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To protect and promote the freedom of the press globally.

IN THE SENATE OF THE UNITED STATES

Mr. RUBIO (for himself and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To protect and promote the freedom of the press globally.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “World Press Freedom
Protection and Reciprocity Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMIT-
TEES.—The term “appropriate congressional com-
mittees” means—

(A) the Committee on Foreign Relations of
the Senate; and
(B) the Committee on Foreign Affairs of the House of Representatives.

(2) FOREIGN PERSON.—The term “foreign person” means an individual who is not—

(A) a United States citizen; or

(B) an alien lawfully admitted for permanent residence to the United States.

(3) INTERNATIONALLY-RECOGNIZED RIGHT TO FREEDOM OF EXPRESSION.—The term “internationally-recognized right to freedom of expression” are the rights set forth in—

(A) Article 19 of the Universal Declaration of Human Rights, done at Paris December 10, 1948; and

(B) Article 19 of the International Covenant on Civil and Political Rights, done at New York December 19, 1966.

(4) MAJOR NON-NATO ALLY.—The term “major non-NATO ally” means a country designated by the President as a major non-NATO ally pursuant to section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k).

SEC. 3. STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:
1 (1) Freedom of the press is a critical component of democratic governance that enhances transparency, accountability, and participation of civil society.

2 (2) United States Government efforts to protect and expand freedom of the press and free expression strengthen the national interests of the United States by—

3 (A) supporting democracy;

4 (B) promoting good governance and public health;

5 (C) mitigating conflict; and

6 (D) encouraging transparency and civil society development around the world.

7 (3) Journalists, media personnel, and other individuals and organizations around the world that receive and impart information and ideas face increasing restrictions, threats, censorship, arbitrary detention, torture, enforced disappearances, extrajudicial killings, and other violence for exercising their internationally-recognized right to freedom of expression.

8 (4) Impunity for attacks on journalists, bloggers, and media personnel is an acute problem around the world and a primary challenge to pro-
tecting freedom of expression and freedom of the press.

(5) According to research and press freedom rankings issued annually by Freedom House, the Committee to Protect Journalists, and Reporters Without Borders, some of the countries with the most restrictive media and information environments include Cuba, Djibouti, Eritrea, Iran, Laos, Myanmar, North Korea, the Philippines, Saudi Arabia, Syria, Turkmenistan, and Vietnam.

(6) Since a failed coup attempt in 2016, the Government of the Republic of Turkey has used terrorism and national security laws to shutter hundreds of media outlets and jail dozens of journalists, compounding the effects of more than a decade of expanding ruling party influence over the ownership of mainstream media in the country at the expense of independent outlets.

(7) The People’s Republic of China, which maintains one of the most restrictive media and information environments in the world, seeks to control free speech inside and outside of China through—

(A) censorship;
(B) onerous media organization registration requirements;

(C) harassment and retaliation;

(D) imprisonment;

(E) conditioning of press credential renewals for all journalists and visa issuance for foreign journalists on “positive” coverage of China; and

(F) the operation of a digital surveillance system so pervasive that both routine and sensitive reporting activities and many aspects of daily life are subject to government monitoring.

(8) The Russian Federation has continued to use sophisticated tools to block and control information online and employ draconian laws to pressure independent media.

(9) The expansion and export of new technologies used for censorship and surveillance—

(A) represent a notable threat to human rights, including press freedoms, transparency, and democratic governance globally; and

(B) constitute a critical challenge to United States national interests.

(10) Other countries’ restrictions on the activities of United States journalists and media per-
sonnel, other countries’ censorship and blocking of websites of United States news and media corporations, and other restrictions on the cross-border flow of information—

(A) damage the competitiveness of United States corporations;

(B) limit United States access to information critical for United States investors, consumers, and others making market and financial decisions; and

(C) should be considered a restriction of trade and the creation of an unfair competitive advantage benefitting foreign government-controlled news organizations and other foreign news and media corporations.

