

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 275
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 2007”.

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

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

TITLE I—PROMOTION OF GLOBAL INTERNET FREEDOM

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

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

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

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

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

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 one
12 billion 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) Authoritarian foreign governments such as
25 the Governments of Belarus, Cuba, Ethiopia, Iran,
26 Laos, North Korea, the People’s Republic of China,

1 Tunisia, and Vietnam, among others, block, restrict,
2 and monitor the information their citizens try to ob-
3 tain.

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

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

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

1 (9) The Government of the People’s Republic of
2 China has employed censorship of the Internet in
3 violation of Article 35 of the Chinese Constitution,
4 which guarantees freedom of speech and freedom of
5 the press.

6 (10) This censorship by the Chinese Govern-
7 ment allows that Government to promote a
8 xenophobic—and at times particularly anti-Amer-
9 ican—Chinese nationalism, the long-term effect of
10 which will be deleterious to United States efforts to
11 improve the relationship between the United States
12 and China.

13 (11) Technology companies in the United
14 States that operate in countries controlled by au-
15 thoritarian foreign governments have a moral re-
16 sponsibility to comply with the principles of the Uni-
17 versal Declaration of Human Rights.

18 (12) Technology companies in the United
19 States have succumbed to pressure by authoritarian
20 foreign governments to provide such governments
21 with information about Internet users that has led
22 to the arrest and imprisonment of “cyber dis-
23 sidents”, in violation of the corporate responsibility
24 of such companies to protect and uphold human
25 rights.

1 (13) Technology companies in the United
2 States have provided technology and training to au-
3 thoritarian foreign governments which have been
4 used by such governments in filtering and blocking
5 information that promotes democracy and freedom.

6 (14) Technology companies in the United
7 States should develop standards by which they can
8 conduct business with authoritarian foreign govern-
9 ments while protecting human rights to freedom of
10 speech and freedom of expression.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—Except as otherwise provided in this Act, the
15 term “appropriate congressional committees”
16 means—

17 (A) the Committee on Foreign Affairs of
18 the House of Representatives; and

19 (B) the Committee on Foreign Relations of
20 the Senate.

21 (2) FOREIGN OFFICIAL.—

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

24 (i) any officer or employee of a for-
25 eign government or any department, agen-

1 cy, state-owned enterprise, or instrumen-
2 tality thereof; or

3 (ii) any person acting in an official ca-
4 pacity for or on behalf of any such govern-
5 ment or department, agency, state-owned
6 enterprise, or instrumentality.

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

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

22 (4) INTERNET CONTENT HOSTING SERVICE.—
23 The terms “Internet content hosting service” and
24 “content hosting service” mean a service that—

1 (A) stores, through electromagnetic or
2 other means, electronic data, including the con-
3 tent of Web pages, electronic mail, documents,
4 images, audio and video files, online discussion
5 boards, and Web logs; and

6 (B) makes such data available via the
7 Internet.

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

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

18 (7) INTERNET SEARCH ENGINE.—The term
19 “Internet search engine” or “search engine” means
20 a service made available via the Internet that, on the
21 basis of query consisting of terms, concepts, ques-
22 tions, or other data input by a user, searches infor-
23 mation available on the Internet and returns to the
24 user a means, such as a hyperlinked list of Uniform
25 Resource Identifiers, of locating, viewing, or

1 downloading information or data available on the
2 Internet relating to that query.

3 (8) LEGITIMATE FOREIGN LAW ENFORCEMENT
4 PURPOSES.—

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

13 (B) RULE OF CONSTRUCTION.—For pur-
14 poses of this Act, the control, suppression, or
15 punishment of peaceful expression of political or
16 religious opinion, which is protected by Article
17 19 of the International Covenant on Civil and
18 Political Rights, does not constitute a legitimate
19 foreign law enforcement purpose.

20 (9) PERSONALLY IDENTIFIABLE INFORMA-
21 TION.—The term “personally identifiable informa-
22 tion”—

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

- 1 (B) does not include—
- 2 (i) any traffic data (as such term is
- 3 defined in section 201(b) of this Act); or
- 4 (ii) any record of aggregate data that
- 5 does not identify particular persons.

6 (10) SUBSTANTIAL RESTRICTIONS ON INTER-

7 NET FREEDOM.—The term “substantial restrictions

8 on Internet freedom” means actions that restrict or

9 punish the free availability of information via the

10 Internet for reasons other than legitimate foreign

11 law enforcement purposes, including—

12 (A) deliberately blocking, filtering, or cen-

13 soring information available via the Internet

14 based on its peaceful political or religious con-

15 tent; or

16 (B) persecuting, prosecuting, or otherwise

17 punishing an individual or group for posting or

18 transmitting peaceful political or religious opin-

19 ions via the Internet, including by electronic

20 mail.

