

114TH CONGRESS
1ST SESSION

H. R. 2242

To protect the internationally recognized right of free expression, ensure the free flow of information, and protect journalists and media personnel globally.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2015

Mr. SMITH of New Jersey (for himself, Mr. BLUMENAUER, and Mr. PITTS) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect the internationally recognized right of free expression, ensure the free flow of information, and protect journalists and media personnel 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 Act of 2015”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

4 (A) the Committee on Armed Services, the
5 Committee on Financial Services, the Com-
6 mittee on Foreign Affairs, the Committee on
7 Homeland Security, and the Committee on the
8 Judiciary of the House of Representatives; and

9 (B) the Committee on Armed Services, the
10 Committee on Banking, Housing, and Urban
11 Affairs, the Committee on Foreign Relations,
12 the Committee on Homeland Security and Gov-
13 ernmental Affairs, and the Committee on the
14 Judiciary of the Senate.

15 (2) FOREIGN PERSON.—The term “foreign per-
16 son” means an individual who is neither a citizen or
17 national of the United States.

18 **SEC. 3. AUTHORIZATION OF IMPOSITION OF SANCTIONS**
19 **FOR RESTRICTIONS ON THE RIGHT TO THE**
20 **FREEDOM OF EXPRESSION AND RESTRIC-**
21 **TIONS ON JOURNALISTS.**

22 (a) IN GENERAL.—The President may impose the
23 sanctions described in subsection (b) with respect to a for-
24 eign person if the President determines, based on credible
25 information, that the foreign person—

1 (1) is responsible for severe restrictions on the
2 freedom of expression or freedom of the press, in-
3 cluding the arrest, harassment, torture, mistreat-
4 ment, threats, fines, or the pervasive surveillance of
5 journalists, blockage or censorship of the Internet
6 that hinders the free flow of information from jour-
7 nalists, or other serious violations of the inter-
8 national right to the freedom of expression; or

9 (2) has materially assisted, sponsored, or pro-
10 vided financial, material, or technological support
11 for, or goods or services in support of, an activity
12 described in paragraph (1) .

13 (b) INADMISSIBILITY TO UNITED STATES.—The
14 sanctions described in this subsection are the following:

15 (1) ineligibility to receive a visa to enter the
16 United States or to be admitted to the United
17 States; or

18 (2) if the foreign person has been issued a visa
19 or other documentation to be used to enter the
20 United States, revocation, in accordance with section
21 221(i) of the Immigration and Nationality Act (8
22 U.S.C. 1201(i)), of the visa or other documentation.

23 (c) CONSIDERATION OF CERTAIN INFORMATION IN
24 IMPOSING SANCTIONS.—In determining whether to im-

1 pose sanctions under subsection (b), the President shall
2 consider—

3 (1) information provided by the chairperson and
4 ranking member of each of the appropriate congressional
5 committees; and

6 (2) credible information obtained by other countries
7 and nongovernmental organizations that monitor
8 violations of human rights.

9 (d) WAIVER FOR NATIONAL SECURITY INTERESTS.—
10 The President may waive the application of subsection (b)
11 with respect to a foreign person if the President determines
12 that such a waiver is in the national security interests
13 of the United States.

14 (e) EXCEPTION TO COMPLY WITH UNITED NATIONS
15 HEADQUARTERS AGREEMENT.—Subsection (b) shall not
16 apply to a foreign person if admitting the foreign person
17 into the United States is necessary to permit the United
18 States to comply with the Agreement between the United
19 Nations and the United States of America regarding the
20 Headquarters of the United Nations, signed at Lake Success
21 June 26, 1947, and entered into force November 21,
22 1947, and other applicable international obligations of the
23 United States.

