
16 able to the Office on a nonreimbursable basis as is
17 necessary to achieve the purposes of this Act and the
18 amendments made by this Act.

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

21 (1) the Committee on International Relations
22 and the Committee on Energy and Commerce of the
23 House of Representatives; and



1 (2) the Committee on Foreign Relations and
2 the Committee on Commerce, Science, and Trans-
3 portation of the Senate.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the Office to carry
6 out this section \$50,000,000 for each of the fiscal years
7 2007 and 2008.

8 **SEC. 105. ANNUAL DESIGNATION OF INTERNET-RESTRICT-**
9 **ING COUNTRIES; REPORT.**

10 (a) DESIGNATION.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, and an-
13 nually thereafter, the President shall designate
14 Internet-restricting countries for purposes of this
15 Act.

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

22 (3) INITIAL DESIGNEES.—

23 (A) IN GENERAL.—Each of the countries
24 specified in subparagraph (B) shall be deemed
25 to be designated as an Internet-restricting



1 country pursuant to paragraph (1) beginning
2 on the date of the enactment of this Act and
3 ending on the date on which the President cer-
4 tifies to the appropriate congressional commit-
5 tees that the country involved is no longer di-
6 rectly or indirectly responsible for a systematic
7 pattern of substantial restrictions on Internet
8 freedom.

9 (B) COUNTRIES.—The countries referred
10 to in subparagraph (A) are Belarus, Cuba,
11 Ethiopia, Iran, Laos, North Korea, the People’s
12 Republic of China, Tunisia, and Vietnam.

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 President shall transmit to the
17 appropriate congressional committees a report that
18 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 pursuant to 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 pur-
3 suant to 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).

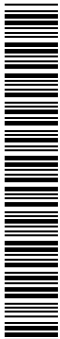
8 (2) FORM.—The information required by para-
9 graph (1)(C) of the report may be provided in a
10 classified form if necessary.

11 (3) INTERNET AVAILABILITY.—All unclassified
12 portions of the report shall be made publicly avail-
13 able on the Internet Web site of the Department of
14 State.

15 **TITLE II—MINIMUM CORPORATE**
16 **STANDARDS FOR ONLINE**
17 **FREEDOM**

18 **SEC. 201. PROTECTION OF PERSONALLY IDENTIFIABLE IN-**
19 **FORMATION.**

20 (a) PROHIBITION OF LOCATING PERSONALLY IDEN-
21 TIFIABLE INFORMATION IN INTERNET-RESTRICTING
22 COUNTRIES.—A United States business may not locate,
23 within a designated Internet-restricting country, any elec-
24 tronic communication that contains any personally identi-
25 fiable information.



1 (b) DEFINITIONS.—In this section:

2 (1) TITLE 18 DEFINITIONS.—The terms “elec-
3 tronic communication”, “electronic communications
4 system”, “electronic storage”, and “contents” have
5 the meanings given such terms in section 2510 of
6 title 18, United States Code.

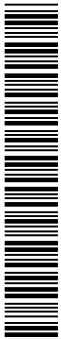
7 (2) LOCATE.—The term “locate” includes, with
8 respect to an electronic communication—

9 (A) computer storage or processing by fa-
10 cilities of a remote computing service, as such
11 term is defined in section 2711 of title 18,
12 United States Code;

13 (B) electronic storage by any electronic or
14 computer server or facility of an electronic com-
15 munications system; and

16 (C) any other storage by any electronic or
17 computer server or facility.

18 (3) TRAFFIC DATA.—The term “traffic data”
19 means, with respect to an electronic communication,
20 any information contained in or relating to such
21 communication that is processed for the purpose of
22 the conveyance of the communication by an elec-
23 tronic communications system or for the billing
24 thereof, including any Internet Protocol address or
25 other means of identifying a location within an elec-



1 tronic communications system, but that does not by
2 itself identify a particular person. Such term does
3 not include the contents of any electronic commu-
4 nication.

5 **SEC. 202. INTEGRITY OF PERSONALLY IDENTIFIABLE IN-**
6 **FORMATION.**

7 (a) **USER PROTECTION.**—If a United States business
8 collects or obtains personally identifiable information
9 through the provision of products or services on the Inter-
10 net, such business may not provide such information to
11 any foreign official of an Internet-restricting country, ex-
12 cept for legitimate foreign law enforcement purposes as
13 determined by the Department of Justice.

14 (b) **USE OF ESTABLISHED LEGAL CHANNELS.**—Any
15 information that may be provided under subsection (a) for
16 legitimate foreign law enforcement purposes may only be
17 provided through established legal channels as determined
18 by the Department of Justice.

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



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 used to filter, limit, or otherwise affect the re-
8 sults provided by the search engine that are
9 implemented—

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

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

16 **SEC. 204. TRANSPARENCY REGARDING INTERNET CENSOR-**
17 **SHIP.**

18 (a) **PROVISION OF URLS.**—Any United States busi-
19 ness that maintains an Internet content hosting service
20 shall provide the Office of Global Internet Freedom, in a
21 format and with a frequency to be specified by the Office,
22 with the Uniform Resource Locators (URLs) of all data
23 and content that such business has, under the cir-
24 cumstances set forth in subsection (b)—

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



1 (2) blocked from availability on the Internet; or
2 (3) blocked from transmission via the Internet
3 into or within an Internet-restricting country.