(b) POLICY STATEMENT.—It is the policy of the United States—

(1) to advocate for detained and targeted journalists and other media personnel overseas, including citizen journalists and bloggers;

(2) to call on governments, in both bilateral discussions and through multilateral organizations—

(A) to end restrictions on the internationally-recognized right to freedom of expression; and
(B) to abide by international commitments set forth in—

(i) Article 19 of the Universal Declaration of Human Rights, done at Paris December 10, 1948; and

(ii) Article 19 of the International Covenant on Civil and Political Rights, done at New York December 19, 1966;

(3) to urge foreign governments—

(A) to transparently investigate and bring to justice the perpetrators of attacks against journalists, bloggers, and other media personnel; and

(B) to halt efforts to censor or block access to news from United States journalists and media personnel and the websites of United States news and media organizations;

(4) to highlight threats against freedom of the press in the Department of State’s Annual Country Reports on Human Rights Practices, as required under section 116(d)(12) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)(12)), and other public statements by senior Department of State officials;
(5) to seek, as part of bilateral diplomatic negotiations globally, conditions for—

(A) a free flow of news and information;

(B) internet freedom; and

(C) an end to visas restrictions for United States media personnel;

(6) to link expansion of the free flow of news and information with ongoing and future trade agreements and other bilateral agreements and communiques by seeking language eliminating—

(A) all limitations on market access for news agency services; and

(B) any restrictions on cross-border data flows involving journalists and the media, including data flowing through the internet;

(7) to ensure that pursuing bilateral relationships with foreign governments, particularly governments with restrictive press and information environments, based on the principles of reciprocity across many sectors, including economic, diplomatic, educational, religious, and in the free flow of news and information; and

(8) to clearly differentiate, in official statements, media communications, and messaging, be-
between the citizens of a country and the government of such country.

SEC. 4. STATEMENT OF POLICY REGARDING PROTECTION OF FOREIGN JOURNALISTS AND OTHER MEDIA PERSONNEL GLOBALLY.

It is the policy of the United States to consider foreign government officials who are responsible for, are complicit in, or have directly or indirectly engaged in severe restrictions of the internationally-recognized right to freedom of expression, such as arbitrary detention, imprisonment, enforced disappearance, torture, extrajudicial killing, and other substantial threats to the life and liberty of a person, as having committed gross violations of internationally recognized human rights for purposes of imposing sanctions with respect to such officials under—

(1) the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note; subtitle F of title XII of Public Law 114–328); and

(2) section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116–6).
SEC. 5. PLAN TO PROMOTE RECIPROCAL ACCESS FOR UNITED STATES NEWS AND MEDIA ORGANIZATIONS.

(a) PLAN.—

(1) IN GENERAL.—The President shall establish a plan for negotiating access for United States news and media companies and their employees globally and work to enhance reciprocity given to news and media companies operating in the United States.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that summarizes the plan required under paragraph (1).

(b) POLICY STATEMENTS.—

(1) FINDINGS.—Congress finds the following:

(A) United States news and media organizations, including United States-based media organizations, and information portals are blocked or censored by certain foreign governments, while the United States market remains open to websites of foreign news and media organizations and information portals, including state-owned propaganda organizations.

(B) The stark lack of reciprocity in market access for news and media organizations and
country access for journalists and media personnel—

(i) limits constructive contacts between the United States and the world; and

(ii) allows some foreign governments unbalanced influence over their people’s views of the United States and perceptions in the United States of their policies and programs.

(C) Foreign governments with a sizable media and information footprint in the United States have a distinct interest in maintaining such footprint.

(2) SENSE OF CONGRESS.—It is the sense of Congress that, in the interest of increasing reciprocal access for United States journalists and news and media organizations and expanding press freedoms globally, the President should proactively pursue bilateral agreements with governments referred to in paragraph (1) to ensure reciprocal access by both countries.

SEC. 6. AUTHORIZATION OF IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to any
foreign person the President determines, based on credible evidence—

(1) is responsible for the jailing, killing, or torture of journalists or significant efforts to harass, restrict the activities of, terminate the visas of, or threaten the safety of United States journalists and media personnel.

(2) acted as an agent, or on behalf, of a foreign person in a matter relating to an activity described in paragraph (1); or

(3) is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing an activity described in paragraph (1).

