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United States Senate

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April 7, 2021

The Honorable Jason E. Kearns  
Chair  
U.S. International Trade Commission  
500 E Street, SW  
Washington, D.C. 20436

DOCKET NUMBER  
3541  
OFFICE OF THE  
SECRETARY  
INT'L TRADE  
COMMISSION

Dear Chair Kearns:

I am writing today in regard to the investigation requested by former Committee Chairman Grassley regarding "Censorship as a Non-tariff Barrier" on January 4, 2021. I agree with Senator Grassley that censorship and the impact of censorship on the flow of information and services is a critical issue for the digital economy.

For this reason, I support the request for an investigation and survey pursuant to Section 332(g) of the Tariff Act of 1930 regarding foreign censorship and its impact on trade and investment. However, recognizing the pressing concerns regarding this issue, highlighted by the Senate Finance Committee's Trade Subcommittee hearing titled "Censorship as a Non-tariff Barrier," I request that the Commission divide its report into two volumes.

The first volume should include detailed information on the following:

1. Identification and descriptions of various foreign censorship practices, in particular any examples that U.S. businesses consider to impede trade or investment in key foreign markets. The description should include to the extent practicable:
  - a. the evolution of censorship policies and practices over the past 5 years in key foreign markets;
  - b. any elements that entail extraterritorial censorship; and
  - c. the roles of governmental and non-governmental actors in implementation and enforcement of the practices.

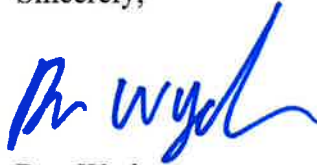
And the second volume should provide:

2. To the extent practicable, including through the use of survey data, an analysis of the trade and economic effects of such policies and practices on affected businesses in the United States and their global operations. The analysis should include to the extent practicable, quantitative and qualitative impacts of the identified policies, including by reference, where identifiable, to:
  - a. impact on employment;

- b. direct costs (e.g., compliance and entry costs);
- c. foregone revenue and sales;
- d. self-censorship; and
- e. other effects the Commission consider relevant for the Committee to know.

Recognizing that the design and execution of a survey requires additional time, I request the first volume of the Commission's investigation be delivered by December 30, 2021, and the second volume, with results of the Commission's survey and any additional information, provided by July 5, 2022.

Sincerely,



Ron Wyden  
Chairman  
Senate Finance Committee