

116TH CONGRESS  
2D SESSION

# H. R. 7001

To protect and promote the freedom of the press globally.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2020

Mr. SMITH of New Jersey (for himself and Mr. SUOZZI) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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 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) FOREIGN PERSON.—The term “foreign per-  
9 son” means an individual who is not—

10 (A) a United States citizen; or

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

3 (2) INTERNATIONALLY-RECOGNIZED RIGHT TO  
4 THE FREEDOM OF EXPRESSION.—The term “inter-  
5 nationally-recognized right to the freedom of expres-  
6 sion” means those rights described in Article 19 of  
7 the United Nations Declaration of Human Rights  
8 and Article 19 of the International Covenant on  
9 Civil and Political Rights.

10 (3) KNOWINGLY.—The term “knowingly”  
11 means, with respect to conduct, a circumstance, or  
12 a result, that a person has actual knowledge, or  
13 should have known, of the conduct, the cir-  
14 cumstance, or the result.

15 (4) MAJOR NON-NATO ALLY.—The term “major  
16 non-NATO ally” means a country designated as a  
17 major non-NATO ally under section 517 of the For-  
18 eign Assistance Act of 1961 (22 U.S.C. 2321k).

19 **SEC. 3. STATEMENT OF POLICY.**

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

21 (1) Freedom of the press is a critical compo-  
22 nent of democratic governance and enhances trans-  
23 parency, accountability, and participation of civil so-  
24 ciety.

1           (2) United States Government efforts to protect  
2           and expand freedom of the press and free expres-  
3           sion, including online, is in the national interests of  
4           the United States by supporting democracy, pro-  
5           moting good governance and public health, miti-  
6           gating conflict, and encouraging transparency and  
7           civil society development around the world.

8           (3) Globally, journalists and media personnel  
9           that receive and impart information and ideas, on-  
10          line and offline, face increasing restrictions, threats,  
11          censorship, arbitrary detention, torture, enforced  
12          disappearances, extrajudicial killings, and other vio-  
13          lence for exercising their right to freedom of expres-  
14          sion in accordance with Article 19 of both the Uni-  
15          versal Declaration of Human Rights and the Inter-  
16          national Covenant on Civil and Political Rights.

17          (4) Impunity for attacks on journalists and  
18          media personnel is an acute problem globally and a  
19          primary challenge to protecting freedom of expres-  
20          sion and freedom of the press.

21          (5) According to the press freedom rankings  
22          issued annually by Freedom House and Reporters  
23          Without Borders, countries with the most restrictive  
24          media and information environments include Burma,  
25          Cuba, Eritrea, Iran, North Korea, the Philippines,

1 Saudi Arabia, Djibouti, Syria, Laos, Turkmenistan,  
2 and Vietnam.

3 (6) The Government of Turkey, since a failed  
4 coup attempt in 2016, has used terrorism and na-  
5 tional security laws to shutter hundreds of media  
6 outlets and jail dozens of journalists, compounding  
7 the effects of more than a decade of expanding rul-  
8 ing party influence over the ownership of main-  
9 stream media in the country at the expense of inde-  
10 pendent outlets.

11 (7) The Government of China maintains one of  
12 the most restrictive media and information environ-  
13 ments in the world and seeks to control free speech  
14 inside and outside the country through censorship,  
15 onerous media organization registration require-  
16 ments, harassment, imprisonment, conditioning of  
17 press credential renewals for foreign journalists and  
18 media personnel and visa issuance for foreign jour-  
19 nalists and media personnel on “positive” coverage  
20 of China, and the operation of a digital surveillance  
21 system so pervasive that both routine and sensitive  
22 reporting activities and many aspects of daily life  
23 are subject to government monitoring.

24 (8) Russia has continued to use sophisticated  
25 tools to block and control information online and

1 employ draconian laws to pressure independent  
2 media.

3 (9) Expansion and export of new technologies  
4 used for censorship and digital surveillance rep-  
5 resents a notable threat to human rights, including  
6 press freedoms, transparency, and democratic gov-  
7 ernance globally, and constitute a critical challenge  
8 to United States national interests.

