

[DISCUSSION DRAFT]

FEBRUARY 14, 2006

109TH CONGRESS
2^D 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.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on _____

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.

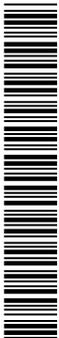


1 (11) The Government of the People's Republic
2 of China has employed censorship of the Internet in
3 violation of Article 35 of the Chinese Constitution,
4 which guarantees freedom of speech, freedom of the
5 press, freedom of assembly, freedom of association,
6 freedom of procession, and freedom of 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) United States technology companies have
22 succumbed to pressure by authoritarian foreign gov-
23 ernments to provide such governments with informa-
24 tion about Internet users that has led to the arrest
25 and imprisonment of cyber dissidents, in violation of



1 the corporate responsibility of such companies to
2 protect and uphold human rights.

3 (15) United States technology companies have
4 provided the technology and training to authori-
5 tarian foreign governments to assist such govern-
6 ments in filtering and blocking information that pro-
7 motes democracy and freedom.

8 (16) United States technology companies have
9 failed to develop standards by which they can con-
10 duct business with authoritarian foreign govern-
11 ments while protecting human rights to freedom of
12 speech and freedom of expression.

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

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—Except as otherwise provided in this Act, the
19 term “appropriate congressional committees”
20 means—

21 (A) the Committee on International Rela-
22 tions of the House of Representatives; and

23 (B) the Committee on Foreign Relations of
24 the Senate.

25 (2) FOREIGN OFFICIAL.—



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

3 (i) any officer or employee of a for-
4 eign government or any department, agen-
5 cy, state-owned enterprise, or instrumen-
6 tality thereof; or

7 (ii) any person acting in an official ca-
8 pacity for or on behalf of any such govern-
9 ment or department, agency, state-owned
10 enterprise, or instrumentality.

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

18 (3) INTERNET.—The term “Internet” means
19 the combination of computer facilities, telecommuni-
20 cations facilities, electromagnetic transmission
21 media, and related equipment and software, com-
22 prising the interconnected worldwide network of
23 computer networks that employ the Transmission
24 Control Protocol/Internet Protocol or any successor
25 protocol to transmit information.



1 (4) INTERNET CONTENT HOSTING SERVICE.—
2 The terms “Internet content hosting service” and
3 “content hosting service” mean a service that—

4 (A) stores, through electromagnetic or
5 other means, electronic data, including the con-
6 tent of web pages, electronic mail, documents,
7 images, audio and video files, online discussion
8 boards, and weblogs; and

9 (B) makes such data available via the
10 Internet.

11 (5) INTERNET JAMMING.—The term “Internet
12 jamming” means jamming, censoring, blocking,
13 monitoring, or restricting access to the Internet, or
14 to content made available via the Internet, by using
15 technologies such as firewalls, filters, and “black
16 boxes”.

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

21 (7) INTERNET SEARCH ENGINE.—The term
22 “Internet search engine” or “search engine” means
23 a service made available via the Internet that, on the
24 basis of query consisting of terms, concepts, ques-
25 tions, or other data input by a user, searches infor-



1 mation available on the Internet and returns to the
2 user a means, such as a hyperlinked list of Uniform
3 Resource Identifiers, of locating, viewing, or
4 downloading information or data available on the
5 Internet relating to that query.

6 (8) LEGITIMATE FOREIGN LAW ENFORCEMENT
7 PURPOSES.—

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

16 (B) RULE OF CONSTRUCTION.—For pur-
17 poses of this Act, the control, suppression, or
18 punishment of peaceful expression of political or
19 religious opinion does not constitute a legiti-
20 mate foreign law enforcement purpose.

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



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

7 (A) deliberately blocking, filtering, or cen-
8 soring information available via the Internet
9 based on its peaceful political or religious con-
10 tent; or

11 (B) persecuting, prosecuting, or otherwise
12 punishing an individual or group for posting or
13 transmitting peaceful political or religious opin-
14 ions via the Internet, including by electronic
15 mail.

