

116TH CONGRESS
2D SESSION

S. 3818

To protect and promote the freedom of the press globally.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2020

Mr. RUBIO (for himself and Mr. CARDIN) introduced the following bill; which
was read twice and referred to the Committee on Foreign Relations

A BILL

To protect and promote the freedom of the press globally.

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.**

4 This Act may be cited as the “World Press Freedom
5 Protection and Reciprocity Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Foreign Relations of
12 the Senate; and

1 (B) the Committee on Foreign Affairs of
2 the House of Representatives.

3 (2) FOREIGN PERSON.—The term “foreign per-
4 son” means an individual who is not—

5 (A) a United States citizen; or

6 (B) an alien lawfully admitted for perma-
7 nent residence to the United States.

8 (3) INTERNATIONALLY-RECOGNIZED RIGHT TO
9 FREEDOM OF EXPRESSION.—The term “internation-
10 ally-recognized right to freedom of expression” are
11 the rights set forth in—

12 (A) Article 19 of the Universal Declaration
13 of Human Rights, done at Paris December 10,
14 1948; and

15 (B) Article 19 of the International Cov-
16 enant on Civil and Political Rights, done at
17 New York December 19, 1966.

18 (4) MAJOR NON-NATO ALLY.—The term “major
19 non-NATO ally” means a country designated by the
20 President as a major non-NATO ally pursuant to
21 section 517 of the Foreign Assistance Act of 1961
22 (22 U.S.C. 2321k).

23 **SEC. 3. STATEMENT OF POLICY.**

24 (a) FINDINGS.—Congress finds the following:

1 (1) Freedom of the press is a critical compo-
2 nent of democratic governance that enhances trans-
3 parency, accountability, and participation of civil so-
4 ciety.

5 (2) United States Government efforts to protect
6 and expand freedom of the press and free expression
7 strengthen the national interests of the United
8 States by—

9 (A) supporting democracy;

10 (B) promoting good governance and public
11 health;

12 (C) mitigating conflict; and

13 (D) encouraging transparency and civil so-
14 ciety development around the world.

15 (3) Journalists, media personnel, and other in-
16 dividuals and organizations around the world that
17 receive and impart information and ideas face in-
18 creasing restrictions, threats, censorship, arbitrary
19 detention, torture, enforced disappearances, extraju-
20 dicial killings, and other violence for exercising their
21 internationally-recognized right to freedom of ex-
22 pression.

23 (4) Impunity for attacks on journalists, blog-
24 gers, and media personnel is an acute problem
25 around the world and a primary challenge to pro-

1 tecting freedom of expression and freedom of the
2 press.

3 (5) According to research and press freedom
4 rankings issued annually by Freedom House, the
5 Committee to Protect Journalists, and Reporters
6 Without Borders, some of the countries with the
7 most restrictive media and information environments
8 include Cuba, Djibouti, Eritrea, Iran, Laos,
9 Myanmar, North Korea, the Philippines, Saudi Ara-
10 bia, Syria, Turkmenistan, and Vietnam.

11 (6) Since a failed coup attempt in 2016, the
12 Government of the Republic of Turkey has used ter-
13 rorism and national security laws to shutter hun-
14 dreds of media outlets and jail dozens of journalists,
15 compounding the effects of more than a decade of
16 expanding ruling party influence over the ownership
17 of mainstream media in the country at the expense
18 of independent outlets.

19 (7) The People's Republic of China, which
20 maintains one of the most restrictive media and in-
21 formation environments in the world, seeks to con-
22 trol free speech inside and outside of China
23 through—

24 (A) censorship;

1 (B) onerous media organization registra-
2 tion requirements;

3 (C) harassment and retaliation;

4 (D) imprisonment;

5 (E) conditioning of press credential renew-
6 als for all journalists and visa issuance for for-
7 eign journalists on “positive” coverage of
8 China; and

9 (F) the operation of a digital surveillance
10 system so pervasive that both routine and sen-
11 sitive reporting activities and many aspects of
12 daily life are subject to government monitoring.

13 (8) The Russian Federation has continued to
14 use sophisticated tools to block and control informa-
15 tion online and employ draconian laws to pressure
16 independent media.

17 (9) The expansion and export of new tech-
18 nologies used for censorship and surveillance—

19 (A) represent a notable threat to human
20 rights, including press freedoms, transparency,
21 and democratic governance globally; and

22 (B) constitute a critical challenge to
23 United States national interests.

