

113TH CONGRESS  
1ST SESSION

# H. R. 491

To prevent United States businesses from cooperating with repressive governments in transforming the Internet into a tool of censorship and surveillance, to fulfill the responsibility of the United States Government to promote freedom of expression on the Internet, to restore public confidence in the integrity of United States businesses, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2013

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means and Financial Services, 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 prevent United States businesses from cooperating with repressive governments in transforming the Internet into a tool of censorship and surveillance, to fulfill the responsibility of the United States Government to promote freedom of expression on the Internet, to restore public confidence in the integrity of United States businesses, 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,*

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 2013”.

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. Annual designation of Internet-restricting countries; report.
- Sec. 105. Report on trade-related issues or disputes due to government censorship or disruption of the Internet.

TITLE II—CORPORATE TRANSPARENCY AND ACCOUNTABILITY TO  
PROTECT ONLINE FREEDOM

- Sec. 201. Disclosure of human rights due diligence.

TITLE III—EXPORT CONTROLS ON CERTAIN  
TELECOMMUNICATIONS EQUIPMENT

- Sec. 301. Export controls on certain telecommunications equipment.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The political and economic benefits of the  
9 Internet are important to advancing democracy and  
10 freedom throughout the world, but the potential ben-  
11 efits of this transformative technology are under at-  
12 tack by authoritarian governments.

13 (2) A number of repressive foreign governments  
14 block, restrict, otherwise control, and monitor the

1 Internet, effectively transforming the Internet into a  
2 tool of censorship and surveillance.

3 (3) A number of United States businesses have  
4 enabled repressive regimes to compromise the secu-  
5 rity of Internet users engaged in peaceful discussion  
6 of political, social, and religious issues and severely  
7 limit their access to information and communication  
8 channels by selling these governments or their  
9 agents technology or training.

10 (4) A number of United States businesses have  
11 provided repressive governments with information  
12 about Internet users who were the company's clients  
13 or were using the companies' products, that has led  
14 to the arrest and imprisonment of the Internet  
15 users.

16 (5) The actions of a number of United States  
17 businesses in cooperating with the efforts of repres-  
18 sive governments to transform the Internet into a  
19 tool of censorship and surveillance have caused  
20 Internet users in the United States and in foreign  
21 countries to lose confidence in the integrity of  
22 United States businesses.

23 (6) Information and communication technology  
24 companies are to be commended for cooperating with  
25 civil society organizations, academics, and investors

1 in founding the Global Network Initiative, in order  
2 to provide direction and guidance to the information  
3 and communication technology companies and others  
4 in protecting the free expression and privacy of  
5 Internet users. Human rights due diligence by com-  
6 panies makes a difference.

7 (7) The United States Government has a re-  
8 sponsibility to protect freedom of expression on the  
9 Internet, to prevent United States businesses from  
10 directly and materially cooperating in human rights  
11 abuses perpetrated by repressive foreign govern-  
12 ments, and to restore public confidence in the integ-  
13 rity of United States business.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
17 TEES.—The term “appropriate congressional com-  
18 mittees” means—

19 (A) the Committee on Foreign Affairs and  
20 the Committee on Financial Services of the  
21 House of Representatives; and

22 (B) the Committee on Foreign Relations  
23 and the Committee on Finance of the Senate.

24 (2) FOREIGN OFFICIAL.—The term “foreign of-  
25 ficial” means—

1 (A) any officer or employee of a foreign  
2 government or of any department; and

3 (B) any person acting in an official capac-  
4 ity for or on behalf of, or acting under color of  
5 law with the knowledge of, any such govern-  
6 ment or such department, agency, state-owned  
7 enterprise, or instrumentality.

8 (3) INTERNET.—The term “Internet” has the  
9 meaning given the term in section 231(e)(3) of the  
10 Communications Act of 1934 (47 U.S.C. 231(e)(3)).

11 (4) INTERNET-RESTRICTING COUNTRY.—The  
12 term “Internet-restricting country” means a country  
13 designated by the Secretary of State pursuant to  
14 section 104(a) of this Act.

15 (5) LEGITIMATE FOREIGN LAW ENFORCEMENT  
16 PURPOSE.—

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

1 (B) RULE OF CONSTRUCTION.—For pur-  
2 poses of this Act, the control, suppression, or  
3 punishment of peaceful expression of political,  
4 religious, or ideological opinion or belief shall  
5 not be construed to constitute a legitimate for-  
6 eign law enforcement purpose. Among expres-  
7 sion that should be construed to be protected  
8 against control, suppression, or punishment  
9 when evaluating a foreign government’s claim  
10 of a legitimate foreign law enforcement purpose  
11 is expression protected by article 19 of the  
12 International Covenant on Civil and Political  
13 Rights.