4 (b) CIRCUMSTANCES.—The circumstances referred to
5 in subsection (a) are that the United States business took
6 the action under subsection (a)—

7 (1) at the request of, or by reason of any other
8 direct or indirect communication by, any foreign of-
9 ficial of an Internet-restricting country; or
10 (2) in order to comply with a policy or practice
11 of restrictions on Internet freedom in an Internet-re-
12 stricting country.

13 **SEC. 205. PROTECTION OF UNITED STATES-SUPPORTED ON-**
14 **LINE CONTENT.**

15 A United States business that maintains an Internet
16 content hosting service may not conduct Internet jamming
17 of a United States-supported Web site or United States-
18 supported content in an Internet-restricting country.

19 **SEC. 206. PENALTIES.**

20 (a) CIVIL PENALTIES.—(1)(A) Any United States
21 business that violates section 202(a) shall be subject to
22 a civil penalty of not more than \$2,000,000 imposed in
23 an action brought by the Attorney General.

24 (B) Any officer, director, employee, or agent, or
25 stockholder of a United States business, who is acting on



1 behalf of that business concern and who violates section
2 202(a), shall be subject to a civil penalty of not more
3 \$100,000 imposed in an action brought by the Attorney
4 General.

5 (2) Any United States business that violates section
6 201, 203, 204, or 205, or any officer, director, employee,
7 or agent, or stockholder of a United States business, who
8 is acting on behalf of that business concern and who vio-
9 lates section 201, 203, 204, or 205, shall be subject to
10 a civil penalty of not more than \$10,000 imposed in an
11 action brought by the Attorney General.

12 (b) CRIMINAL PENALTIES.—(1)(A) Any United
13 States business that willfully violates, or willfully attempts
14 to violate, section 202(a) shall be fined not more than
15 \$2,000,000.

16 (B) Any officer, director, employee, or agent, or
17 stockholder of a United States business, who is acting on
18 behalf of that business concern, and who willfully violates,
19 or willfully attempts to violate, section 202(a), shall be
20 fined not more than \$100,000, or imprisoned not more
21 than 5 years, or both.

22 (2)(A) Any United States business that willfully vio-
23 lates, or willfully attempts to violate, section 201, 203,
24 204, or 205 shall be fined not more than \$10,000.



1 (B) Any officer, director, employee, or agent, or
2 stockholder of a United States business, who is acting on
3 behalf of that business concern and who willfully violates,
4 or willfully attempts to violate, section 201, 203, 204, or
5 205, shall be fined not more than \$10,000, or imprisoned
6 not more than 1 year, or both.

7 (c) PAYMENT OF FINES.—Whenever a fine is im-
8 posed under subsection (a) or (b) upon any officer, direc-
9 tor, employee, agent, or stockholder of a United States
10 business, the fine may not be paid, directly or indirectly,
11 by the United States business.

12 **SEC. 207. PRESIDENTIAL WAIVER.**

13 (a) IN GENERAL.—Subject to subsection (b), the
14 President may waive the application of any of provisions
15 of sections 201 through 205 with respect to a United
16 States business or an Internet-restricting country, if the
17 President determines and so reports to the appropriate
18 congressional committees that—

19 (1) the government of the country has ceased
20 the activities giving rise to the designation of the
21 country as an Internet-restricting country;

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



1 (3) the important national interest of the
2 United States requires the exercise of such waiver
3 authority.

4 (b) CONGRESSIONAL NOTIFICATION.—Not later than
5 the date of the exercise of a waiver under subsection (a),
6 the President shall notify the appropriate congressional
7 committees of the waiver or the intention to exercise the
8 waiver, together with a detailed justification for the waiv-
9 er.

10 **TITLE III—EXPORT CONTROLS**
11 **FOR INTERNET-RESTRICTING**
12 **COUNTRIES**

13 **SEC. 301. FEASIBILITY STUDY ON ESTABLISHMENT OF EX-**
14 **PORT CONTROLS.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Secretary of Commerce, in consulta-
17 tion with the Secretary of State, shall complete a feasi-
18 bility study regarding the development of export license
19 requirements regarding the export of any item subject to
20 sections 730 through 774 of title 15, Code of Federal Reg-
21 ulations (commonly known as the “Export Administration
22 Regulations”) to an end user in an Internet-restricting
23 country for the purpose, in whole or in part, of facilitating
24 substantial restrictions on Internet freedom.



1 **SEC. 302. REPORT.**

2 Not later than 30 days after the end of the 180-day
3 period described in section 301, the Secretary of Com-
4 merce, in consultation with the Secretary of State, shall
5 submit to the appropriate congressional committees a re-
6 port describing the actions taken to carry out section 301.

