

110TH CONGRESS  
1ST SESSION

# H. R. 275

To promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

Mr. SMITH of New Jersey (for himself and Mr. WOLF) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Global Online Freedom Act of 2007”.

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

### 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 flow of in-
- 7 formation on the Internet is protected in Article 19
- 8 of the Universal Declaration of Human Rights,
- 9 which guarantees freedom to “receive and impart in-
- 10 formation and ideas through any media regardless of
- 11 frontiers”.

1           (2) The Internet has been a success because it  
2 quickly provides information to its more than  
3 972,000,000 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, Cuba, Ethiopia, Iran,  
25 Laos, North Korea, the People's Republic of China,

1 Tunisia, and Vietnam block, restrict, and monitor  
2 the information their citizens try to obtain.

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

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

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

24 (11) The Government of the People’s Republic  
25 of China has employed censorship of the Internet in

1 violation of Article 35 of the Chinese Constitution,  
2 which guarantees freedom of speech, freedom of the  
3 press, freedom of assembly, freedom of association,  
4 freedom of procession, and freedom of demonstra-  
5 tion.

6 (12) This censorship by the Chinese Govern-  
7 ment promotes, perpetuates, and exacerbates 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 prevent the relationship between the United States  
12 and China from becoming hostile.

13 (13) 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 (14) 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 dissidents,  
23 in violation of the corporate responsibility of such  
24 companies to protect and uphold human rights.

1           (15) 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           (16) 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           (17) The United States supports the universal  
12 right to freedom of speech and freedom of the press.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

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

19                   (A) the Committee on International Rela-  
20 tions of the House of Representatives; and

21                   (B) the Committee on Foreign Relations of  
22 the Senate.

23           (2) FOREIGN OFFICIAL.—

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

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

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

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

16 (3) INTERNET.—The term “Internet” means  
17 the combination of computer facilities, telecommuni-  
18 cations facilities, electromagnetic transmission  
19 media, and related equipment and software, com-  
20 prising the interconnected worldwide network of  
21 computer networks that employ the Transmission  
22 Control Protocol/Internet Protocol or any successor  
23 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 Web logs; 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, which is protected by Article  
20      19 of the International Covenant on Civil and  
21      Political Rights, does not constitute a legitimate  
22      foreign law enforcement purpose.

23              (9) PERSONALLY IDENTIFIABLE INFORMA-  
24      TION.—The term “personally identifiable informa-  
25      tion”—

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

4 (B) does not include—

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

7 (ii) any record of aggregate data that  
8 does not identify particular persons.

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

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

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

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

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

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

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

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

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

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

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

23 (12) UNITED STATES-SUPPORTED CONTENT.—

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

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

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

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

8 (B) any entity that—

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

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

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

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

10 **SEC. 4. SEVERABILITY.**

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

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

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

19 It shall be the policy of the United States—

20 (1) to promote as a fundamental component of  
21 United States foreign policy the right of everyone to  
22 freedom of opinion and expression, including the  
23 freedom to hold opinions without interference and to  
24 seek, receive, and impart information and ideas  
25 through any media and regardless of frontiers;

1           (2) to use all appropriate instruments of United  
2 States influence, including diplomacy, trade policy,  
3 and export controls, to support, promote, and  
4 strengthen principles, practices, and values that pro-  
5 mote the free flow of information, including through  
6 the Internet and other electronic media; and

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

11 **SEC. 102. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13           (1) the President should through bilateral, and  
14 where appropriate, multilateral activities, seek to ob-  
15 tain the agreement of other countries to promote the  
16 goals and objectives of this Act and to protect Inter-  
17 net freedom; and

18           (2) to the extent that a United States business  
19 empowers or assists an authoritarian foreign govern-  
20 ment in its efforts to restrict online access to the  
21 Web sites of Radio Free Asia, the Voice of America,  
22 or other United States-supported Web sites and on-  
23 line access to United States Government reports  
24 such as the Annual Country Reports on Human  
25 Rights Practices, the Annual Reports on Inter-

1 national Religious Freedom, and the Annual Traf-  
2 ficking in Human Persons Reports, that business is  
3 working contrary to the foreign policy interests of  
4 the United States, and is undercutting United  
5 States taxpayer-funded efforts to promote freedom  
6 of information for all people, including those in un-  
7 democratic and repressive societies.

8 **SEC. 103. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**  
9 **PRACTICES.**

10 (a) REPORT RELATING TO ECONOMIC ASSIST-  
11 ANCE.—Section 116 of the Foreign Assistance Act of  
12 1961 (22 U.S.C. 2151n) is amended by adding at the end  
13 the following new subsection:

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

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

21 “(B) An assessment of the extent to which gov-  
22 ernment authorities in that country attempt to filter,  
23 censor, or otherwise block Internet content, as well  
24 as a description of the means by which they attempt  
25 to block such content.

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

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

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

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

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

23                  “(B) An assessment of the extent to which gov-  
24                  ernment authorities in that country attempt to filter,  
25                  censor, or otherwise block Internet content, as well

1 as a description of the means by which they attempt  
2 to block such content.

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

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

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

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

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

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

23 (2) develop and ensure the implementation of a  
24 global strategy and programs to combat state-spon-  
25 sored and state-directed Internet jamming by au-

1       thoritarian foreign governments, and the intima-  
2       tion and persecution by such governments of their  
3       citizens who use the Internet;

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

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

10               (A) identify key words, terms, and phrases  
11       relating to human rights, democracy, religious  
12       free exercise, and peaceful political dissent, both  
13       in general and as specifically related to the par-  
14       ticular context and circumstances of each Inter-  
15       net-restricting country; and

16               (B) maintain, update, and make publicly  
17       available on a regular basis the key words,  
18       terms, and phrases identified pursuant to sub-  
19       paragraph (A);

20               (5) establish mechanisms by which United  
21       States businesses can transmit to the Office the in-  
22       formation required to be reported by sections 203  
23       and 204 of this Act;

24               (6) establish a regularized consultative process  
25       with appropriate technology companies involved in

1 providing, maintaining, or servicing the Internet,  
2 human rights organizations, academic experts, and  
3 others to develop a voluntary code of minimum cor-  
4 porate standards related to Internet freedom, and to  
5 consult with such companies, organizations, experts,  
6 and others regarding new technologies and the im-  
7 plementation of appropriate policies relating to such  
8 technologies; and

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

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

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

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

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

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

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

13          (e) AUTHORIZATION OF APPROPRIATIONS.—There  
14          are authorized to be appropriated to the Office to carry  
15          out this section \$50,000,000 for each of the fiscal years  
16          2008 and 2009.

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

19          (a) DESIGNATION.—

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

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

7           (3) INITIAL DESIGNEES.—

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

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

23           (b) REPORT.—

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

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

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

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

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

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

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

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

4 **SEC. 201. PROTECTION OF 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 license  
10 requirements regarding the export of any item subject to  
11 sections 730 through 774 of title 15, Code of Federal Reg-  
12 ulations (commonly known as the “Export Administration  
13 Regulations”) to an end user in an Internet-restricting  
14 country for the purpose, in whole or in part, of facilitating  
15 substantial restrictions on Internet freedom.

16 **SEC. 302. REPORT.**

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

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