9 (10) Other countries' restrictions on the activi-  
10 ties of United States journalists and media per-  
11 sonnel, other countries' censorship and blocking of  
12 websites of United States news and media organiza-  
13 tions, and other restrictions on the cross-border flow  
14 of information—

15 (A) damages the competitiveness of such  
16 organizations and limits access to information  
17 critical for United States investors, consumers,  
18 and others making market and financial deci-  
19 sions; and

20 (B) should be considered a restriction of  
21 trade and creating an unfair competitive advan-  
22 tage benefitting State-owned or controlled news  
23 and media organizations.

24 (b) STATEMENT OF POLICY.—It is the policy of the  
25 United States—

1           (1) to advocate for detained and targeted jour-  
2           nalists and media personnel in foreign countries, in-  
3           cluding citizen journalists and bloggers;

4           (2) to call on foreign governments, in both bi-  
5           lateral discussions and through multilateral organi-  
6           zations, to end restrictions on the internationally-  
7           recognized right to freedom of expression and to  
8           abide by international commitments stipulated in  
9           Article 19 of the Universal Declaration of Human  
10          Rights and Article 19 of the International Covenant  
11          on Civil and Political Rights;

12          (3) to urge foreign governments to trans-  
13          parently investigate and bring to justice the per-  
14          petrators of attacks against journalists and media  
15          personnel;

16          (4) to halt efforts to censor or block access to  
17          news from United States journalists and media per-  
18          sonnel and the websites of United States news and  
19          media organizations;

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

1           (6) to seek as part of bilateral diplomatic nego-  
2           tiations globally conditions for a free flow of news  
3           and information, internet freedom, and an end to  
4           visas restrictions for United States journalists and  
5           media personnel;

6           (7) to link expansion of the free flow of news  
7           and information with ongoing and future trade  
8           agreements, and other bilateral agreements and  
9           communiqués, by seeking language eliminating any  
10          and all limitations on market access for news agency  
11          services and the elimination of any restrictions on  
12          cross-border data flows involving journalists and  
13          media personnel, including via the internet;

14          (8) to ensure that pursuing bilateral relation-  
15          ships with foreign governments, particularly those  
16          with restrictive press and information environments,  
17          is based on the principles of reciprocity across many  
18          sectors of the bilateral relationship, including eco-  
19          nomic, diplomatic, educational, religious, and in the  
20          free flow of news and information; and

21          (9) to clearly differentiate, in official state-  
22          ments, media communications, and messaging, be-  
23          tween the citizens of a country and the government  
24          of the country, for example, the people and culture  
25          of China on the one hand and the Government of

1 the People’s Republic of China and the Communist  
2 Party of China on the other.

3 **SEC. 4. PROTECTION OF FOREIGN JOURNALISTS AND**  
4 **MEDIA PERSONNEL GLOBALLY.**

5 (a) STATEMENT OF POLICY.—It is the policy of the  
6 United States to consider foreign government officials re-  
7 sponsible for, complicit in, or having directly or indirectly  
8 engaged in serious restrictions of the internationally-rec-  
9 ognized right to the freedom of expression, among these  
10 arbitrary detention, imprisonment, enforced disappear-  
11 ance, torture, fines, extrajudicial killing, and other sub-  
12 stantial threats to the life and liberty of a person, as hav-  
13 ing committed—

14 (1) gross violations of internationally recognized  
15 human rights for purposes of imposing sanctions  
16 with respect to such officials under the Global  
17 Magnitsky Human Rights Accountability Act (22  
18 U.S.C. 2656 note); and

19 (2) gross violations of human rights for pur-  
20 poses of imposing sanctions with respect to such of-  
21 ficials under section 7031(c) of division F of the  
22 Consolidated Appropriations Act, 2019 (Public Law  
23 116–6; 133 Stat. 319; 8 U.S.C. 1182 note).

24 (b) ASSISTANCE AUTHORIZED.—



1           (1) IN GENERAL.—The Secretary of State, act-  
2           ing through the Assistant Secretary for Democracy,  
3           Human Rights and Labor, to the extent and in such  
4           amounts as are provided in advance in appropria-  
5           tions Acts, shall—

6                   (A) provide assistance to foreign journal-  
7                   ists and media personnel who are victims of se-  
8                   vere restrictions on the internationally-recog-  
9                   nized right to the freedom of expression and to  
10                  their families, including assistance to pay for  
11                  legal and other related expenses; and

12                  (B) support training for foreign journalists  
13                  and media personnel globally, including training  
14                  to expand the internationally-recognized right  
15                  to the freedom of expression and defend the  
16                  civil and political freedoms found in the Inter-  
17                  national Covenant on Civil and Political Rights.