14 (C) RULE OF CONSTRUCTION.—No provi-  
15 sion under this Act shall be construed to affect  
16 a country’s ability to adopt measures designed  
17 to combat infringement of intellectual property.

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

24 (A) deliberately blocking, filtering, or cen-  
25 soring information available via the Internet

1 based on the expression of political, religious, or  
2 ideological opinion or belief, including by elec-  
3 tronic mail; or

4 (B) persecuting, prosecuting, or otherwise  
5 punishing an individual or group for posting or  
6 transmitting peaceful political, religious, or ide-  
7 logical opinion or belief via the Internet, in-  
8 cluding by electronic mail.

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

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

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

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

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

1 **SEC. 4. SEVERABILITY.**

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

7 **TITLE I—PROMOTION OF**  
8 **GLOBAL INTERNET FREEDOM**

9 **SEC. 101. STATEMENT OF POLICY.**

10 It shall be the policy of the United States—

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

18 (2) to use all appropriate instruments of United  
19 States influence, including diplomacy, trade policy,  
20 and export controls, to support, promote, and  
21 strengthen principles, practices, and values that pro-  
22 mote the free flow of information without inter-  
23 ference or discrimination, including through the  
24 Internet and other electronic media; and

25 (3) to deter any United States business from  
26 cooperating with officials of Internet-restricting



1 countries in effecting the political censorship of on-  
2 line content.

3 **SEC. 102. SENSE OF CONGRESS.**

4 It is the sense of the Congress that—

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

10 (2) to the extent possible in every country in  
11 which they operate, United States businesses should  
12 work to—

13 (A) ensure access to the Web sites of the  
14 Voice of America, Radio Free Europe/Radio  
15 Liberty, Radio Free Asia, Al-Hurra, Radio  
16 Sawa, Radio Farda, Radio Marti, TV Marti, or  
17 other United States-supported Web sites and  
18 online access to United States Government re-  
19 ports such as the annual Country Reports on  
20 Human Rights Practices, the annual Reports  
21 on International Religious Freedom, and the  
22 annual Trafficking in Human Persons Reports;  
23 and

24 (B) promote the security of Internet users  
25 and expand their access to information and

1 communication channels by limiting censorship  
2 of protected political and religious speech and  
3 information.

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

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

10 “(g)(1) The report required by subsection (d) shall  
11 include an assessment of freedom of expression with re-  
12 spect to electronic information in each foreign country.  
13 Such assessment shall consist of the following:

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

17 “(B) An assessment of the extent to which gov-  
18 ernment authorities in that country attempt to filter,  
19 censor, or otherwise block or remove nonviolent ex-  
20 pression of political or religious opinion or belief via  
21 the Internet, including electronic mail, as well as a  
22 description of the means by which such authorities  
23 attempt to block or remove protected speech.

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

1 prosecuted, or otherwise punished an individual or  
2 group for the nonviolent expression of political, reli-  
3 gious, or ideological opinion or belief via the Inter-  
4 net, including electronic mail.

5 “(D) An assessment of the extent to which gov-  
6 ernment authorities in that country have sought to  
7 collect, request, obtain, or disclose the personally  
8 identifiable information of a person in connection  
9 with that person’s nonviolent expression of political,  
10 religious, or ideological opinion or belief, including  
11 without limitation communication that would be pro-  
12 tected by the International Covenant on Civil and  
13 Political Rights.

14 “(E) An assessment of the extent to which wire  
15 communications and electronic communications are  
16 illicitly monitored in that country.

17 “(2) In compiling data and making assessments for  
18 the purposes of paragraph (1), United States diplomatic  
19 mission personnel shall consult with human rights organi-  
20 zations, technology and Internet companies, and other ap-  
21 propriate nongovernmental organizations.

22 “(3) In this subsection—

23 “(A) the term ‘electronic communication’ has  
24 the meaning given the term in section 2510 of title  
25 18, United States Code;

1           “(B) the term ‘Internet’ has the meaning given  
2           the term in section 231(e)(3) of the Communications  
3           Act of 1934 (47 U.S.C. 231(e)(3));

4           “(C) the term ‘personally identifiable informa-  
5           tion’ means data in a form that identifies a par-  
6           ticular person; and

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

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

14          “(j)(1) The report required by subsection (b) shall  
15          include an assessment of freedom of expression with re-  
16          spect to electronic information in each foreign country.  
17          Such assessment shall consist of 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 or remove nonviolent ex-  
24                 pression of political or religious opinion or belief via  
25                 the Internet, including electronic mail, as well as a

1 description of the means by which such authorities  
2 attempt to block or remove protected speech.