24 (10) Other countries’ restrictions on the activi-
25 ties of United States journalists and media per-

1 sonnel, other countries' censorship and blocking of
2 websites of United States news and media corpora-
3 tions, and other restrictions on the cross-border flow
4 of information—

5 (A) damage the competitiveness of United
6 States corporations;

7 (B) limit United States access to informa-
8 tion critical for United States investors, con-
9 sumers, and others making market and finan-
10 cial decisions; and

11 (C) should be considered a restriction of
12 trade and the creation of an unfair competitive
13 advantage benefitting foreign government-con-
14 trolled news organizations and other foreign
15 news and media corporations.

16 (b) POLICY STATEMENT.—It is the policy of the
17 United States—

18 (1) to advocate for detained and targeted jour-
19 nalists and other media personnel overseas, includ-
20 ing citizen journalists and bloggers;

21 (2) to call on governments, in both bilateral dis-
22 cussions and through multilateral organizations—

23 (A) to end restrictions on the internation-
24 ally-recognized right to freedom of expression;
25 and

1 (B) to abide by international commitments
2 set forth in—

3 (i) Article 19 of the Universal Dec-
4 laration of Human Rights, done at Paris
5 December 10, 1948; and

6 (ii) Article 19 of the International
7 Covenant on Civil and Political Rights,
8 done at New York December 19, 1966;

9 (3) to urge foreign governments—

10 (A) to transparently investigate and bring
11 to justice the perpetrators of attacks against
12 journalists, bloggers, and other media per-
13 sonnel; and

14 (B) to halt efforts to censor or block access
15 to news from United States journalists and
16 media personnel and the websites of United
17 States news and media organizations;

18 (4) to highlight threats against freedom of the
19 press in the Department of State's Annual Country
20 Reports on Human Rights Practices, as required
21 under section 116(d)(12) of the Foreign Assistance
22 Act of 1961 (22 U.S.C. 2151n(d)(12)), and other
23 public statements by senior Department of State of-
24 ficials;

1 (5) to seek, as part of bilateral diplomatic nego-
2 tiations globally, conditions for—

3 (A) a free flow of news and information;

4 (B) internet freedom; and

5 (C) an end to visas restrictions for United
6 States media personnel;

7 (6) to link expansion of the free flow of news
8 and information with ongoing and future trade
9 agreements and other bilateral agreements and com-
10 muniqes by seeking language eliminating—

11 (A) all limitations on market access for
12 news agency services; and

13 (B) any restrictions on cross-border data
14 flows involving journalists and the media, in-
15 cluding data flowing through the internet;

16 (7) to ensure that pursuing bilateral relation-
17 ships with foreign governments, particularly govern-
18 ments with restrictive press and information envi-
19 ronments, based on the principles of reciprocity
20 across many sectors, including economic, diplomatic,
21 educational, religious, and in the free flow of news
22 and information; and

23 (8) to clearly differentiate, in official state-
24 ments, media communications, and messaging, be-

1 tween the citizens of a country and the government
2 of such country.

3 **SEC. 4. STATEMENT OF POLICY REGARDING PROTECTION**
4 **OF FOREIGN JOURNALISTS AND OTHER**
5 **MEDIA PERSONNEL GLOBALLY.**

6 It is the policy of the United States to consider for-
7 eign government officials who are responsible for, are
8 complicit in, or have directly or indirectly engaged in se-
9 vere restrictions of the internationally-recognized right to
10 freedom of expression, such as arbitrary detention, impris-
11 onment, enforced disappearance, torture, extrajudicial kill-
12 ing, and other substantial threats to the life and liberty
13 of a person, as having committed gross violations of inter-
14 nationally recognized human rights for purposes of impos-
15 ing sanctions with respect to such officials under—

16 (1) the Global Magnitsky Human Rights Ac-
17 countability Act (22 U.S.C. 2656 note; subtitle F of
18 title XII of Public Law 114–328); and

19 (2) section 7031(c) of the Department of State,
20 Foreign Operations, and Related Programs Appro-
21 priations Act, 2019 (division F of Public Law 116–
22 6).

1 **SEC. 5. PLAN TO PROMOTE RECIPROCAL ACCESS FOR**
2 **UNITED STATES NEWS AND MEDIA ORGANI-**
3 **ZATIONS.**

4 (a) PLAN.—

5 (1) IN GENERAL.—The President shall establish
6 a plan for negotiating access for United States news
7 and media companies and their employees globally
8 and work to enhance reciprocity given to news and
9 media companies operating in the United States.