18           (2) REFERENCE.—Amounts authorized to be  
19           appropriated or otherwise made available to carry  
20           out this subsection may be referred to as the “Glob-  
21           al Press Freedom Defense Fund”.

22 **SEC. 5. PLAN TO NEGOTIATE RECIPROCAL ACCESS FOR**  
23 **UNITED STATES NEWS AND MEDIA ORGANI-**  
24 **ZATIONS GLOBALLY.**

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

1           (1) United States news and media organizations  
2           and information portals are blocked or censored by  
3           certain foreign governments while the United States  
4           market remains open to websites of foreign news  
5           and media organizations and information portals, in-  
6           cluding State-owned propaganda organizations.

7           (2) The stark lack of reciprocity in market ac-  
8           cess for United States news and media organizations  
9           and country access for United States journalists and  
10          media personnel limits constructive contacts between  
11          the United States and the world and allows some  
12          foreign governments unbalanced influence over their  
13          people’s views of the United States and perceptions  
14          in the United States of their policies and programs.

15          (3) Foreign governments with a sizable media  
16          and information footprint in the United States have  
17          a distinct interest in maintaining that footprint.

18          (4) Greater quotients of reciprocity in the flow  
19          of news and information will be mutually advan-  
20          tageous in United States relations with countries  
21          such as China, Cuba, Eritrea, Iran, Russia, Viet-  
22          nam, and Turkmenistan by fostering interactions  
23          that will create greater understanding, trust, and  
24          transparency.

25          (b) PLANS.—

1           (1) IN GENERAL.—The President shall establish  
2 a plan to negotiate access for United States news  
3 and media organizations and their employees glob-  
4 ally and work to enhance reciprocity for news and  
5 media organizations operating in the United States.

6           (2) REPORT.—Not later than 120 days after  
7 the date of the enactment of this Act, the Secretary  
8 of State shall submit to the appropriate congres-  
9 sional committees a report that summarizes the plan  
10 required under paragraph (1).

11           (3) SENSE OF CONGRESS.—It is the sense of  
12 Congress that, in the interest of increasing access  
13 for United States news and media organizations and  
14 their employees globally and otherwise expanding  
15 press freedoms globally, the President should  
16 proactively pursue bilateral agreements with govern-  
17 ments of foreign countries to enhance reciprocity for  
18 news and media organizations operating in the  
19 United States.

20           (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
21 FINED.—In this section, the term “appropriate congres-  
22 sional committees” means—

23           (1) the Committee on Armed Services, the  
24 Committee on Financial Services, the Committee on  
25 Foreign Affairs, the Committee on Homeland Secu-

1 rity, and the Committee on the Judiciary of the  
2 House of Representatives; and

3 (2) the Committee on Armed Services, the  
4 Committee on Banking, Housing, and Urban Af-  
5 fairs, the Committee on Foreign Relations, the Com-  
6 mittee on Homeland Security and Governmental Af-  
7 fairs, and the Committee on the Judiciary of the  
8 Senate.

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

10 (a) IN GENERAL.—The President shall impose the  
11 sanctions described in subsection (b) with respect to any  
12 foreign person the President determines, based on credible  
13 evidence—

14 (1) is responsible for the jailing, killing, or tor-  
15 ture of journalists or media personnel or significant  
16 efforts to harass or restrict the activities, terminate  
17 the visas, or threaten the safety of journalists or  
18 media personnel, including United States journalists  
19 or media personnel;

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

23 (3) is a government official, or a senior asso-  
24 ciate of such an official, that is responsible for or

1       complicit in, ordering, controlling, or otherwise di-  
2       recting an activity described in paragraph (1).