3 “(C) An assessment of the extent to which gov-  
4 ernment authorities in that country have persecuted,  
5 prosecuted, or otherwise punished an individual or  
6 group for the peaceful expression of political, reli-  
7 gious, or ideological opinion or belief via the Inter-  
8 net, including electronic mail.

9 “(D) An assessment of the extent to which gov-  
10 ernment authorities in that country have sought to  
11 collect, request, obtain, or disclose the personally  
12 identifiable information of a person in connection  
13 with that person’s communication of ideas, facts, or  
14 views where such communication would be protected  
15 by the International Covenant on Civil and Political  
16 Rights.

17 “(E) An assessment of the extent to which wire  
18 communications and electronic communications are  
19 illicitly monitored in that country.

20 “(2) In compiling data and making assessments for  
21 the purposes of paragraph (1), United States diplomatic  
22 mission personnel shall consult with human rights organi-  
23 zations, technology and Internet companies, and other ap-  
24 propriate nongovernmental organizations.

25 “(3) In this subsection—

1           “(A) the term ‘electronic communication’ has  
2 the meaning given the term in section 2510 of title  
3 18, United States Code;

4           “(B) the term ‘Internet’ has the meaning given  
5 the term in section 231(e)(3) of the Communications  
6 Act of 1934 (47 U.S.C. 231(e)(3));

7           “(C) the term ‘personally identifiable informa-  
8 tion’ means data in a form that identifies a par-  
9 ticular person; and

10           “(D) the term ‘wire communication’ has the  
11 meaning given the term in section 2510 of title 18,  
12 United States Code.”.

13 **SEC. 104. ANNUAL DESIGNATION OF INTERNET-RESTRICT-**  
14 **ING COUNTRIES; REPORT.**

15 (a) DESIGNATION.—

16 (1) IN GENERAL.—Not later than 180 days  
17 after the date of the enactment of this Act, and an-  
18 nually thereafter, the Secretary of State shall des-  
19 ignate Internet-restricting countries for purposes of  
20 this Act.

21 (2) STANDARD.—A foreign country shall be  
22 designated as an Internet-restricting country if the  
23 Secretary of State, after consultation with the Sec-  
24 retary of Commerce, determines, based on the review  
25 of the evidence that the government of the country

1 is directly or indirectly responsible for a systematic  
2 pattern of substantial restrictions on Internet free-  
3 dom during any part of the preceding 1-year period.

4 (b) REPORT.—

5 (1) IN GENERAL.—Not later than 180 days  
6 after the date of the enactment of this Act, and an-  
7 nually thereafter, the Secretary of State shall trans-  
8 mit to the appropriate congressional committees a  
9 report that contains the following:

10 (A) The name of each foreign country that  
11 at the time of the transmission of the report is  
12 designated as an Internet-restricting country  
13 under subsection (a).

14 (B) An identification of each government  
15 agency and quasi-government organization re-  
16 sponsible for the substantial restrictions on  
17 Internet freedom in each foreign country des-  
18 ignated as an Internet-restricting country under  
19 subsection (a).

20 (C) A description of efforts by the United  
21 States to counter the substantial restrictions on  
22 Internet freedom referred to in subparagraph  
23 (B), including a description and details of pro-  
24 grams funded under any other provision of law

1 with the purpose of promoting Internet free-  
2 dom.

3 (D) A description of the evidence used by  
4 the Secretary of State to make the determina-  
5 tions under subsection (a)(2).

6 (2) FORM.—The information required by para-  
7 graph (1)(C) may be provided in a classified form if  
8 necessary.

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

13 **SEC. 105. REPORT ON TRADE-RELATED ISSUES OR DIS-**  
14 **PUTES DUE TO GOVERNMENT CENSORSHIP**  
15 **OR DISRUPTION OF THE INTERNET.**

16 (a) REPORT.—Not later than 90 days after the date  
17 of the enactment of this Act, the United States Trade  
18 Representative, in consultation with the Secretary of State  
19 and the Secretary of Commerce, shall transmit to the ap-  
20 propriate congressional committees a report on—

21 (1) any trade-related issues or disputes that  
22 arise due to government censorship or disruption of  
23 the Internet among United States trade partners;  
24 and



1           (2) efforts by the United States Government to  
2           address the issues or disputes described in para-  
3           graph (1) either bilaterally or multilaterally.

