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Global Internet Freedom: A Foreign Policy Imperative in a Digital Age

The Center for New American Security
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by Rep. Chris Smith

Good morning and thank you for joining us here today to talk about what is becoming one of the big questions of the day: the future of the internet.

It's amazing to me that while the world this past week has been riveted by the saga of Chen Guangcheng and his escape from the house arrest—almost no one in China is aware of who he is and how he is being treated because China has filtered any words or phrases that could remotely be connected to his case. The Chinese people do not have a chance to react because their reality is completely different from that of the rest of the world.

In 2006 I put together and chaired the first major hearing on Internet freedom in response to Yahoo!'s turning over the personally identifying information of its e-mail account holder, Shi Tao, to the Chinese government - who tracked him down and sentenced him to 10 years for sending abroad e-mails that revealed the details of Chinese government press controls. At that hearing Yahoo!, Google, Microsoft, and Cisco testified as to what we might ruefully call their "worst practices" of cooperation with the Internet police of totalitarian governments like China's.

Even in 2006 the technologies to track, monitor, block, filter, trace, remove, attack, hack, and remotely take over Internet activity, content and users allowed the Chinese government to massively censor and surveille the Internet. Just as disturbing was the involvement of Western companies and technology – including American companies and technology – that enabled the Chinese, as well as the Iranian and other governments to transform the Internet into a "weapon of mass surveillance."

Right after that first hearing, I introduced the first Global Online Freedom Act (known as GOFA), as a means to help Internet users in repressive states. In 2008 the Global Online Freedom Act was passed by three House committees. In December last year, I introduced H.R.

3605—an *updating* of the Global Online Freedom Act—that responds to the growing, global use of the Internet as a tool of censorship and surveillance. This legislation is now even more relevant, because, sadly, over the past six years, since that first hearing, technological developments have given repressive governments even more control over the Internet in their countries.

In fact, a growing number of countries are transforming the Internet from a freedom plaza into Big Brother's best friend – Reporters Without Borders recently listed the governments of Bahrain, Belarus, Burma, China, Cuba, Iran, North Korea, Saudi Arabia, Syria, Turkmenistan, Uzbekistan, and Vietnam as 2012's top "Enemies of the Internet." In all these countries the Internet is extremely tightly controlled, and in most of these countries it is accomplished with the cooperation or use of technologies sold by American companies.

The new GOFA has three key provisions: first, it requires the State Department to identify by name Internet-restricting countries. This country designation will be useful not only in a diplomatic context, in helping to advance Internet freedom through naming and shaming countries, but will also provide U.S. technology companies with the information they need to make good business decisions in difficult foreign markets.

Second, GOFA requires Internet companies listed on U.S. stock exchanges to disclose to the Securities and Exchange Commission (SEC) how they conduct their human rights due diligence, including how they collect and share personally identifiable information with repressive countries, and the steps they take to notify users when they remove content or block access to content. This provision of the bill will help protect democratic activists and human rights defenders and it will also hold Internet companies accountable by creating a new transparency standard for this industry. And just as importantly, this provision will also require foreign Internet service companies that are listed here in the U.S.—including the big-name Chinese companies such as Baidu, Sohu and Sina—to report this information as well.

And finally, in response to the numerous reports of U.S. technology being used to track down or conduct surveillance of activists through the Internet or mobile devices, this bill will prohibit the export of hardware or software that can be used for surveillance, tracking, blocking, etc. to the governments of Internet-restricting countries. Current export control laws do not take into account the human rights impact of these exports and therefore do not create any incentive for U.S. companies to evaluate their role in assisting repressive regimes. This section will not only help stop the sale of these items to repressive governments, but will create an important foreign policy stance for the United States that will help ensure that dissidents abroad know we are on their side, and that U.S. businesses are not profiting from this repression.

This export control law is long overdue. Right now the State Department spends millions of dollars to develop and deploy circumvention tools and other technologies to help dissidents get information and communicate safely. Truly it is absurd for us to allow U.S. companies to export blocking and surveillance technologies to these countries, only to have the State Department then spend money to help dissidents get around those same technologies.

I'd like to thank everyone who has supported the Global Online Freedom Act, but especially those who have released letters of support, including Yahoo!, Freedom House, Amnesty International, Human Rights Watch, Access, and a group letter signed by thirteen other leading human rights groups.

The Global Online Freedom Act is designed to help ensure that U.S. companies are not complicit in repression of human rights. We need to move now, to ensure fundamental freedoms are protected online. Thank you.