3       (b) SANCTIONS DESCRIBED.—The sanctions to be  
4 imposed with respect to a foreign person under subsection  
5 (a) are the following:

6           (1) The foreign person is—

7               (A) inadmissible to the United States;

8               (B) ineligible to receive a visa or other doc-  
9               umentation to enter the United States; and

10              (C) otherwise ineligible to be admitted or  
11              paroled into the United States or to receive any  
12              other benefit under the Immigration and Na-  
13              tionality Act (8 U.S.C. 1101 et seq.).

14           (2) The foreign person is subject to the fol-  
15           lowing:

16               (A) Revocation of any visa or other entry  
17               documentation regardless of when the visa or  
18               other entry documentation is or was issued.

19               (B) A revocation under subparagraph (A)  
20               shall—

21                   (i) take effect immediately; and

22                   (ii) automatically cancel any other  
23                   valid visa or entry documentation that is in  
24                   the foreign person's possession.

1 (c) EXCEPTIONS.—Sanctions under subsection (b)  
2 shall not apply to a foreign person if admitting or paroling  
3 the person into the United States—

4 (1) is necessary to permit the United States to  
5 comply with the Agreement regarding the Head-  
6 quarters of the United Nations, signed at Lake Suc-  
7 cess June 26, 1947, and entered into force Novem-  
8 ber 21, 1947, between the United Nations and the  
9 United States, or any other applicable international  
10 obligation of the United States; or

11 (2) is necessary to carry out or assist law en-  
12 forcement activity in the United States.

13 (d) WAIVER.—The President may waive the applica-  
14 tion of sanctions imposed with respect to a foreign person  
15 under subsection (b) if the President—

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

18 (2) not later than the date on which such waiv-  
19 er will take effect, submits a notice of and justifica-  
20 tion for such waiver to the appropriate congressional  
21 committees.

22 (e) TERMINATION OF SANCTIONS.—

23 (1) IN GENERAL.—The President may termi-  
24 nate the application of sanctions under subsection

1 (b) with respect to a foreign person if the President  
2 makes a determination that—

3 (A) credible information exists that the  
4 person did not engage in the activity for which  
5 visa ineligibility was imposed;

6 (B) the person has been prosecuted appro-  
7 priately for the activity for which visa ineligi-  
8 bility was imposed;

9 (C) the person has—

10 (i) credibly demonstrated a significant  
11 change in behavior;

12 (ii) been subject to an appropriate  
13 consequence for the activity for which visa  
14 ineligibility was imposed; and

15 (iii) credibly committed to not engage  
16 in an activity described in that subsection  
17 in the future; or

18 (D) the termination of the application of  
19 sanctions is in the national security interests of  
20 the United States.

21 (2) NOTIFICATION.—Not later than 15 days be-  
22 fore the date on which the application of sanctions  
23 is terminated under paragraph (1) with respect to a  
24 foreign person, the Secretary of State shall submit  
25 to the Committee on Foreign Affairs and the Com-

1       committee on the Judiciary of the House of Representa-  
2       tives and the Committee on Foreign Relations and  
3       the Committee on the Judiciary of the Senate a re-  
4       port that—

5               (A) describes the evidence and justification  
6               for the necessity of the termination; and

7               (B) explains how the termination of the  
8               application of sanctions is in the national secu-  
9               rity interests of the United States.

10       (f) REPORT.—

11           (1) IN GENERAL.—Not later than 180 days  
12       after the date of the enactment of this Act, and an-  
13       nually thereafter for 5 years, the President shall  
14       submit to the congressional committees specified in  
15       subsection (e)(2) a report that identifies the exact  
16       number of foreign persons with respect to which  
17       sanctions have been imposed under subsection (b)  
18       during the preceding year and the exact number of  
19       foreign persons with respect to which sanctions that  
20       have been terminated under subsection (c) during  
21       the preceding year, including their country of origin  
22       and the dates on which such sanctions were imposed  
23       or terminated, as the case may be.



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

4           (3) EXCLUSION OF PERSONALLY IDENTIFIABLE  
5           INFORMATION.—The President may not include any  
6           personally identifiable information of any United  
7           States citizen in any of the reports submitted under  
8           paragraph (1).

9           (4) PRIVACY ACT.—Any information obtained  
10          by the President to complete the report required  
11          under paragraph (1) shall be subject to section 552a  
12          of title 5, United States Code (commonly known as  
13          the “Privacy Act”).

