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Excerpts from the Statement of Rep. Chris Smith
Introducing the Global Internet Freedom Caucus
March 9, 2010

I want to thank my good friend Rep. Wu for joining me as co-chair of the bipartisan Global Internet Freedom Caucus, a newly registered Congressional member organization to promote the right to freedom of expression, as declared by the International Covenant on Civil and Political Rights, on the Internet. Rep. Wu and I have worked together on human rights issues on the Foreign Affairs Committee, in the last Congress, and currently on the Congressional-Executive Commission on China. We want to use this caucus to organize advocacy for imprisoned Internet dissidents and educational briefings for members and staff.

Peaceful expression of religious belief and political opinion is coming under concerted attack in more and more countries. As Internet access has spread, repressive governments, such as China and Iran, have massively ramped up efforts to censor and control the Internet. 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 on 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, and others are often copying Chinese government techniques. The trend in recent years is not on the side of Internet freedom.

The Global Internet Freedom Caucus will help create support in the House for meaningful Internet freedom legislation. I have been working on the issue of Internet freedom since February 2006, when I chaired a ground-breaking eight-hour hearing on *The Internet in China: A Tool for Freedom or Suppression?* At that time I also introduced the Global Online Freedom Act, comprehensive legislation that would address the global problem whereby repressive governments coerce American IT companies into cooperating with their Internet repression.

It was clear in 2006 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.

Since 2006 it's become very clear—and Google's recent difficulties in China underline this—that IT companies are not powerful enough to stand up to a repressive governments. 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.

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.

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, Human Rights Watch, Laogai Research Foundation, Wei Jingsheng Foundation, Committee to Protect Journalists, International Campaign for Tibet, Uyghur-American Association, China Aid Association, Freedom House, and others. In fact Google and these human rights groups have signed letters expressing their support for GOFA—letters which we have available here today.

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. But the worsening situation in China, underlined by Google's announcement, makes clear that it's time to move this bill. Speaker Pelosi has made it clear that she wants to see Internet freedom legislation on the floor of the House soon, and I believe that the unified support of Google and the human rights community make clear that GOFA is the right bill.