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“Promoting Global Internet Freedom”

*Africa, Global Health and Human Rights Subcommittee
Excerpts of Remarks by Chairman Chris Smith
December 8, 2011*

Good afternoon and welcome to this hearing on global online freedom.

About 2 billion people in the world regularly communicate or get information on the Internet. Well over half a billion people do so in repressive countries. As Internet use has become a vital and even the standard means to disseminate beliefs, ideas and opinions, so we see a growing number of countries that censor or conduct surveillance on the Internet, in conflict with internationally recognized human rights laws and standards.

In 2006 I held the first major hearing on Internet freedom, in this very room, 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. That same week I introduced the first Global Online Freedom Act, as a means to help Internet users in repressive states. In 2008 the Global Online Freedom Act was passed by three House committees.

In the last half dozen years the Internet, in many countries, has been transformed from a freedom plaza to big brother’s best friend. The technologies to track, monitor, block, filter, trace, remove, attack, hack, and remotely take over Internet activity, content and users has exploded. Many of these technologies are made in the U.S.A. Many of them have important and legitimate law-enforcement applications. But, sadly, many of them are also being exported, every day, to some of the most unsavory governments in the world – whose use of them is far from legitimate. Every day we learn about more activists being arrested through the use of newly-developed technologies – much of it American technology – in China, Belarus, Egypt, Syria and many other

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Ad Hoc Congressional Committee for Irish Affairs • Congressional Caucus on Human Trafficking

countries around the world. The stakes are life and death for online democracy activists, and they deserve our support and protection.

For example, **Belarus** is blocking social networking sites like Twitter and Facebook and aggressively shutting down opposition Internet sites. **Kazakhstan**, which already blocks a number of popular blogs and media sites, is also in the process of creating a “national Internet,” where all domestic domain names will have to operate on physical servers within its borders. **Syria** is using sophisticated tools to limit the ability of the opposition to organize and to track down peaceful protestors. **China** has created the Great Firewall and wants to create its own sanitized version of the Internet that will essentially isolate China from much of what is happening in the rest of the world. And, when protests break out, it simply shuts down the Internet, as it did in Tibet and Xinjiang in recent years.

In **Vietnam**, Facebook has been blocked for two years and under a new executive decree, a number of bloggers and journalists who write for independent online publications have been arrested. **Egypt** continues to detain blogger Alaa Abdel Fattah for his online criticisms of the Egyptian army. And today, we just learned that in addition to the already extensive online censorship in **Iran**, the U.S. “virtual embassy” in Iran has been blocked after only one day of operation.

Today, I introduced a bill that responds to the growing use of the Internet as a tool of repression, and to changes in the technologies of repression. The new Global Online Freedom Act of 2011(GOFA), H.R. 3605, fundamentally updates legislation that I first introduced in 2006 (and which in 2008 advanced through three House committees).

The new GOFA requires the State Department to beef up its reporting on Internet freedom in the annual Country Report on Human Rights Practices, and 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 in deciding how to engage in repressive foreign countries.

Second, the bill requires Internet companies listed on U.S. stock exchanges to disclose to the Securities and Exchange Commission how they conduct their human rights due diligence, including with regard to the collection and sharing of 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 democratic activists and human rights defenders hold Internet companies accountable by creating a new transparency standard for Internet companies. This provision will also require foreign Internet service companies that are listed here in the U.S. to report this information as well —this will include such big-name Chinese companies such as Baidu, Sohu and Sina.

Finally, in response to many reports that we’ve all seen in the papers recently 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

potentially illicit activities such as surveillance, tracking and blocking 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, and thoroughly consistent with the approach Congress has taken, for example, in restricting exports of certain crime control equipment to China. It makes no sense for us to allow U.S. companies to sell technologies of repression to dictators, and then turn around and have to spend millions of dollars to develop and deploy circumvention tools and other technologies to help protect dissidents from the very technologies that U.S. companies exported to their persecutors.

Today's hearing is an important moment to take stock of where we are and how we can move forward to promote and defend Internet freedom around the world. What we do here in the United States is critically important to achieving our goals. We must send a strong message to companies that they have a unique role to play in preserving online freedom; and send an even stronger message to repressive governments that the Internet must not become a tool of repression.