4           (b) SENSE OF CONGRESS.—It is the sense of Con-  
5           gress that the United States should pursue trade policies  
6           that expand the information economy by—

7           (1) ensuring the free flow of information across  
8           the entire global network;

9           (2) promoting stronger international trans-  
10          parency rules; and

11          (3) ensuring fair and equal treatment of online  
12          services regardless of country of origin.

13 **TITLE II—CORPORATE TRANS-**  
14 **PARENCY AND ACCOUNT-**  
15 **ABILITY TO PROTECT ONLINE**  
16 **FREEDOM**

17 **SEC. 201. DISCLOSURE OF HUMAN RIGHTS DUE DILIGENCE.**

18          (a) IN GENERAL.—Section 13 of the Securities Ex-  
19          change Act of 1934 (15 U.S.C. 78m) is amended by add-  
20          ing at the end the following:

21          “(s) DISCLOSURE OF HUMAN RIGHTS DUE DILI-  
22          GENCE.—

23          “(1) DISCLOSURE.—Except as provided in  
24          paragraph (3), each Internet communications service  
25          company that operates in an Internet-restricting

1 country shall include in the annual report of the  
2 company information relating to the company, any  
3 subsidiary of the company, and any entity under the  
4 control of either of such companies, relating to the  
5 following:

6 “(A) HUMAN RIGHTS DUE DILIGENCE.—

7 Company policies applicable to the company’s  
8 internal operations that address human rights  
9 due diligence through a statement of policy that  
10 is consistent with applicable provisions of the  
11 Guidelines for Multinational Enterprises issued  
12 by the Organization for Economic Co-operation  
13 and Development, and whether such policy—

14 “(i) is approved at the most senior  
15 level of the company;

16 “(ii) explicitly states the company’s  
17 expectations of personnel, business part-  
18 ners, and other parties under the control  
19 of the company, products, or services;

20 “(iii) is publicly available and commu-  
21 nicated internally and externally to all per-  
22 sonnel, business partners, other relevant  
23 partners, customers, and users;

1 “(iv) is reflected in operational poli-  
2 cies and procedures necessary to embed it  
3 throughout the company; and

4 “(v) is independently assessed by a  
5 third party to demonstrate compliance in  
6 practice, which should include—

7 “(I) whether the assessment was  
8 conducted under the supervision of  
9 any third party organization or multi-  
10 stakeholder initiative;

11 “(II) a description of the assess-  
12 ment process;

13 “(III) a description of measures  
14 taken to ensure the assessor’s inde-  
15 pendence; and

16 “(IV) inclusion of the assessor’s  
17 public report.

18 “(B) NON-COMPLIANCE.—If the company’s  
19 policy does not comply with any of the require-  
20 ments of clauses (i) through (iv) of subpara-  
21 graph (A), an explanation of why the company’s  
22 policy does not meet each such requirement.

23 “(C) POLICIES PERTAINING TO DISCLO-  
24 SURE OF PERSONALLY IDENTIFIABLE INFORMA-  
25 TION.—If the company collects or obtains per-

1           sonally identifiable information, the contents of  
2           wire communications or electronic communica-  
3           tions in electronic storage, or the contents of  
4           wire communications or electronic communica-  
5           tions in a remote computing service on the  
6           Internet, a summary of any internal policies or  
7           procedures of the company that set out how the  
8           company will assess and respond to requests by  
9           the governments of Internet-restricting coun-  
10          tries for disclosure of such personally identifi-  
11          able information or communications.

12                   “(D) RESTRICTIONS ON INTERNET SEARCH  
13                   ENGINES AND INTERNET CONTENT HOSTING  
14                   SERVICES.—If the company creates, provides,  
15                   or hosts an Internet search engine or an Inter-  
16                   net content hosting service, all steps taken to  
17                   provide users and customers with clear, promi-  
18                   nent, and timely notice when access to specific  
19                   content has been removed or blocked at the re-  
20                   quest of an Internet-restricting country.

21                   “(2) AVAILABILITY OF INFORMATION.—The  
22                   Commission shall make all information reported by  
23                   an issuer pursuant to this subsection available online  
24                   to the public.