14 **SEC. 7. CLEAR LABELING FOR INFORMATIONAL MATE-**  
15 **RIALS DISTRIBUTED ON BEHALF OF FOREIGN**  
16 **PRINCIPALS.**

17          Section 4(b) of the Foreign Agents Registration Act  
18          of 1938 (22 U.S.C. 614(b)) is amended by adding at the  
19          end the following new sentence: “Informational materials  
20          which are required to be labeled under this subsection  
21          shall be labeled, marked, or stamped conspicuously at the  
22          top of the first page of such materials with a statement  
23          in the language or languages used therein, setting forth  
24          such information as is required under this subsection.”.

1 **SEC. 8. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**  
2 **PRACTICES.**

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

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

11 “(A) An assessment of the extent to which gov-  
12 ernment authorities in each country attempt to fil-  
13 ter, censor, or otherwise block or remove nonviolent  
14 expression of political or religious opinion or belief  
15 via the internet, including electronic mail, as well as  
16 a description of the means by which such authorities  
17 attempt to block or remove such expression.

18 “(B) An assessment of the extent to which gov-  
19 ernment authorities in each country have persecuted  
20 or otherwise punished an individual or group for the  
21 nonviolent expression of political, religious, or ideo-  
22 logical opinion or belief via the internet, including  
23 electronic mail.

24 “(C) An assessment of the extent to which gov-  
25 ernment authorities in each country have sought to  
26 collect, request, obtain, or disclose personally identi-

1        fiable information of a person in connection with  
2        such person’s nonviolent expression of political, reli-  
3        gious, or ideological opinion or belief, including ex-  
4        pression that would be protected by the Universal  
5        Declaration of Human Rights and the International  
6        Covenant on Civil and Political Rights.

7                “(D) An assessment of the extent to which wire  
8        communications and electronic communications are  
9        monitored without regard to the principles of pri-  
10       vacy, human rights, democracy, and rule of law, to  
11       the extent these practices are known.

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

17               “(3) In this subsection—

18                        “(A) the term ‘electronic communication’ has  
19       the meaning given such term in section 2510 of title  
20       18, United States Code;

21                        “(B) the term ‘internet’ has the meaning given  
22       such term in section 231(e)(3) of the Communica-  
23       tions Act of 1934 (47 U.S.C. 231(e)(3));

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

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

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

10           (1) by redesignating the second subsection (i)  
11           (relating to child marriage status) as subsection (j);  
12           and

13           (2) by adding at the end the following new sub-  
14           section:

15           “(k)(1) The report required by subsection (b) shall  
16           include an assessment of freedom of expression with re-  
17           spect to electronic information in each foreign country.  
18           Such assessment shall consist of the following:

19           “(A) An assessment of the extent to which gov-  
20           ernment authorities in each country attempt to fil-  
21           ter, censor, or otherwise block or remove nonviolent  
22           expression of political or religious opinion or belief  
23           via the internet, including electronic mail, as well as  
24           a description of the means by which such authorities  
25           attempt to block or remove such expression.

1           “(B) An assessment of the extent to which gov-  
2           ernment authorities in each country have persecuted  
3           or otherwise punished an individual or group for the  
4           nonviolent expression of political, religious, or ideo-  
5           logical opinion or belief via the internet, including  
6           electronic mail.

7           “(C) An assessment of the extent to which gov-  
8           ernment authorities in each country have sought to  
9           collect, request, obtain, or disclose personally identi-  
10          fiable information of a person in connection with  
11          such person’s nonviolent expression of political, reli-  
12          gious, or ideological opinion or belief, including ex-  
13          pression that would be protected by the Universal  
14          Declaration of Human Rights and the International  
15          Covenant on Civil and Political Rights.

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

21          “(2) In compiling data and making assessments for  
22          the purposes of paragraph (1), United States diplomatic  
23          personnel shall consult with human rights organizations,  
24          technology and internet companies, and other appropriate  
25          nongovernmental organizations.

1       “(3) In this subsection, the terms ‘electronic commu-  
2       nication’, ‘internet’, ‘personally identifiable information’,  
3       and ‘wire communication’ have the meanings given such  
4       terms in section 116(h)(3).”.

○