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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

To protect and promote the freedom of the press globally.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey (for himself and Mr. SUOZZI) introduced the following bill; which was referred to the Committee on

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 pro-ac-
16 tively pursue bilateral agreements with governments
17 of foreign countries to enhance reciprocity for news
18 and media organizations operating in the United
19 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 mittee 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 after the
12 date of the enactment of this Act, and annually
13 thereafter for 5 years, the President shall submit to
14 the congressional committees specified in subsection
15 (e)(2) a report that identifies the exact number of
16 foreign persons with respect to which sanctions have
17 been imposed under subsection (b) during the pre-
18 ceding year and the exact number of foreign persons
19 with respect to which sanctions that have been ter-
20 minated under subsection (c) during the preceding
21 year, including their country of origin and the dates
22 on which such sanctions were imposed or termi-
23 nated, 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).”.