25                   “(3) SAFE HARBOR.—

1           “(A) IN GENERAL.—An Internet commu-  
2           nications service company that operates in an  
3           Internet-restricting country shall not be re-  
4           quired to include in the annual report of the  
5           company information described in paragraph  
6           (1) if the company includes in the annual re-  
7           port of the company a certification of the Glob-  
8           al Network Initiative or a multi-stakeholder ini-  
9           tiative described in subparagraph (B) that the  
10          company participates in good standing in the  
11          Global Network Initiative or the multi-stake-  
12          holder initiative (as the case may be).

13           “(B) MULTI-STAKEHOLDER INITIATIVE.—  
14          A multi-stakeholder initiative referred to in sub-  
15          paragraph (A) is an initiative that—

16                   “(i) is composed of civil society orga-  
17                   nizations, including human rights organi-  
18                   zations and Internet communications serv-  
19                   ice companies;

20                   “(ii) promotes the rule of law and the  
21                   adoption of laws, policies, and practices  
22                   that protect, respect, and fulfill freedom of  
23                   expression and privacy; and

24                   “(iii) requires each company partici-  
25                   pating in the initiative to undergo assess-

1           ments by an independent third party de-  
2           scribed in subparagraph (C) of the com-  
3           pany’s compliance with the standards de-  
4           scribed in clause (ii).

5           “(C) INDEPENDENT THIRD PARTY.—An  
6           independent third party referred to in subpara-  
7           graph (B)(iii) is an entity accredited by the  
8           multi-stakeholder initiative to conduct assess-  
9           ments based on criteria that include—

10                   “(i) general expertise in legal and  
11                   human rights standards; and

12                   “(ii) specific expertise in global busi-  
13                   ness processes relating to information and  
14                   communication technology, including oper-  
15                   ations, product development cycles, market  
16                   segments and industry relationships, infor-  
17                   mation technology privacy, safety, and se-  
18                   curity standards, data retention systems,  
19                   and database forensics.

20           “(4) DEFINITIONS.—In this subsection:

21                   “(A) ELECTRONIC COMMUNICATION AND  
22                   OTHER TITLE 18 DEFINITIONS.—The terms  
23                   ‘electronic communication’, ‘electronic commu-  
24                   nication service’, ‘electronic storage’, ‘wire com-  
25                   munication’, and ‘contents’ have the meanings

1 given such terms in section 2510 of title 18,  
2 United States Code.

3 “(B) INTERNET.—The term ‘Internet’ has  
4 the meaning given the term in section 231(e)(3)  
5 of the Communications Act of 1934 (47 U.S.C.  
6 231(e)(3)).

7 “(C) INTERNET COMMUNICATIONS SERV-  
8 ICE COMPANY.—The term ‘Internet communica-  
9 tions service company’ means an issuer that—

10 “(i) is required to file an annual re-  
11 port with the Commission; and

12 “(ii)(I) provides electronic commu-  
13 nication services or remote computing serv-  
14 ices, but does not include—

15 “(aa) businesses that provide  
16 such services as an ancillary service to  
17 the provision of lodging, transpor-  
18 tation, or food services; or

19 “(bb) activities conducted by a fi-  
20 nancial institution (as such term is  
21 defined in section 5312 of title 31,  
22 United States Code) that are financial  
23 in nature, even if such activities are  
24 conducted using the Internet; or

1           “(II) is a domain name registrar, do-  
2           main name registry, or other domain name  
3           registration authority.

4           “(D) INTERNET CONTENT HOSTING SERV-  
5           ICE.—The term ‘Internet content hosting serv-  
6           ice’ means a service that—

7                   “(i) stores, through electromagnetic or  
8                   other means, electronic data, such as the  
9                   content of Web pages, electronic mail, doc-  
10                  uments, images, audio and video files, on-  
11                  line discussion boards, or Web logs; and

12                   “(ii) makes such data available via the  
13                  Internet.

14           “(E) INTERNET-RESTRICTING COUNTRY.—  
15           The term ‘Internet-restricting country’ has the  
16           meaning given such term under section 3 of the  
17           Global Online Freedom Act of 2013.

18           “(F) INTERNET SEARCH ENGINE.—The  
19           term ‘Internet search engine’ means a service  
20           made available via the Internet that, on the  
21           basis of a query consisting of terms, concepts,  
22           questions, or other data input by a user,  
23           searches information available on the Internet  
24           and returns to the user a link to or other  
25           means of locating, viewing, or downloading in-



1           formation or data available on the Internet re-  
2           lating to such query.

3           “(G) PERSONALLY IDENTIFIABLE INFOR-  
4           MATION.—The term ‘personally identifiable in-  
5           formation’ means data in a form that identifies  
6           a particular person.

