

112TH CONGRESS  
1ST SESSION

# H. R. 3605

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

DECEMBER 8, 2011

Mr. SMITH of New Jersey (for himself, Mr. WOLF, and Mr. McCOTTER) 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 2011”.

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 blocking and surveillance by Internet communications services companies.

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 Communications Technology companies and oth-  
4 ers 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) ELECTRONIC COMMUNICATION AND OTHER  
25 TITLE 18 DEFINITIONS.—The terms “electronic com-

1       munication”, “electronic communications system”,  
2       “electronic storage”, and “contents” have the mean-  
3       ings given such terms in section 2510 of title 18,  
4       United States Code.

5               (3) FOREIGN OFFICIAL.—

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

8                               (i) any officer or employee of a for-  
9                               eign government or of any department;  
10                              and

11                             (ii) any person acting in an official ca-  
12                             pacity for or on behalf of, or acting under  
13                             color of law with the knowledge of, any  
14                             such government or such department,  
15                             agency, state-owned enterprise, or instru-  
16                             mentality.

17                       (B) STATE-OWNED ENTERPRISE.—For  
18                       purposes of subparagraph (A), the term “state-  
19                       owned enterprise” means a commercial entity in  
20                       which a foreign government owns or controls,  
21                       directly or indirectly, more than 50 percent of  
22                       the outstanding capital stock or other beneficial  
23                       interest in such commercial entity.

1           (4) INTERNET.—The term “Internet” has the  
2 meaning given the term in section 231(f) of the  
3 Communications Act of 1934 (47 U.S.C. 231(f)).

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

8           (6) INTERNET COMMUNICATIONS SERVICES.—  
9 The term “Internet communications services”—

10           (A) means a method for providing commu-  
11 nications services via the Internet, including  
12 electronic mail, Internet telephony, online chat,  
13 online text messaging, Internet bulletin boards,  
14 or Web pages; and

15           (B)(i) includes providing Internet access;  
16 but

17           (ii) does not include activities conducted by  
18 a financial institution (as such term is defined  
19 in section 5312 of title 31, United States Code)  
20 that are financial in nature, even if such activi-  
21 ties are conducted using the Internet.

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

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

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

8 (8) INTERNET SEARCH ENGINE.—The term  
9 “Internet search engine” or “search engine” means  
10 a service made available via the Internet that, on the  
11 basis of a query consisting of terms, concepts, ques-  
12 tions, or other data input by a user, searches infor-  
13 mation available on the Internet and returns to the  
14 user a means, such as a hyperlinked list of Uniform  
15 Resource Identifiers, of locating, viewing, or  
16 downloading information or data available on the  
17 Internet relating to such query.

18 (9) LEGITIMATE FOREIGN LAW ENFORCEMENT  
19 PURPOSES.—

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

1 motion of the health, safety, or morals of the  
2 citizens of the jurisdiction of such official.

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

16 (10) PERSONALLY IDENTIFIABLE INFORMA-  
17 TION.—The term “personally identifiable informa-  
18 tion”—

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

22 (B) does not include—

23 (i) any traffic data; or



1                   (ii) any record of aggregate data  
2                   which cannot be used to identify particular  
3                   persons.

4                   (11) PERSONALLY IDENTIFIABLE INFORMATION  
5                   USED TO ESTABLISH OR MAINTAIN AN ACCOUNT.—

6                   The term “personally identifiable information used  
7                   to establish or maintain an account” does not in-  
8                   clude—

9                   (A) information collected in the course of  
10                  establishing or operating accounts for commu-  
11                  nications within a company;

12                  (B) information collected in the course of  
13                  the purchase, sale, shipment, or distribution of  
14                  goods, including transactions for goods or serv-  
15                  ices utilizing the Internet, other than commu-  
16                  nication services on which a political, religious,  
17                  or ideological opinion or belief may be ex-  
18                  pressed; or

19                  (C) personally identifiable information vol-  
20                  unteered in an electronic communication, other  
21                  than in a communication made in the course of  
22                  establishing an account for Internet commu-  
23                  nications services, such as an electronic mail  
24                  signature line or an electronic mail, on-line  
25                  video, or Web page in which the author volun-

1           tarily provides personally identifiable informa-  
2           tion.