21 (11) UNITED STATES BUSINESS.—The term

22 “United States business” means—

23 (A) any corporation, partnership, associa-

24 tion, joint-stock company, business trust, unin-

1 corporated organization, or sole proprietorship
2 that—

3 (i) has its principal place of business
4 in the United States; or

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

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

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

15 (i) controls the voting shares or other
16 equities of the foreign subsidiary; or

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

21 (12) UNITED STATES-SUPPORTED CONTENT.—

22 The term “United States-supported content” means
23 content that is created or developed, in whole or in
24 part, by a United States-supported information enti-
25 ty.

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

4 (A) any authority of the Government of
5 the United States; and

6 (B) any entity that—

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

14 (ii) exists within the Broadcasting
15 Board of Governors and carries out non-
16 military international broadcasting activi-
17 ties supported by the Government of the
18 United States in accordance with such Act;
19 or

20 (iii) receives grants or other similar
21 funding from the Government of the
22 United States to carry out any information
23 dissemination activities.

24 (14) UNITED STATES-SUPPORTED WEB SITE.—

25 The term “United States-supported Web site”

1 means a location on the World Wide Web that is
2 owned or managed by, or is registered to, a United
3 States-supported information entity.

4 **SEC. 4. SEVERABILITY.**

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

10 **TITLE I—PROMOTION OF**
11 **GLOBAL INTERNET FREEDOM**

12 **SEC. 101. STATEMENT OF POLICY.**

13 It shall be the policy of the United States—

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

20 (2) to use all appropriate instruments of United
21 States influence, including diplomacy, trade policy,
22 and export controls, to support, promote, and
23 strengthen principles, practices, and values that pro-
24 mote the free flow of information, including through
25 the Internet and other electronic media; and

1 (3) to deter any United States business from
2 cooperating with officials of Internet-restricting
3 countries in effecting the political censorship of on-
4 line content.

5 **SEC. 102. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

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

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

1 all people, including those in undemocratic and re-
2 pressive societies.

3 **SEC. 103. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
4 **PRACTICES.**

5 (a) REPORT RELATING TO ECONOMIC ASSIST-
6 ANCE.—Section 116 of the Foreign Assistance Act of
7 1961 (22 U.S.C. 2151n) is amended by adding at the end
8 the following new subsection:

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

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

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

21 “(C) A description of known instances in
22 which government authorities in that country
23 have persecuted, prosecuted, or otherwise pun-
24 ished a person or group for the peaceful expres-

1 sion of political, religious, or dissenting views
2 via the Internet, including electronic mail.

3 “(D) A description of known instances in
4 which government authorities in that country
5 have sought to collect, request, obtain or dis-
6 close the personally identifiable information of a
7 person in connection with that person’s commu-
8 nication of ideas, facts or views where such
9 communication would be protected by the Inter-
10 national Covenant on Civil and Political Rights.

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

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

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

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

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

9 “(C) A description of known instances in
10 which government authorities in that country
11 have persecuted, prosecuted, or otherwise pun-
12 ished a person or group for the peaceful expres-
13 sion of political, religious, or dissenting views
14 via the Internet, including electronic mail.

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

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

1 human rights organizations, technology and internet
2 companies, and other appropriate nongovernmental
3 organizations.”.

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

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

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

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

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

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

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

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

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

11 (5) establish mechanisms to collect the informa-
12 tion required to be reported by sections 116(g) and
13 502B(i) of the Foreign Assistance Act of 1961 (as
14 added by section 103 of this Act) and sections 203
15 and 204 of this Act;

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

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

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

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

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

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

23 (1) the Committee on Foreign Affairs and the
24 Committee on Energy and Commerce of the House
25 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 such sums
6 as may be necessary to carry out this section.

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

9 (a) DESIGNATION.—

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

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

21 (b) REPORT.—

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 transmit to the

1 appropriate congressional committees a report that
2 contains the following:

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

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

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

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

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

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

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

6 (a) PROHIBITION OF LOCATING PERSONALLY IDEN-
7 TIFIABLE INFORMATION IN INTERNET-RESTRICTING
8 COUNTRIES.—A United States business may not locate,
9 within a designated Internet-restricting country, any elec-
10 tronic communication that contains any personally identi-
11 fiable information.

12 (b) DEFINITIONS.—In this section:

13 (1) TITLE 18 DEFINITIONS.—The terms “elec-
14 tronic communication”, “electronic communications
15 system”, “electronic storage”, and “contents” have
16 the meanings given such terms in section 2510 of
17 title 18, United States Code.

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

20 (A) computer storage or processing by fa-
21 cilities of a remote computing service, as such
22 term is defined in section 2711 of title 18,
23 United States Code;

1 (B) electronic storage by any electronic or
2 computer server or facility of an electronic com-
3 munications system; and

4 (C) any other storage by any electronic or
5 computer server or facility.