(b) SANCTIONS DESCRIBED.—A foreign person described in subsection (a) who is an individual—

(1) shall be ineligible to receive a visa from the United States, enter the United States, or be admitted to the United States; and

(2) if such individual has been issued a visa or other documentation by the United States that provides any immigration benefit, shall have such visa or other documentation revoked, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)).
(c) Termination of Sanctions.—

(1) In General.—The President may terminate the application of sanctions under subsection (b) with respect to an individual if the President makes a determination that—

(A) credible information exists that the individual did not engage in the activity for which the sanctions were imposed;

(B) the individual has been prosecuted appropriately for the activity for which the sanctions imposed;

(C) the individual has—

(i) credibly demonstrated a significant change in behavior;

(ii) been subject to an appropriate consequence for the activity for which the sanctions were imposed; and

(iii) credibly committed to not engage in an activity described in that subsection in the future; or

(D) the termination of the application of sanctions is in the national security interests of the United States.

(2) Notification.—Not later than 15 days before the date on which the application of sanctions
is terminated under paragraph (1) with respect to
an individual, the Secretary of State shall submit a
report to the Committee on Foreign Relations of the
Senate, the Committee on the Judiciary of the Sen-
ate, the Committee on Foreign Affairs of the House
of Representatives, and the Committee on the Judi-
ciary of the House of Representatives that describes
the justification for such termination.

(d) EXCEPTION.—Sanctions described in subsection
(b) shall not apply to an individual if admitting the indi-
vidual into the United States is necessary to permit the
United States to comply with the Agreement regarding the
Headquarters of the United Nations, signed at Lake Suc-
cess June 26, 1947, and entered into force November 21,
1947, between the United Nations and the United States,
or any other applicable international obligation of the
United States.

(e) WAIVER.—The President may waive the applica-
tion of the sanctions described in subsection (b) with re-
spect to an individual if the President—

(1) determines that such a waiver is in the na-
tional interest of the United States; and

(2) upon granting such a waiver, submits a re-
port to the committees specified in subsection (c)(2)
that—
(A) details the evidence and justification
for the necessity of the waiver; and

(B) explains how the waiver relates to the
national security of the United States.

(f) REPORT.—

(1) IN GENERAL.—Not later than 180 after the
date of the enactment of this Act, and annually
thereafter for 5 years, the President shall submit a
report to the committees referred to in subsection
(c)(2) that identifies each individual with respect to
which the application of sanctions has been termi-
nated under subsection (c) during the preceding
year, including the country of origin of the indi-
vidual and the dates on which such sanctions were
imposed or terminated, as applicable.

(2) FORM.—The report required under para-
graph (1) shall be submitted in unclassified form,
but may include a classified annex.

(3) EXCLUSION OF PERSONALLY IDENTIFIABLE
INFORMATION.—The President may not include any
personally identifiable information of any United
States citizen in a report submitted under paragraph
(1).

(4) APPLICABILITY OF PRIVACY ACT.—Any in-
formation obtained by the President to complete a
report required by paragraph (1) shall be subject to
section 552a of title 5, United States Code (com-
monly known as the “Privacy Act”).

SEC. 7. CLEAR LABELING FOR INFORMATIONAL MATE-
RIALS DISTRIBUTED ON BEHALF OF FOREIGN
MISSIONS OR FOREIGN PRINCIPALS.

Section 4(b) of the Foreign Agents Registration Act
of 1938 (22 U.S.C. 614(b)) is amended by adding at the
end the following: “Informational materials required to be
labeled under this subsection that are in the form of prints
shall be marked or stamped conspicuously at the top of
the first page with a statement, in the language or lan-
guages used therein, that sets forth the information re-
quired under this subsection.”.

SEC. 8. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS
PRACTICES.

(a) Report Relating to Economic Assista-

 (1) In general.—Section 116(d) of the For-
eign Assistance Act of 1961 (22 U.S.C. 2151n(d))
is amended—

 (A) in paragraph (11)(C), by striking
“and” at the end;
(B) in paragraph (12)(C)(ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(13) an assessment of freedom of expression with respect to electronic information in each foreign country, including the extent to which government authorities in each country—

“(A) attempt to filter, censor, shape, or otherwise block or remove nonviolent expression of political, religious, ideological opinion via the internet, including electronic mail, and the means by which such authorities attempt to block or remove such expression;

“(B) have persecuted or otherwise punished an individual or group for the nonviolent expression of political, religious, or ideological opinion via the internet, including electronic mail;

“(C) have sought to collect, request, obtain, or disclose personally identifiable information of a person in connection with such person’s nonviolent expression of political, religious, or ideological opinion on a foreign platform, including expression that would be pro-
ected by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights; and

“(D) monitor wire communications and electronic communications without regard to the principles of privacy, human rights, democracy, and rule of law, to the extent that these practices are known.”.