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

9                   (A) deliberately blocking, filtering, or cen-  
10                   soring information available via the Internet  
11                   based on the expression of political, religious, or  
12                   ideological opinion or belief, including by elec-  
13                   tronic mail; or

14                   (B) persecuting, prosecuting, or otherwise  
15                   punishing an individual or group for posting or  
16                   transmitting peaceful political, religious, or ide-  
17                   ological opinion or belief via the Internet, in-  
18                   cluding by electronic mail.

19           (13) TRAFFIC DATA.—The term “traffic data”  
20           means, with respect to an electronic communication,  
21           any information contained in or relating to such  
22           communication that is processed for the purpose of  
23           the conveyance of the communication by an elec-  
24           tronic communications system or for the billing  
25           thereof, including any Internet Protocol address or

1 other means of identifying a location within an elec-  
2 tronic communications system, but that cannot be  
3 used to identify a particular person. Such term can-  
4 not be used to include the contents of any electronic  
5 communication.

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

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

12 (i) has its principal place of business  
13 in the United States; or

14 (ii) is organized under the laws of a  
15 State of the United States or a territory,  
16 possession, or commonwealth of the United  
17 States; and

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

21 **SEC. 4. SEVERABILITY.**

22 If any provision of this Act, or the application of such  
23 provision to any person or circumstance, is held invalid,  
24 the remainder of this Act, and the application of such pro-

1 vision to other persons not similarly situated or to other  
2 circumstances, shall not be affected by such invalidation.

3 **TITLE I—PROMOTION OF**  
4 **GLOBAL INTERNET FREEDOM**

5 **SEC. 101. STATEMENT OF POLICY.**

6 It shall be the policy of the United States—

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

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

21 (3) to deter any United States business from  
22 cooperating with officials of Internet-restricting  
23 countries in effecting the political censorship of on-  
24 line content.

1 **SEC. 102. SENSE OF CONGRESS.**

2 It is the sense of the Congress that—

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

8 (2) to the extent that a United States business  
9 empowers or assists any foreign government in its  
10 efforts—

11 (A) to restrict online access to the Web  
12 sites of the Voice of America, Radio Free Eu-  
13 rope/Radio Liberty, Radio Free Asia, Al-Hurra,  
14 Radio Sawa, Radio Farda, Radio Marti, TV  
15 Marti, or other United States-supported Web  
16 sites and online access to United States Govern-  
17 ment reports such as the annual Country Re-  
18 ports on Human Rights Practices, the annual  
19 Reports on International Religious Freedom,  
20 and the annual Trafficking in Human Persons  
21 Reports, or

22 (B) to compromise the security of Internet  
23 users, severely limit their access to information  
24 and communication channels through censoring  
25 of information or malicious attacks,

1 such business is working contrary to the foreign pol-  
2 icy interests of the United States and is undercut-  
3 ting United States taxpayer-funded efforts to pro-  
4 mote freedom of information for all people, including  
5 those in undemocratic and repressive societies.

6 **SEC. 103. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**  
7 **PRACTICES.**

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

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

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

19 “(B) An assessment of the extent to which gov-  
20 ernment authorities in that country attempt to filter,  
21 censor, or otherwise block or remove Internet con-  
22 tent, as well as a description of the means by which  
23 such authorities attempt to block or remove pro-  
24 tected speech.

1           “(C) A description of known instances in which  
2           government authorities in that country have per-  
3           secuted, prosecuted, or otherwise punished an indi-  
4           vidual or group for the nonviolent expression of po-  
5           litical, religious, or ideological opinion or belief via  
6           the Internet, including electronic mail.

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

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

21          “(3) In this subsection, the term ‘Internet’ has the  
22          meaning given the term in section 231(f) of the Commu-  
23          nications Act of 1934 (47 U.S.C. 231(f)).”.

24          (b) REPORT RELATING TO SECURITY ASSISTANCE.—  
25          Section 502B of the Foreign Assistance Act of 1961 (22

1 15 U.S.C. 2304) is amended by adding at the end the fol-  
2 lowing new subsection:

3 “(j)(1) The report required by subsection (b) shall  
4 include an assessment of the freedom of electronic infor-  
5 mation in each foreign country. Such assessment shall  
6 consist of the following:

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

10 “(B) An assessment of the extent to which gov-  
11 ernment authorities in that country attempt to filter,  
12 censor, or otherwise block or remove Internet con-  
13 tent, as well as a description of the means by which  
14 such authorities attempt to block or remove pro-  
15 tected speech.

