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(Original Signature of Member)

118TH CONGRESS  
2D SESSION

# H. R. 9850

To protect and promote American values abroad, including the rights of freedom of speech and freedom of expression enshrined in the United States Constitution and the International Covenant on Civil and Political Rights, through the use of foreign assistance and by assuring U.S. law enforcement does not cooperate in censorship abroad.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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## A BILL

To protect and promote American values abroad, including the rights of freedom of speech and freedom of expression enshrined in the United States Constitution and the International Covenant on Civil and Political Rights, through the use of foreign assistance and by assuring U.S. law enforcement does not cooperate in censorship abroad.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “No Funding or En-  
3 forcement of Censorship Abroad Act”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) On March 5, 2018, U.S. FBI agents, in-  
7 cluding a special agent, a Cyber Operations super-  
8 visor, and a Department of Justice agent special-  
9 izing in counterespionage to thwart foreign inter-  
10 ference, met with a special council of the Brazilian  
11 Superior Electoral Court (TSE) to discuss efforts by  
12 the United States Department of Justice and the  
13 FBI to fight “fake news” and “protecting the integ-  
14 rity of elections”.

15 (2) Brazilian Supreme Court Justice Alexandre  
16 de Moraes received and implemented recommenda-  
17 tions on censoring content from several non-govern-  
18 mental organizations (NGOs), including the Digital  
19 Forensic Research Lab (DFRLab), which is funded  
20 by the U.S. Agency for International Development  
21 (USAID) and the U.S. State Department.

22 (3) In 2022, the National Science Foundation  
23 (NSF), supported by the U.S. Congress, gave a  
24 \$200,000 grant to the George Washington Univer-  
25 sity for countering disinformation in Brazil and  
26 three other countries.

1           (4) Throughout 2022 and 2023, Justice de  
2 Moraes banned Paulo Figueiredo, a Brazilian jour-  
3 nalist living in the U.S., from social media platforms  
4 in Brazil.

5           (5) In August 2023, the Consortium for Elec-  
6 tions and Political Process Strengthening (CEPPS),  
7 which is funded by the Global Elections and Political  
8 Transitions (GEPT) Program at USAID, formed a  
9 key partnership with the Superior Electoral Court in  
10 Brazil (TSE) and worked together to discuss censor-  
11 ship strategies.

12           (6) In December 2023, Justice de Moraes de-  
13 manded that Rumble, a video-sharing platform with  
14 its corporate headquarters in the United States, re-  
15 move certain creators from its platform.

16           (7) Later that month, Rumble suspended its  
17 service in Brazil rather than comply with the unlaw-  
18 ful demands of Justice de Moraes.

19           (8) On April 3, 2024, Michael Shellenberger  
20 published the “Twitter Files – Brazil” sharing Jus-  
21 tice de Moraes’s illegal demands for Twitter to dis-  
22 close information about users in 2020.

23           (9) On April 6, 2024, X (formerly known as  
24 Twitter), an American technology company, an-

1       nounced that a Brazilian court had forced it to block  
2       certain accounts in Brazil.

3           (10) On April 7, 2024, Justice de Moraes an-  
4       nounced a criminal investigation into Elon Musk,  
5       the owner of X and a U.S. citizen, for spreading  
6       disinformation, obstructing justice, and continuing  
7       to allow people de Moraes banned to express their  
8       views on X.

9           (11) On April 18 and 19, 2024, Brazilian Fed-  
10       eral Police published two reports suggesting that Mi-  
11       chael Shellenberger was under investigation for pub-  
12       lishing the “Twitter Files – Brazil”.

13          (12) In August 2024, Brazil’s Supreme Court  
14       instituted a ban on X.

15          (13) As of September 2024, the U.S. Depart-  
16       ment of State has remained silent and neglected its  
17       mission to champion democratic institutions and  
18       human rights.

19   **SEC. 3. SENSE OF CONGRESS.**

20       It is the sense of Congress that the United States  
21       Government should promote the universal values of free-  
22       dom of speech and freedom of expression around the world  
23       and should not facilitate nor promote online censorship  
24       through foreign assistance programs and should not facili-  
25       tate nor promote online censorship through cooperation

1 with foreign governments and their law enforcement agen-  
2 cies.