10 (2) REPORT.—Not later than 120 days after
11 the date of the enactment of this Act, the Secretary
12 of State shall submit a report to the appropriate
13 congressional committees that summarizes the plan
14 required under paragraph (1).

15 (b) POLICY STATEMENTS.—

16 (1) FINDINGS.—Congress finds the following:

17 (A) United States news and media organi-
18 zations, including United States-based media
19 organizations, and information portals are
20 blocked or censored by certain foreign govern-
21 ments, while the United States market remains
22 open to websites of foreign news and media or-
23 ganizations and information portals, including
24 state-owned propaganda organizations.

25 (B) The stark lack of reciprocity in market
26 access for news and media organizations and

1 country access for journalists and media per-
2 sonnel—

3 (i) limits constructive contacts be-
4 tween the United States and the world;
5 and

6 (ii) allows some foreign governments
7 unbalanced influence over their people's
8 views of the United States and perceptions
9 in the United States of their policies and
10 programs.

11 (C) Foreign governments with a sizable
12 media and information footprint in the United
13 States have a distinct interest in maintaining
14 such footprint.

15 (2) SENSE OF CONGRESS.—It is the sense of
16 Congress that, in the interest of increasing recip-
17 rocal access for United States journalists and news
18 and media organizations and expanding press free-
19 doms globally, the President should proactively pur-
20 sue bilateral agreements with governments referred
21 to in paragraph (1) to ensure reciprocal access by
22 both countries.

23 **SEC. 6. AUTHORIZATION OF IMPOSITION OF SANCTIONS.**

24 (a) IN GENERAL.—The President may impose the
25 sanctions described in subsection (b) with respect to any

1 foreign person the President determines, based on credible
2 evidence—

3 (1) is responsible for the jailing, killing, or tor-
4 ture of journalists or significant efforts to harass,
5 restrict the activities of, terminate the visas of, or
6 threaten the safety of United States journalists and
7 media personnel.

8 (2) acted as an agent, or on behalf, of a foreign
9 person in a matter relating to an activity described
10 in paragraph (1); or

11 (3) is a government official, or a senior asso-
12 ciate of such an official, that is responsible for, or
13 complicit in, ordering, controlling, or otherwise di-
14 recting an activity described in paragraph (1).

15 (b) SANCTIONS DESCRIBED.—A foreign person de-
16 scribed in subsection (a) who is an individual—

17 (1) shall be ineligible to receive a visa from the
18 United States, enter the United States, or be admit-
19 ted to the United States; and

20 (2) if such individual has been issued a visa or
21 other documentation by the United States that pro-
22 vides any immigration benefit, shall have such visa
23 or other documentation revoked, in accordance with
24 section 221(i) of the Immigration and Nationality
25 Act (8 U.S.C. 1201(i)).

1 (c) TERMINATION OF SANCTIONS.—

2 (1) IN GENERAL.—The President may termi-
3 nate the application of sanctions under subsection
4 (b) with respect to an individual if the President
5 makes a determination that—

6 (A) credible information exists that the in-
7 dividual did not engage in the activity for which
8 the sanctions were imposed;

9 (B) the individual has been prosecuted ap-
10 propriately for the activity for which the sanc-
11 tions imposed;

12 (C) the individual has—

13 (i) credibly demonstrated a significant
14 change in behavior;

15 (ii) been subject to an appropriate
16 consequence for the activity for which the
17 sanctions were imposed; and

18 (iii) credibly committed to not engage
19 in an activity described in that subsection
20 in the future; or

21 (D) the termination of the application of
22 sanctions is in the national security interests of
23 the United States.

24 (2) NOTIFICATION.—Not later than 15 days be-
25 fore the date on which the application of sanctions

1 is terminated under paragraph (1) with respect to
2 an individual, the Secretary of State shall submit a
3 report to the Committee on Foreign Relations of the
4 Senate, the Committee on the Judiciary of the Sen-
5 ate, the Committee on Foreign Affairs of the House
6 of Representatives, and the Committee on the Judi-
7 ciary of the House of Representatives that describes
8 the justification for such termination.

9 (d) EXCEPTION.—Sanctions described in subsection
10 (b) shall not apply to an individual if admitting the indi-
11 vidual into the United States is necessary to permit the
12 United States to comply with the Agreement regarding the
13 Headquarters of the United Nations, signed at Lake Suc-
14 cess June 26, 1947, and entered into force November 21,
15 1947, between the United Nations and the United States,
16 or any other applicable international obligation of the
17 United States.