16 “(C) A description of known instances in which  
17 government authorities in that country have per-  
18 secuted, prosecuted, or otherwise punished an indi-  
19 vidual or group for the peaceful expression of polit-  
20 ical, religious, or ideological opinion or belief via the  
21 Internet, including electronic mail.

22 “(D) A description of known instances in which  
23 government authorities in that country have sought  
24 to collect, request, obtain, or disclose the personally  
25 identifiable information of a person in connection



1 with that person’s communication of ideas, facts, or  
2 views where such communication would be protected  
3 by the International Covenant on Civil and Political  
4 Rights.

5 “(2) In compiling data and making assessments for  
6 the purposes of paragraph (1), United States diplomatic  
7 mission personnel shall consult with human rights organi-  
8 zations, technology and Internet companies, and other ap-  
9 propriate nongovernmental organizations.

10 “(3) In this subsection, the term ‘Internet’ has the  
11 meaning given the term in section 231(f) of the Commu-  
12 nications Act of 1934 (47 U.S.C. 231(f)).”.

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).

24 (D) A description of the evidence used by  
25 the Secretary of State to make the determina-

1           tions under subsection (a)(2) and any ongoing  
2           multilateral discussions on freedom of speech  
3           and the right to privacy referred to in such sub-  
4           section.

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

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

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

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

20               (1) any trade-related issues or disputes that  
21               arise due to government censorship or disruption of  
22               the Internet among United States trade partners;  
23               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 BLOCKING AND SURVEILLANCE**  
18 **BY INTERNET COMMUNICATIONS SERVICES**  
19 **COMPANIES.**

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

23          “(r) DISCLOSURE OF BLOCKING AND SURVEILLANCE  
24          BY INTERNET COMMUNICATIONS SERVICES COMPA-  
25          NIES.—

1           “(1) DISCLOSURE.—Each Internet communica-  
2           tions services company that operates in an Internet-  
3           restricting country shall include in the annual report  
4           of the company information relating to the company,  
5           any subsidiary of the company, and any entity under  
6           the control of either of such companies, relating to  
7           the following:

8                   “(A) HUMAN RIGHTS DUE DILIGENCE.—  
9           Internal company policies that address human  
10          rights due diligence through a statement of pol-  
11          icy that mirrors the Guidelines for Multi-  
12          national Enterprises issued by the Organization  
13          for Economic Co-operation and Development,  
14          and whether such policy—

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

17                   “(ii) explicitly states the company’s  
18                   expectations of personnel, business part-  
19                   ners, and other parties directly linked to  
20                   its operations, products, or services;

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

1 “(iv) is reflected in operational poli-  
2 cies and procedures necessary to embed it  
3 through it 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 subclauses (I) through (IV) of sub-  
21 paragraph (A)(v), an explanation of why the  
22 company’s policy does not meet each such re-  
23 quirement.

24 “(C) POLICIES PERTAINING TO THE COL-  
25 LECTION OF PERSONALLY IDENTIFIABLE IN-

1           FORMATION.—If the company collects or ob-  
2           tains personally identifiable information, the  
3           contents of wire or electronic communications  
4           in electronic storage, or the contents of wire or  
5           electronic communications in a remote com-  
6           puting service on the Internet, the details of  
7           any internal policies or procedures of the com-  
8           pany that set out how the company will assess  
9           and respond to requests by the governments of  
10          Internet-restricting countries for disclosure of  
11          such 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) DEFINITIONS.—In this subsection:

1           “(A) INTERNET COMMUNICATIONS SERV-  
2 ICES COMPANY.—The term ‘Internet commu-  
3 nications services company’ means an issuer  
4 that—

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

7                   “(ii)(I) provides electronic commu-  
8 nications services or remote computing  
9 services; or

10                   “(II) is a domain name registrar, do-  
11 main name registry, or other domain name  
12 registration authority.