24 (f) TERMINATION OF SANCTIONS.—The President
25 may terminate the application of sanctions under sub-

1 section (b) with respect to a foreign person if the Presi-
2 dent determines and reports to the appropriate congres-
3 sional committees not later than 15 days before the termi-
4 nation of the sanctions that—

5 (1) credible information exists that the foreign
6 person did not engage in the activity for which sanc-
7 tions were imposed;

8 (2) the foreign person has been prosecuted ap-
9 propriately for the activity for which sanctions were
10 imposed; or

11 (3) the foreign person has credibly dem-
12 onstrated a significant change in behavior, has paid
13 an appropriate consequence for the activity for
14 which sanctions were imposed, and has credibly com-
15 mitted to not engage in an activity described in sub-
16 section (a) in the future.

17 (g) REGULATORY AUTHORITY.—The President shall
18 issue such regulations, licenses, and orders as are nec-
19 essary to carry out this section.

20 **SEC. 4. REPORTS BY PRESIDENT TO CONGRESS.**

21 (a) IN GENERAL.—The President shall submit to the
22 appropriate congressional committees an annual report
23 that includes—

24 (1) a list of each foreign person with respect to
25 which the President imposed sanctions pursuant to

1 section 3 during the year preceding the submission
2 of the report;

3 (2) the number of foreign persons with respect
4 to which the President terminated sanctions under
5 section 3 during that year;

6 (3) the dates on which such sanctions were im-
7 posed or terminated, as the case may be;

8 (4) the reasons for imposing or terminating
9 such sanctions; and

10 (5) a description of the efforts of the President
11 to encourage the governments of other countries to
12 impose sanctions that are similar to the sanctions
13 authorized by section 3.

14 (b) DATES FOR SUBMISSION.—

15 (1) INITIAL REPORT.—The President shall sub-
16 mit the initial report required by this subsection not
17 later than 180 days after the date of the enactment
18 of this Act.

19 (2) SUBSEQUENT REPORTS.—

20 (A) IN GENERAL.—The President shall
21 submit each subsequent report required by this
22 subsection on December 10, or the first day
23 thereafter on which both Houses of Congress
24 are in session, of—

1 (i) the calendar year in which the ini-
2 tial report is submitted if the initial report
3 is submitted before December 10 of such
4 calendar year; and

5 (ii) each subsequent calendar year.

6 (B) CONGRESSIONAL STATEMENT.—Con-
7 gress notes that December 10 of each calendar
8 year has been recognized in the United States
9 and internationally since 1950 as “Human
10 Rights Day” and thus the importance of De-
11 cember 10 of each calendar year as the date of
12 submission of the subsequent reports required
13 by this subsection.

14 (c) FORM.—The report required by subsection (a)
15 shall be submitted unclassified form, but may contain a
16 classified annex if necessary.

17 (d) PUBLIC AVAILABILITY.—

18 (1) IN GENERAL.—The unclassified portion of
19 the report required by subsection (a) shall be made
20 available to the public, including through publication
21 in the Federal Register.

22 (2) NONAPPLICABILITY OF CONFIDENTIALITY
23 REQUIREMENT WITH RESPECT TO VISA RECORDS.—
24 If the President decides to publish the names of in-
25 dividuals sanctioned in a report required under this

1 section, the President may do so without regard to
2 the requirements of section 222(f) of the Immigra-
3 tion and Nationality Act (8 U.S.C. 1202(f)) with re-
4 spect to confidentiality of records pertaining to the
5 issuance or refusal of visas or permits to enter the
6 United States.

7 **SEC. 5. LIMITING VISAS TO EXECUTIVES OF STATE-OWNED**
8 **NEWS AND MEDIA ORGANIZATIONS OPER-**
9 **ATING IN THE UNITED STATES.**

10 (a) **POLICY STATEMENT.**—Given the critical impor-
11 tance of the press freedoms and the free flow of cross-
12 border information for diplomatic, political, and financial
13 relations globally, and for purposes of investors, busi-
14 nesses, and politicians making informed decisions, it
15 should be the policy of the United States Government to
16 respond strongly and persuasively to the growing number
17 of restrictions, threats, detentions, harassment, arrests,
18 pervasive surveillance, killings, and delays or denials of
19 visas faced by foreign journalists and their domestic em-
20 ployees, especially the blockage and censorship of the
21 websites of news corporations.