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

18 (A) any corporation, partnership, associa-
19 tion, joint-stock company, business trust, unin-
20 corporated organization, or sole proprietorship
21 that—

22 (i) has its principal place of business
23 in the United States; or

24 (ii) is organized under the laws of a
25 State of the United States or a territory,



1 possession, or commonwealth of the United
2 States;

3 (B) every issuer of a security registered
4 pursuant to section 12 of the Securities Ex-
5 change Act of 1934 (15 U.S.C. 78l); and

6 (C) any foreign subsidiary of an entity de-
7 scribed in subparagraph (A) or (B) to the ex-
8 tent such entity—

9 (i) controls the voting shares or other
10 equities of the foreign subsidiary; or

11 (ii) authorizes, directs, controls, or
12 participates in acts carried out by the for-
13 eign subsidiary that are prohibited by this
14 Act.

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

20 [(13) UNITED STATES-SUPPORTED INFORMA-
21 TION ENTITY.—The term “United States-supported
22 information entity” means—]

23 (A) [any agency (as such term is defined
24 in section 551 of title 5, United States Code)



1 of the Federal Government/ any authority of
2 the Government of the United States?]; and

3 (B) any entity that [NOTE: Describe the
4 entities like Voice of America/ Radio Free Asia
5 that receive Federal assistance to provide infor-
6 mation.]

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

12 **SEC. 4. SEVERABILITY.**

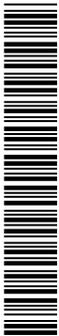
13 If any provision of this Act, or the application of such
14 provision to any person or circumstance, is held invalid,
15 the remainder of this Act, and the application of such pro-
16 vision to other persons not similarly situated or to other
17 circumstances, shall not be affected by such invalidation.

18 **TITLE I—PROMOTION OF**
19 **GLOBAL INTERNET FREEDOM**

20 **SEC. 101. STATEMENT OF POLICY.**

21 It shall be the policy of the United States—

22 (1) to promote the ability of all to access and
23 contribute information, ideas, and knowledge via the
24 Internet and to advance the right to receive and im-
25 part information and ideas through any media and



1 regardless of frontiers as a fundamental component
2 of United States foreign policy;

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

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

12 **SEC. 102. SENSE OF CONGRESS.**

13 It is the sense of Congress that—

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

24 (2) to the extent that a United States business
25 empowers or assists an authoritarian foreign govern-



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

13 **SEC. 103. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
14 **PRACTICES.**

15 (a) REPORT RELATING TO ECONOMIC ASSIST-
16 ANCE.—Section 116 of the Foreign Assistance Act of
17 1961 (22 U.S.C. 2151n) is amended by adding at the end
18 the following new subsection:

19 “(g)(1) The report required by subsection (d) shall
20 include an assessment of the freedom of electronic infor-
21 mation 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 (b) REPORT RELATING TO SECURITY ASSISTANCE.—
18 Section 502B of the Foreign Assistance Act of 1961 (22
19 U.S.C. 2304) is amended by adding at the end the fol-
20 lowing new subsection:

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



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

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

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

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

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

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

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



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

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

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

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

15 (A) identify key words, terms, and phrases
16 relating to human rights, democracy, religious
17 free exercise, and peaceful political dissent, both
18 in general and as specifically related to the par-
19 ticular context and circumstances of each Inter-
20 net-restricting country, for purposes of compli-
21 ance by United States businesses with the re-
22 quirements of section 201 of this Act; and

23 (B) maintain, update, and make publicly
24 available on a regular basis the key words,



1 terms, and phrases identified pursuant to sub-
2 paragraph (A).