13           “(B) ELECTRONIC COMMUNICATIONS  
14 SERVICES.—The term ‘electronic communica-  
15 tions services’ has the meaning given such term  
16 under section 2510(15) of title 18, United  
17 States Code.

18           “(C) INTERNET-RESTRICTING COUNTRY.—  
19 The term ‘Internet-restricting country’ has the  
20 meaning given such term under section 3 of the  
21 Global Online Freedom Act of 2011.

22           “(D) REMOTE COMPUTING SERVICES.—  
23 The term ‘remote computing services’ has the  
24 meaning given such term under section 1711(2)  
25 of title 18, United States Code.”.



1 (b) RULEMAKING.—Not later than the end of the  
2 270-day period beginning on the date of the enactment  
3 of this Act, the Securities and Exchange Commission shall  
4 issue final rules to carry out section 13(r) of the Securities  
5 and Exchange Act of 1934, as added by subsection (a).

6 **TITLE III—EXPORT CONTROLS**  
7 **ON CERTAIN TELECOMMUNI-**  
8 **CATIONS EQUIPMENT**

9 **SEC. 301. EXPORT CONTROLS ON CERTAIN TELECOMMUNI-**  
10 **CATIONS EQUIPMENT.**

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

16 “(t) CERTAIN TELECOMMUNICATIONS EQUIP-  
17 MENT.—

18 “(1) IN GENERAL.—The Secretary, in consulta-  
19 tion with the Secretary of State, the Secretary of  
20 Defense, and the heads of other appropriate Federal  
21 departments and agencies, shall establish and main-  
22 tain, as part of the list maintained under this sec-  
23 tion, a list of goods and technology that would serve  
24 the primary purpose of assisting, or be specifically  
25 configured to assist, a foreign government in acquir-

1       ing the capability to carry out censorship, surveil-  
2       lance, or any other similar or related activity  
3       through means of telecommunications, including the  
4       Internet, the prohibition or licensing of which would  
5       be effective in barring acquisition or enhancement of  
6       such capability.

7               “(2) INTERNET-RESTRICTING COUNTRIES.—  
8       Notwithstanding any other provision of law, the Sec-  
9       retary shall prohibit the export of goods or tech-  
10      nology on the list established under paragraph (1) to  
11      a government end user in any Internet-restricting  
12      country.

13              “(3) WAIVER.—The President may waive the  
14      application of paragraph (2) with respect to export  
15      of goods or technology on the list established under  
16      paragraph (1) on a case-by-case basis if the Presi-  
17      dent determines and certifies to Congress that it is  
18      in the national interests of the United States to do  
19      so.

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

21                      “(A) the term ‘Internet-restricting country’  
22                      means a country designated by the Secretary of  
23                      State pursuant to section 104(a) of the Global  
24                      Online Freedom Act of 2011;

1           “(B) a ‘government end user’ in a country  
2           is an end user that is a government of that  
3           country, or of a political subdivision of that  
4           country, or is an agency or instrumentality of  
5           such a government; and

6           “(C) an ‘agency or instrumentality’ of a  
7           government is an ‘agency or instrumentality of  
8           a foreign state’, as defined in section 1603 of  
9           title 28, United States Code.”.

10       (b) REGULATIONS.—

11           (1) IN GENERAL.—Not later than 1 year after  
12           the date of the enactment of this Act, the President  
13           shall revise the Export Administration Regulations  
14           and any other regulations necessary to carry out the  
15           amendment made by subsection (a).

16           (2) EXPORT ADMINISTRATION REGULATIONS.—

17           In this subsection, the term “Export Administration  
18           Regulations” means the Export Administration Reg-  
19           ulations as maintained and amended under the au-  
20           thority of the International Emergency Economic  
21           Powers Act and codified, as of the date of the enact-  
22           ment of this Act, in subchapter C of chapter VII of  
23           title 15, Code of Federal Regulations.

24           (c) EFFECTIVE DATE.—Section 6(t) of the Export  
25           Administration Act of 1979, as added by subsection (a),

1 shall take effect on the date of the enactment of this Act  
2 and shall apply with respect to the export of goods or tech-  
3 nology on the list established under paragraph (1) of such  
4 section on or after 1 year after the date of the enactment  
5 of this Act.

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