22 (b) **LIMITATION ON I-VISAS.**—Section 101(a)(15)(I)
23 of the Immigration and Nationality Act (8 U.S.C.
24 1101(a)(15)(I)) is amended by inserting “subject to sec-
25 tion 214(s),” before “upon a basis”.

1 (c) RESTRICTIONS ON VISAS TO EXECUTIVES OF
2 STATE-OWNED MEDIA.—Section 214 of the Immigration
3 and Nationality Act (8 U.S.C. 1184) is amended by add-
4 ing at the end the following:

5 “(s) RESTRICTIONS ON VISAS TO EXECUTIVES OF
6 STATE-OWNED MEDIA.—

7 “(1) IN GENERAL.—In the case of an alien who
8 is an executive of a state-owned media organization
9 of a foreign state and is applying for a visa under
10 section 101(a)(15)(I) during a fiscal year, the visa
11 shall be refused if any United States journalist or
12 news organization personnel were expelled, had visas
13 denied, or faced intimidation or violence or other re-
14 strictions in the course of working in the foreign
15 state during the previous fiscal year.

16 “(2) DEFINITION.—For purposes of this sub-
17 section, the term ‘executive of a state-owned media
18 organization of a foreign state’ means a representa-
19 tive, operating in a managerial or executive capacity
20 of a media organization that is majority owned, op-
21 erated, or controlled by a foreign government oper-
22 ating in the United States.”.

23 (d) TRANSITION RULE.—

24 (1) IN GENERAL.—The President may order the
25 immediate revocation, delay, or refusal of visas

1 under section 101(a)(15)(I) of the Immigration and
2 Nationality Act (8 U.S.C. 1101(a)(15)(I)) issued to,
3 or sought by, executives of a state-owned media or-
4 ganization of a foreign state before the date of the
5 enactment of this Act in proportion to the expul-
6 sions, visa delays or denials, and intimidation experi-
7 enced by United States journalists or news organiza-
8 tion personnel in the course of working in the for-
9 eign state during the fiscal year preceding the fiscal
10 year in which this Act is enacted.

11 (2) DEFINITION.—For purposes of paragraph
12 (1), the term “executive of a state-owned media or-
13 ganization of a foreign state” means a representa-
14 tive, operating in a managerial or executive capacity
15 of a media organization that is majority owned, op-
16 erated, or controlled by a foreign government oper-
17 ating in the United States.

18 **SEC. 6. INCLUSION OF ADDITIONAL INFORMATION RELAT-**
19 **ING TO RESTRICTIONS FACED BY JOURNAL-**
20 **ISTS WORLDWIDE IN THE ANNUAL COUNTRY**
21 **REPORTS ON HUMAN RIGHTS PRACTICES.**

22 The Foreign Assistance Act of 1961 is amended—

23 (1) in section 116(d)(12) (22 U.S.C.
24 2151n(d)(12))—

1 (A) in subparagraph (B), by striking
2 “and” at the end;

3 (B) in subparagraph (C), by striking the
4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(D) for each country—

7 “(i) a detailed description of the re-
8 strictions imposed against journalists and
9 their domestic personnel, including a de-
10 scription of surveillance, harassment, de-
11 tentions, death threats or physical attacks,
12 censorship, including on the Internet, deni-
13 als or delays of visas or travel documents,
14 direct sources of pressure or intimidation,
15 or any other restrictions that limit the abil-
16 ity to report information freely or restricts
17 the free flow of information whether by
18 governments, military, intelligence or police
19 forces or criminal groups, armed extrem-
20 ists, or rebel groups; and

21 “(ii) a brief assessment of the coun-
22 try’s practices with respect to foreign jour-
23 nalists and their domestic personnel by de-
24 scribing the country’s practices as ‘very re-

1 strictive’, ‘restrictive’, ‘partially restrictive’,
2 or ‘mostly free’; and”]; and

3 (2) in the first subsection (i) of section 502B
4 (22 U.S.C. 2304)—

5 (A) in paragraph (2), by striking “and” at
6 the end;

