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**Kudos to Google for Doing the Right Thing in China:
Now It's Time for Congress to Do the Same--
Give US IT Companies More Support to Deal with Repressive Gov'ts**

Excerpts of the Statement by By Rep. Chris Smith (R-NJ)
Press Conference
The Capitol, Washington, DC
January 14, 2010

With its remarkable statement Tuesday, that it is “no longer willing to continue censoring” results on its Chinese search engine, Google sent a thrill of encouragement through the hearts of millions of Chinese human rights activists and political and religious dissidents—including, no doubt, many sitting in jail right now for the “crime” of peacefully expressing their religious beliefs or political opinions on the Internet.

Google deserves to be praised for this decision. It is a blow against the cynical silence of so many, including the Obama administration, about the Chinese government’s human rights abuses—a blast of honesty and courage from which we can all draw inspiration.

Google’s decision is not entirely a surprise. In 2006, when I chaired the groundbreaking eight-hour hearing, *The Internet in China: A Tool for Freedom or Suppression?*, it was clear even then that Google and Yahoo! and some other Internet companies were uncertain about the theory that their mere presence in the Chinese market would change China in ways that would justify their willingness to block Web sites, filter search engines, and turn over personally identifying information to the Chinese Internet police. Since 2006, I have been meeting with Google executives, and they’ve known for some time that their theory had proven mistaken, and China was growing more repressive. In 2008 Google endorsed the Global Online Freedom Act—legislation I, along with Frank Wolf, first introduced in 2006.

Likewise Yahoo! has also come a long way since 2005, when it turned over to the Chinese Internet police information from the accounts of one of its users, the dissident Shi Tao—which allowed the Chinese government to track him and incarcerate him for ten years. At the 2006 hearing Yahoo! was unrepentant about this, but in 2007 and 2008

the company had a change of heart, establishing much stricter policies governing its interactions with repressive governments, working to keep personally identifying information out of their hands, and setting up a generous fund to compensate victims of its earlier policies. When it went into repressive Vietnam, Yahoo! stored personally identifying information in Singapore.

And in 2008 Google and Yahoo! and Microsoft worked with human rights NGOs to try to establish industry standards on how IT companies should operate in repressive countries. Sadly, other IT companies have shown little interest in joining this initiative, and it has not been a success.

I want to call on other American IT companies to follow the example set by Google, and do some hard thinking about whether co-operating with the Chinese government's repressive policies isn't degrading their companies more than their companies are improving the Chinese government. On Tuesday Google certainly gave a ringing response to this question.

And I want to call on all of us to draw another conclusion from Google's statement this week: IT companies are not powerful enough to stand up to a repressive government like China. Without US government support, they are inevitably forced to be ever more complicit in the repressive government's censorship and surveillance.

The Global Online Freedom Act, the legislation I crafted in 2006 and re-introduced in this Congress, would give these IT companies the US-government back-up they need to negotiate with repressive governments like China's.

Let me describe the bill's key provisions. The bill would establish an Office of Global Internet Freedom in the State Department, which would annually designate "Internet restricting countries"—countries that substantially restrict Internet freedom relating to the peaceful expression of political, religious, or ideological opinion or belief. US IT companies would have to report to the State Department any requirement by a repressive government for filtering or censoring search terms—and the State Department would make the terms and parameters of filtering public knowledge, thus "naming and shaming" the repressive countries.

US IT companies would also have to store personally identifying information outside of Internet-restricting countries, so that the repressive governments wouldn't be able to get their hands on it to track dissidents. US IT companies would have to notify the Attorney General whenever they received a request for personally identifying information from a repressive country—and the Attorney General would have the authority to order the IT companies not to comply, if there was reason to believe the repressive government seeks the information for other than legitimate law-enforcement purposes.

And the bill would prevent U.S. Internet companies from jamming U.S.-government Web sites, for example, the Voice of America, or Radio Free Asia.

In short: GOFA would give the IT companies the back-up of the U.S. government. If the Chinese or Iranian government tells them to filter a search term, they can point to the GOFA and say that US law doesn't permit it. If the government's Internet police intercept a human rights activist's e-mail, and demand the company turn over personally identifying information on the account, the company will notify the AG, who can then bring the weight of the US government into the matter.

Google's motto is, "Don't be evil." Under GOFA, US IT companies won't so quickly be put before the option of collaborating with evil, or pulling out of China, or Iran, or Belarus, Cuba, Burma, Egypt, North Korea, Saudi Arabia, Syria, Tunisia, Turkmenistan or Uzbekistan—just to list Reporters Without Borders' list of 12 of the worst "Enemies of the Internet."

GOFA is ready to go to the House floor. It has the distinction of being endorsed by Google as well as a long list of human rights groups—Reporters Without Borders, Amnesty International, Laogai Research Foundation, Human Rights Watch, Committee to Protect Journalists, International Campaign for Tibet, and others. In the last Congress it was passed by three committees and was ready to go to the floor—and I believe it would have easily won a floor vote. But it was kept off the floor by heavy lobbying and politics.

Google's announcement has made it clear: the situation has grown too serious to let lobbyists stop an important bill like this one. Now we see that every time a repressive regime cracks down, Internet censoring, blocking, and surveillance is one of the most powerful weapons in its armory—that was the case when the Chinese government cracked down on largely peaceful protests in Tibet in 2008, when it cracked down in protesting Uyghurs in Xinjiang in 2009, and when the Iranian government cracked down on post-election protests this summer. And the technology of Internet repression is growing more sophisticated, as Iran, Belarus, Ethiopia, and others are often copying Chinese government techniques. The trend in recent years is not on the side of Internet freedom.

That's why we need the US government to weigh in with a bill that would help the Internet companies do what they ought to do, and what some of the best of them clearly want to do—stand up to repressive governments.

I ask all of you to demand Congressional leaders put this bill up for a mark-up and then for a House vote. Nancy Pelosi said yesterday, "The Chinese government operates one of the most sophisticated operations in the world to control the Internet. It is essential that technology companies not assist in efforts that violate human rights or prohibit free exchange of ideas." It's time for action: let's move this bill!