6 (3) **TRAFFIC DATA.**—The term “traffic data”
7 means, with respect to an electronic communication,
8 any information contained in or relating to such
9 communication that is processed for the purpose of
10 the conveyance of the communication by an elec-
11 tronic communications system or for the billing
12 thereof, including any Internet Protocol address or
13 other means of identifying a location within an elec-
14 tronic communications system, but that does not by
15 itself identify a particular person. Such term does
16 not include the contents of any electronic commu-
17 nication.

18 **SEC. 202. INTEGRITY OF PERSONALLY IDENTIFIABLE IN-**
19 **FORMATION.**

20 (a) **USER PROTECTION.**—If a United States business
21 collects or obtains personally identifiable information
22 through the provision of products or services on the Inter-
23 net, such business may not provide such information to
24 any foreign official of an Internet-restricting country, ex-

1 cept for legitimate foreign law enforcement purposes as
2 determined by the Department of Justice.

3 (b) USE OF ESTABLISHED LEGAL CHANNELS.—Any
4 information that may be provided under subsection (a) for
5 legitimate foreign law enforcement purposes may only be
6 provided through established legal channels as determined
7 by the Department of Justice.

8 (c) PRIVATE RIGHT OF ACTION.—Any person ag-
9 grieved by a violation of this section may bring an action
10 for damages, including punitive damages, or other appro-
11 priate relief in the appropriate district court of the United
12 States, without regard to the amount in controversy, and
13 without regard to the citizenship of the parties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **SEC. 206. PENALTIES.**

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

15 (B) Any officer, director, employee, or agent, or
16 stockholder of a United States business, who is acting on
17 behalf of that business concern and who violates section
18 202(a), shall be subject to a civil penalty of not more
19 \$100,000 imposed in an action brought by the Attorney
20 General.

21 (2) Any United States business that violates section
22 201, 203, 204, or 205, or any officer, director, employee,
23 or agent, or stockholder of a United States business, who
24 is acting on behalf of that business concern and who vio-
25 lates section 201, 203, 204, or 205, shall be subject to

1 a civil penalty of not more than \$10,000 imposed in an
2 action brought by the Attorney General.

3 (b) CRIMINAL PENALTIES.—(1)(A) Any United
4 States business that willfully violates, or willfully attempts
5 to violate, section 202(a) shall be fined not more than
6 \$2,000,000.

7 (B) Any officer, director, employee, or agent, or
8 stockholder of a United States business, who is acting on
9 behalf of that business concern, and who willfully violates,
10 or willfully attempts to violate, section 202(a), shall be
11 fined not more than \$100,000, or imprisoned not more
12 than 5 years, or both.

13 (2)(A) Any United States business that willfully vio-
14 lates, or willfully attempts to violate, section 201, 203,
15 204, or 205 shall be fined not more than \$10,000.

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 201, 203, 204, or
20 205, shall be fined not more than \$10,000, or imprisoned
21 not more than 1 year, or both.

22 (c) PAYMENT OF FINES.—Whenever a fine is im-
23 posed under subsection (a) or (b) upon any officer, direc-
24 tor, employee, agent, or stockholder of a United States

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

3 **SEC. 207. PRESIDENTIAL WAIVER.**

4 (a) IN GENERAL.—Subject to subsection (b), the
5 President may waive the application of any of the provi-
6 sions of sections 201 through 205 with respect to a United
7 States business or an Internet-restricting country, if the
8 President determines and so reports to the appropriate
9 congressional committees that—

10 (1) the government of the country has ceased
11 the activities giving rise to the designation of the
12 country as an Internet-restricting country;

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

15 (3) the important national interest of the
16 United States requires the exercise of such waiver
17 authority.

18 (b) CONGRESSIONAL NOTIFICATION.—Not later than
19 the date of the exercise of a waiver under subsection (a),
20 the President shall notify the appropriate congressional
21 committees of the waiver or the intention to exercise the
22 waiver, together with a detailed justification for the waiv-
23 er.

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

4 **SEC. 301. FEASIBILITY STUDY ON ESTABLISHMENT OF EX-**
5 **PORT CONTROLS.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the Secretary of Commerce, in consulta-
8 tion with the Secretary of State, shall complete a feasi-
9 bility study regarding the development of export controls
10 and export license requirements regarding the export of
11 any item subject to sections 730 through 774 of title 15,
12 Code of Federal Regulations (commonly known as the
13 “Export Administration Regulations”) to an end user in
14 an Internet-restricting country for the purpose, in whole
15 or in part, of facilitating substantial restrictions on Inter-
16 net freedom.

17 **SEC. 302. REPORT.**

18 Not later than 30 days after the end of the 180-day
19 period described in section 301, the Secretary of Com-
20 merce, in consultation with the Secretary of State, shall
21 submit to the appropriate congressional committees a re-
22 port describing the actions taken to carry out section 301.