3 (5) establish mechanisms by which United
4 States businesses can transmit to the Office the in-
5 formation required to be reported by section 202 of
6 this Act;

7 (6) work with appropriate [Internet compa-
8 nies?] human rights organizations, academic experts,
9 and others to develop a voluntary code of minimum
10 corporate standards related to Internet freedom; and

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

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

22 (1) cooperate fully with, and assist in the imple-
23 mentation of, the duties of the Office described in
24 subsection (b), including the strategy developed by



1 the Office pursuant to paragraph (2) of subsection
2 (b); and

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

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

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

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

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

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

21 (a) DESIGNATION.—

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



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

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

9 (3) INITIAL DESIGNEES.—The People’s Repub-
10 lic of China, Iran, and Vietnam shall each be
11 deemed to be designated as an Internet-restricting
12 country pursuant to paragraph (1) beginning on the
13 date of the enactment of this Act and ending on the
14 date on which the President certifies to the appro-
15 priate congressional committees that the People’s
16 Republic of China, Iran, or Vietnam, as the case
17 may be, is no longer directly or indirectly responsible
18 for a systematic pattern of substantial restrictions
19 on Internet freedom.

20 (b) REPORT.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, and an-
23 nually thereafter, the President shall transmit to the
24 appropriate congressional committees a report that
25 contains the following:



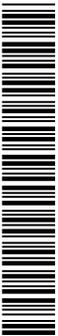
1 (A) The name of each foreign country that
2 at the time of the transmission of the report is
3 designated as an Internet-restricting country
4 pursuant to subsection (a).

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

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

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

18 (3) INTERNET AVAILABILITY.—All unclassified
19 portions of the report shall be made publicly avail-
20 able on the Internet Web site of the Department of
21 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 that search engine
9 or content hosting service with a designated Internet re-
10 stricting country.

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

12 (a) LOCATION.—Any United States business that cre-
13 ates, provides, or hosts any Internet search engine may
14 not locate that search engine with a designated Internet
15 restricting country.

16 (b) ALTERATION OF OPERATION.—Any United
17 States business that creates, provides, or hosts any Inter-
18 net search engine may not alter the operation of such
19 search engine with respect to protected filter terms
20 either—

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

24 (2) in a manner intended or likely to produce
25 different search engine results for users accessing



1 the search engine from within an Internet-restricting
2 country as compared to users elsewhere.

3 **SEC. 203. TRANSPARENCY REGARDING SEARCH ENGINE**
4 **FILTERING.**

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

14 **SEC. 204. PROTECTION OF UNITED STATES-SUPPORTED ON-**
15 **LINE CONTENT.**

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

20 **SEC. 205. TRANSPARENCY REGARDING INTERNET CENSOR-**
21 **SHIP.**

22 Any United States business that maintains an Inter-
23 net content hosting service shall provide the Office of
24 Global Internet Freedom, in a format and with a fre-
25 quency to be specified by the Office, with copies of all data



1 and content that such business has, at the request of [,or
2 by reason of any other direct or indirect communication
3 by,] any foreign official of an Internet-restricting
4 country—

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

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

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

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

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

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



1 **SEC. 207. PENALTIES.**

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

5 (2) Any United States business or United States per-
6 son that violates sections 201, 202, 203, 204 or 205 shall
7 be subject to a civil penalty of not more than \$10,000 im-
8 posed in an action brought by the Attorney General.

9 (b) CRIMINAL PENALTIES.—(1) Any United States
10 business that willfully violates, or willfully attempts to vio-
11 late section 206(a) shall be fined not more than
12 \$2,000,000, or if a natural person who is an officer, direc-
13 tor, employee, or agent of a United States business, or
14 stockholder acting on behalf of such United States busi-
15 ness, shall be fined not more than \$100,000, or impris-
16 oned not more than 5 years, or both.

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

25 (3) Whenever a fine is imposed under paragraph (2)
26 upon any officer, director, employee, agent, or stockholder



1 of a United States business, such fine may not be paid,
2 directly or indirectly, by such United States business.

3 **TITLE III—EXPORT CONTROLS**
4 **FOR INTERNET-RESTRICTING**
5 **COUNTRIES**

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

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

19 **SEC. 302. REPORT.**

20 Not later than 120 days after the date of the enact-
21 ment of this Act, the Secretary of State, in consultation
22 with the Secretary of Commerce, shall submit to the ap-
23 propriate congressional committees a report describing the
24 actions taken to implement the requirements of section
25 301 of this Act.