7 (B) in paragraph (3), by striking the pe-
8 riod at the end and inserting “; and”; and

9 (C) by adding at the end the following:

10 “(4) for each country—

11 “(5)

12 “(A) a detailed description of the restric-
13 tions imposed against journalists and their do-
14 mestic personnel, including a description of sur-
15 veillance, harassment, detentions, death threats
16 or physical attacks, censorship, including on the
17 Internet, denials or delays of visas or travel
18 documents, direct sources of pressure or intimi-
19 dation, or any other restrictions that limit the
20 ability to report information freely or restricts
21 the free flow of information whether by govern-
22 ments, military, intelligence or police forces or
23 criminal groups, armed extremists, or rebel
24 groups; and

1 “(B) a brief assessment of the country’s
2 practices with respect to foreign journalists and
3 their domestic personnel by describing the coun-
4 try’s practices as ‘very restrictive’, ‘restrictive’,
5 ‘partially restrictive’, or ‘mostly free’.”.

6 **SEC. 7. RESTRICTIONS ON THE FREEDOM OF EXPRESSION**
7 **AND CENSORSHIP OF THE INTERNET TREAT-**
8 **ED AS A RESTRICTION ON TRADE.**

9 (a) FINDING.—Congress finds that restrictions on
10 the activities of United States journalists and media per-
11 sonnel and the censorship and blockage of websites and
12 the cross-border flow of information damages the competi-
13 tiveness of United States corporations and limits access
14 to information critical for investors, consumers, and others
15 making market and financial decisions and should be con-
16 sidered a restriction of trade and an unfair competitive
17 advantage benefitting foreign government-controlled news
18 organizations and other news and media corporations.

19 (b) STATEMENT OF POLICY.—Congress declares the
20 following:

21 (1) The United States Government should seek
22 as part of international treaty negotiations and in
23 negotiations and bilateral discussions with China,
24 Vietnam, Saudi Arabia, and other countries rated
25 “Not Free” by Freedom House’s annual “Freedom

1 of the Press” survey, conditions for a free and unfet-
2 tered operation of websites, an end to visas restric-
3 tions for journalists, an end to harassment, intimi-
4 dation, and surveillance of foreign journalists and an
5 end to the abuse of state secrets laws, including Chi-
6 na’s restrictions on the sharing of information be-
7 tween Chinese and foreign journalists.

8 (2) In addition, the United States Government
9 should seek to link expansion of the free flow of in-
10 formation with ongoing and future trade agree-
11 ments, and other bilateral agreements and commu-
12 niques, by seeking language eliminating any and all
13 limitations on market access for news agency serv-
14 ices and eliminate any restrictions on cross-border
15 data flows involving journalists and the media, in-
16 cluding in the Trans-Pacific Partnership, Bilateral
17 Investment Treaties, or any other trade negotiations
18 planned or in progress and seek stipulations guaran-
19 teeing fair treatment of United States and other for-
20 eign journalists and their publications, consistent
21 with the treatment received by foreign journalists
22 operating in the United States and free and unfet-
23 tered operation of websites in China and other coun-
24 tries where they are blocked or censored.

1 (c) SENSE OF CONGRESS.—In order to promote free-
2 dom of the press and recognize the importance of that
3 internationally recognized right to economic freedom and
4 economic security, it is the sense of Congress that—

5 (1) restrictions on journalists and media
6 websites and the censorship of the Internet are sig-
7 nificant foreign trade barriers;

8 (2) the United States Trade Representative
9 should include a list of United States websites
10 blocked in foreign countries in reporting on trade
11 barriers in its annual report on foreign trade bar-
12 riers; and

13 (3) the United States Government should pur-
14 sue, at the World Trade Organization (WTO) , dis-
15 puts to end blockage of United States websites by
16 foreign governments, which would include require-
17 ments for other members of the WTO to regularly
18 publish a list of any banned or censored websites
19 and provide website owners an opportunity to ap-
20 peal.

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