(2) CONFORMING AMENDMENT.—Section 116 of such Act, as amended by paragraph (1), is further amended by adding at the end the following:

“(h) CONSULTATION REQUIREMENT.—

“(1) IN GENERAL.—In compiling data and making assessments under subsection (d)(13), United States diplomatic personnel shall consult with human rights organizations, technology and internet companies, and other appropriate non-governmental organizations.

“(2) DEFINITIONS.—In this subsection and in subsection (d)(13)—

“(A) the term ‘electronic communication’ has the meaning given such term in section 2510(12) of title 18, United States Code;

“(B) the term ‘internet’ has the meaning given the term ‘Internet’ in section 231(e)(3) of
the Communications Act of 1934 (47 U.S.C. 231(e)(3));

“(C) the term ‘personally identifiable information’ means data in a form that identifies a specific person; and

“(D) the term ‘wire communication’ has the meaning given such term in section 2510(1) of title 18, United States Code.”.

(b) REPORT RELATING TO SECURITY ASSISTANCE.—

Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting “(1)” after “(b)”;

(3) by striking “Wherever applicable, such report shall include” and inserting the following: “(2) Wherever applicable, each report required under paragraph (1) shall include—”;

(4) by striking “consolidated information” and inserting the following:

“(A) consolidated information”;

(5) by striking “Act of 1987). Wherever applicable, such report shall include information” and inserting the following: “Act of 1987);

“(B) information”;

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(6) by striking “sterilization. Such report shall also include, wherever applicable, information” and inserting the following: “sterilization;
“(C) information”; 
(7) by striking “Act of 1998). Wherever applicable, such report shall include a description” and inserting the following: “Act of 1998); and 
“(D) a description”; 
(8) by striking “Such report shall also include, for each country” and inserting the following: 
“(3) Each report required under paragraph (1) shall include, for each country”; 
(9) by striking “Each report under this section shall list” and inserting the following: 
“(4) Each report required under paragraph (1) shall list”; 
(10) by striking “Each report under this section shall describe” and inserting the following: 
“(5) Each report required under paragraph (1) shall describe”; 
(11) by striking “Each report under this section shall also include” and inserting the following: 
“(6) Each report required under paragraph (1) shall include—”;}
(12) by striking “(i) wherever applicable” and inserting the following:

“(A) wherever applicable’’;

(13) by striking “hostilities, (ii) what steps” and inserting “hostilities;

“(B) what steps’’;

(14) by striking “practices, and (iii) such other information” and inserting “practices; and

“(C) such other information”;

(15) by striking “In determining” and inserting the following:

“(7) Each report required under paragraph (1) shall include an assessment of freedom of expression with respect to electronic information in each foreign country, which shall consist of—

“(A) an assessment of the extent to which government authorities in each country attempt to filter, censor, shape, or otherwise block or remove non-violent expression of political, religious, or ideological opinion via the internet, including electronic mail;

“(B) a description of the means by which such authorities attempt to block or remove such expression;

“(C) an assessment of the extent to which government authorities in each country have persecuted
or otherwise punished an individual or group for the
nonviolent expression of political, religious, or ideo-
logical opinion or belief via the internet, including
electronic mail;

“(D) an assessment of the extent to which gov-
ernment authorities in each country have sought to
collect, request, obtain, or disclose personally identi-
ifiable information of a person in connection with
such person’s nonviolent expression of political, reli-
gious, or ideological opinion or belief on a foreign
platform, including expression that would be pro-
tected by the International Covenant on Civil and
Political Rights, done at New York December 19,
1966; and

“(E) an assessment of the extent to which wire
communications and electronic communications are
monitored without regard to the principles of pri-
vacy, human rights, democracy, and rule of law, to
the extent that these practices are known.

“(8) In determining”.