7           “(H) REMOTE COMPUTING SERVICE.—The  
8           term ‘remote computing service’ has the mean-  
9           ing given such term under section 2711(2) of  
10          title 18, United States Code.”.

11          (b) RULEMAKING.—Not later than the end of the  
12          270-day period beginning on the date of the enactment  
13          of this Act, the Securities and Exchange Commission shall  
14          issue final rules to carry out section 13(s) of the Securities  
15          and Exchange Act of 1934, as added by subsection (a).

16          **TITLE III—EXPORT CONTROLS**  
17                **ON CERTAIN TELECOMMUNI-**  
18                **CATIONS EQUIPMENT**

19          **SEC. 301. EXPORT CONTROLS ON CERTAIN TELECOMMUNI-**  
20                **CATIONS EQUIPMENT.**

21          (a) IN GENERAL.—Section 6 of the Export Adminis-  
22          tration Act of 1979 (50 U.S.C. App. 2405), as continued  
23          in effect under the International Emergency Economic  
24          Powers Act, is amended by adding at the end the fol-  
25          lowing:

1       “(t) CERTAIN TELECOMMUNICATIONS EQUIP-  
2   MENT.—

3           “(1) IN GENERAL.—The Secretary, in consulta-  
4   tion with the Secretary of State, the Secretary of  
5   Defense, and the heads of other appropriate Federal  
6   departments and agencies, shall establish and main-  
7   tain, as part of the list maintained under this sec-  
8   tion, a list of goods and technology that would serve  
9   the primary purpose of assisting, or be specifically  
10   configured to assist, a foreign government in acquir-  
11   ing the capability to carry out censorship, surveil-  
12   lance, or any other similar or related activity  
13   through means of telecommunications, including the  
14   Internet, the prohibition or licensing of which would  
15   be effective in barring acquisition or enhancement of  
16   such capability.

17           “(2) INTERNET-RESTRICTING COUNTRIES.—  
18   Notwithstanding any other provision of law, the Sec-  
19   retary shall prohibit the export of goods or tech-  
20   nology on the list established under paragraph (1) to  
21   a government end user in any Internet-restricting  
22   country.

23           “(3) WAIVER.—The President may waive the  
24   application of paragraph (2) with respect to export  
25   of goods or technology on the list established under

1 paragraph (1) on a case-by-case basis if the Presi-  
2 dent determines and certifies to Congress that it is  
3 in the national interests of the United States to do  
4 so.

5 “(4) DEFINITIONS.—In this subsection—

6 “(A) the term ‘Internet’ has the meaning  
7 given the term in section 231(e)(3) of the Com-  
8 munications Act of 1934 (47 U.S.C. 231(e)(3));

9 “(B) the term ‘Internet-restricting coun-  
10 try’ means a country designated by the Sec-  
11 retary of State pursuant to section 104(a) of  
12 the Global Online Freedom Act of 2013;

13 “(C) a ‘government end user’ in a coun-  
14 try—

15 “(i) is an end user that is a govern-  
16 ment of that country, or of a political sub-  
17 division of that country, or is an agency or  
18 instrumentality of such a government; and

19 “(ii) includes a telecommunications or  
20 Internet service provider that is wholly or  
21 partially owned by a government of that  
22 country; and

23 “(D) an ‘agency or instrumentality’ of a  
24 government is an ‘agency or instrumentality of

1 a foreign state’, as defined in section 1603 of  
2 title 28, United States Code.”.

3 (b) REGULATIONS.—

4 (1) IN GENERAL.—Not later than 1 year after  
5 the date of the enactment of this Act, the President  
6 shall revise the Export Administration Regulations  
7 and any other regulations necessary to carry out the  
8 amendment made by subsection (a).

9 (2) EXPORT ADMINISTRATION REGULATIONS.—

10 In this subsection, the term “Export Administration  
11 Regulations” means the Export Administration Reg-  
12 ulations as maintained and amended under the au-  
13 thority of the International Emergency Economic  
14 Powers Act and codified, as of the date of the enact-  
15 ment of this Act, in subchapter C of chapter VII of  
16 title 15, Code of Federal Regulations.

17 (c) EFFECTIVE DATE.—Section 6(t) of the Export  
18 Administration Act of 1979, as added by subsection (a),  
19 shall take effect on the date of the enactment of this Act  
20 and shall apply with respect to the export of goods or tech-  
21 nology on the list established under paragraph (1) of such  
22 section on or after 1 year after the date of the enactment  
23 of this Act.

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