18 (e) WAIVER.—The President may waive the applica-
19 tion of the sanctions described in subsection (b) with re-
20 spect to an individual if the President—

21 (1) determines that such a waiver is in the na-
22 tional interest of the United States; and

23 (2) upon granting such a waiver, submits a re-
24 port to the committees specified in subsection (c)(2)
25 that—

1 (A) details the evidence and justification
2 for the necessity of the waiver; and

3 (B) explains how the waiver relates to the
4 national security of the United States.

5 (f) REPORT.—

6 (1) IN GENERAL.—Not later than 180 after the
7 date of the enactment of this Act, and annually
8 thereafter for 5 years, the President shall submit a
9 report to the committees referred to in subsection
10 (c)(2) that identifies each individual with respect to
11 which the application of sanctions has been termi-
12 nated under subsection (c) during the preceding
13 year, including the country of origin of the indi-
14 vidual and the dates on which such sanctions were
15 imposed or terminated, as applicable.

16 (2) FORM.—The report required under para-
17 graph (1) shall be submitted in unclassified form,
18 but may include a classified annex.

19 (3) EXCLUSION OF PERSONALLY IDENTIFIABLE
20 INFORMATION.—The President may not include any
21 personally identifiable information of any United
22 States citizen in a report submitted under paragraph
23 (1).

24 (4) APPLICABILITY OF PRIVACY ACT.—Any in-
25 formation obtained by the President to complete a

1 report required by paragraph (1) shall be subject to
 2 section 552a of title 5, United States Code (com-
 3 monly known as the “Privacy Act”).

4 **SEC. 7. CLEAR LABELING FOR INFORMATIONAL MATE-**
 5 **RIALS DISTRIBUTED ON BEHALF OF FOREIGN**
 6 **MISSIONS OR FOREIGN PRINCIPALS.**

7 Section 4(b) of the Foreign Agents Registration Act
 8 of 1938 (22 U.S.C. 614(b)) is amended by adding at the
 9 end the following: “Informational materials required to be
 10 labeled under this subsection that are in the form of prints
 11 shall be marked or stamped conspicuously at the top of
 12 the first page with a statement, in the language or lan-
 13 guages used therein, that sets forth the information re-
 14 quired under this subsection.”.

15 **SEC. 8. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
 16 **PRACTICES.**

17 (a) REPORT RELATING TO ECONOMIC ASSIST-
 18 ANCE.—

19 (1) IN GENERAL.—Section 116(d) of the For-
 20 eign Assistance Act of 1961 (22 U.S.C. 2151n(d))
 21 is amended—

22 (A) in paragraph (11)(C), by striking
 23 “and” at the end;

1 (B) in paragraph (12)(C)(ii), by striking
2 the period at the end and inserting “; and”;
3 and

4 (C) by adding at the end the following:

5 “(13) an assessment of freedom of expression
6 with respect to electronic information in each foreign
7 country, including the extent to which government
8 authorities in each country—

9 “(A) attempt to filter, censor, shape, or
10 otherwise block or remove nonviolent expression
11 of political, religious, ideological opinion via the
12 internet, including electronic mail, and the
13 means by which such authorities attempt to
14 block or remove such expression;

15 “(B) have persecuted or otherwise pun-
16 ished an individual or group for the nonviolent
17 expression of political, religious, or ideological
18 opinion via the internet, including electronic
19 mail;

20 “(C) have sought to collect, request, ob-
21 tain, or disclose personally identifiable informa-
22 tion of a person in connection with such per-
23 son’s nonviolent expression of political, reli-
24 gious, or ideological opinion on a foreign plat-
25 form, including expression that would be pro-

1 tected by the Universal Declaration of Human
 2 Rights and the International Covenant on Civil
 3 and Political Rights; and

4 “(D) monitor wire communications and
 5 electronic communications without regard to the
 6 principles of privacy, human rights, democracy,
 7 and rule of law, to the extent that these prac-
 8 tices are known.”.

9 (2) CONFORMING AMENDMENT.—Section 116
 10 of such Act, as amended by paragraph (1), is fur-
 11 ther amended by adding at the end the following:

12 “(h) CONSULTATION REQUIREMENT.—

13 “(1) IN GENERAL.—In compiling data and
 14 making assessments under subsection (d)(13),
 15 United States diplomatic personnel shall consult
 16 with human rights organizations, technology and
 17 internet companies, and other appropriate non-
 18 governmental organizations.