3 **SEC. 4. PROHIBITION ON ASSISTANCE THAT ENCOURAGES**  
4 **ONLINE CENSORSHIP.**

5 (a) No assistance may be furnished under the For-  
6 eign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), for  
7 the benefit of any foreign entity if the Secretary of State  
8 has credible information that such foreign entity has en-  
9 gaged in, facilitated, or promoted, or will imminently en-  
10 gage in, facilitate, or promote censorship of lawful speech  
11 online.

12 (b) The prohibition in subsection (a) shall not apply  
13 if the Secretary determines and reports to the appropriate  
14 congressional committees that the foreign entity has  
15 ceased engaging in, facilitating, or promoting online cen-  
16 sorship.

17 **SEC. 5. RESTRICTION ON LAW ENFORCEMENT COOPERA-**  
18 **TION WITH FOREIGN ONLINE CENSORSHIP.**

19 (a) No assistance or cooperation may be furnished  
20 by Federal law enforcement officials in response to a re-  
21 quest from a foreign law enforcement agency if the Attor-  
22 ney General has credible information that such a request  
23 will cause, facilitate, or promote censorship of protected  
24 speech online.

1 (b) In making a determination under this section, the  
2 Attorney General shall consult with the Secretary of State  
3 and, as appropriate, the Director of National Intelligence.

4 (c) The Attorney General shall provide a report to  
5 the appropriate congressional committees on an annual  
6 basis listing and describing all determinations made under  
7 this section, which may be submitted in classified form.

8 **SEC. 6. DEFINITIONS.**

9 In this Act:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
11 TEES.—The term “appropriate congressional com-  
12 mittees” means the Committee on Foreign Rela-  
13 tions, the Committee on Judiciary, and the Com-  
14 mittee on Appropriations of the Senate, and the  
15 Committee on Foreign Affairs, the Committee on  
16 Judiciary, and the Committee on Appropriations of  
17 the House of Representatives.

18 (2) FOREIGN ENTITY.—The term “foreign enti-  
19 ty” means—

20 (A) any agency, ministry, office, or sub-  
21 division of a foreign government;

22 (B) an international organization; or

23 (C) a nongovernmental organization with  
24 operations outside of the United States.

1           (3) FOREIGN LAW ENFORCEMENT AGENCY.—

2           The term “foreign law enforcement agency” has the  
3           meaning given such term in section 44, title 15 of  
4           the United States Code.

5           (4) ONLINE CENSORSHIP.—

6           (A) IN GENERAL.—The term “online cen-  
7           sorship” means—

8                   (i) a request or demand that an elec-  
9                   tronic communications service provider, as  
10                  such term is defined in section 2510 of  
11                  title 18 of the United States Code, with its  
12                  headquarters in the United States remove,  
13                  disable, suppress, or otherwise censor a  
14                  communication on its service that contains  
15                  protected speech and is not otherwise pro-  
16                  hibited by the provider’s terms of service;  
17                  and

18                   (ii) orders issued by Brazilian Su-  
19                   preme Court Justice Alexandre de Moraes  
20                   to electronic communications services pro-  
21                   viders with their headquarters in the  
22                   United States after January 1, 2022, that  
23                   demand that the electronic communications  
24                   services provider remove, disable, suppress,  
25                   or otherwise censor a communication on its

1 service that contains protected speech and  
2 is not otherwise prohibited by the pro-  
3 vider’s terms of service.

4 (B) EXCEPTION.—The term “online cen-  
5 sorship” shall not include—

6 (i) any request or demand related to  
7 the communications of, or content posted  
8 by, a foreign terrorist organization des-  
9 ignated under section 219 of the Immigra-  
10 tion and Nationality Act; and

11 (ii) any request or demand related to  
12 an apparent violation of sections 2251,  
13 2251A, 2252, 2252A, 2252B, of 2260 that  
14 involves child pornography, of section 1591  
15 (if the violation involves a minor), or  
16 of section 2422(b) of title 18 of the United  
17 States Code.

18 (5) PROTECTED SPEECH.—The term “protected  
19 speech” means speech protected under the First  
20 Amendment of the Constitution of the United States  
21 or speech that would be so protected if the speaker  
22 were located in the United States.