19 “(2) DEFINITIONS.—In this subsection and in
 20 subsection (d)(13)—

21 “(A) the term ‘electronic communication’
 22 has the meaning given such term in section
 23 2510(12) of title 18, United States Code;

24 “(B) the term ‘internet’ has the meaning
 25 given the term ‘Internet’ in section 231(e)(3) of

1 the Communications Act of 1934 (47 U.S.C.
2 231(e)(3));

3 “(C) the term ‘personally identifiable infor-
4 mation’ means data in a form that identifies a
5 specific person; and

6 “(D) the term ‘wire communication’ has
7 the meaning given such term in section 2510(1)
8 of title 18, United States Code.”.

9 (b) REPORT RELATING TO SECURITY ASSISTANCE.—
10 Section 502B(b) of the Foreign Assistance Act of 1961
11 (22 U.S.C. 2304(b)) is amended—

12 (1) by redesignating paragraphs (1) and (2) as
13 subparagraphs (A) and (B);

14 (2) by inserting “(1)” after “(b)”;

15 (3) by striking “Wherever applicable, such re-
16 port shall include” and inserting the following:

17 “(2) Wherever applicable, each report required under
18 paragraph (1) shall include—”;

19 (4) by striking “consolidated information” and
20 inserting the following:

21 “(A) consolidated information”;

22 (5) by striking “Act of 1987). Wherever appli-
23 cable, such report shall include information” and in-
24 serting the following: “Act of 1987);

25 “(B) information”;

1 (6) by striking “sterilization. Such report shall
2 also include, wherever applicable, information” and
3 inserting the following: “sterilization;

4 “(C) information”;

5 (7) by striking “Act of 1998). Wherever appli-
6 cable, such report shall include a description” and
7 inserting the following: “Act of 1998); and

8 “(D) a description”;

9 (8) by striking “Such report shall also include,
10 for each country” and inserting the following:

11 “(3) Each report required under paragraph (1) shall
12 include, for each country”;

13 (9) by striking “Each report under this section
14 shall list” and inserting the following:

15 “(4) Each report required under paragraph (1) shall
16 list”;

17 (10) by striking “Each report under this sec-
18 tion shall describe” and inserting the following:

19 “(5) Each report required under paragraph (1) shall
20 describe”;

21 (11) by striking “Each report under this sec-
22 tion shall also include” and inserting the following:

23 “(6) Each report required under paragraph (1) shall
24 include—”;

1 (12) by striking “(i) wherever applicable” and
2 inserting the following:

3 “(A) wherever applicable”;

4 (13) by striking “hostilities, (ii) what steps”
5 and inserting “hostilities;

6 “(B) what steps”;

7 (14) by striking “practices, and (iii) such other
8 information” and inserting “practices; and

9 “(C) such other information”; and

10 (15) by striking “In determining” and inserting
11 the following:

12 “(7) Each report required under paragraph (1) shall
13 include an assessment of freedom of expression with re-
14 spect to electronic information in each foreign country,
15 which shall consist of—

16 “(A) an assessment of the extent to which gov-
17 ernment authorities in each country attempt to fil-
18 ter, censor, shape, or otherwise block or remove non-
19 violent expression of political, religious, or ideological
20 opinion via the internet, including electronic mail;

21 “(B) a description of the means by which such
22 authorities attempt to block or remove such expres-
23 sion;

24 “(C) an assessment of the extent to which gov-
25 ernment authorities in each country have persecuted

1 or otherwise punished an individual or group for the
2 nonviolent expression of political, religious, or ideo-
3 logical opinion or belief via the internet, including
4 electronic mail;

5 “(D) an assessment of the extent to which gov-
6 ernment authorities in each country have sought to
7 collect, request, obtain, or disclose personally identi-
8 fiable information of a person in connection with
9 such person’s nonviolent expression of political, reli-
10 gious, or ideological opinion or belief on a foreign
11 platform, including expression that would be pro-
12 tected by the International Covenant on Civil and
13 Political Rights, done at New York December 19,
14 1966; and

15 “(E) an assessment of the extent to which wire
16 communications and electronic communications are
17 monitored without regard to the principles of pri-
18 vacy, human rights, democracy, and rule of law, to
19 the extent that these practices are known.

20 “(8) In determining”.

