

116TH CONGRESS  
2D SESSION

# H. R. 6621

To amend the United States International Broadcasting Act of 1994 to authorize the Open Technology Fund of the United States Agency for Global Media, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2020

Mr. McCAUL (for himself, Mr. ENGEL, Mr. CURTIS, and Mr. MALINOWSKI) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To amend the United States International Broadcasting Act of 1994 to authorize the Open Technology Fund of the United States Agency for Global Media, and for other purposes.

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 “Open Technology Fund  
5 Authorization Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The political, economic, and social benefits  
2 of the internet are important to advancing democ-  
3 racy and freedom throughout the world.

4           (2) Authoritarian governments are investing bil-  
5 lions of dollars each year to create, maintain, and  
6 expand repressive internet censorship and surveil-  
7 lance systems to limit free association, control access  
8 to information, and prevent citizens from exercising  
9 their rights to free speech.

10          (3) Over two-thirds of the world's population  
11 lives in a country where the internet is restricted,  
12 and governments shut down the internet over 200  
13 times each year.

14          (4) Internet censorship and surveillance tech-  
15 nology is being exported rapidly around the world,  
16 particularly by the Chinese Government, enabling  
17 widespread abuses by authoritarian governments.

18 **SEC. 3. SENSE OF CONGRESS.**

19          It is the sense of Congress that it is in the interest  
20 of the United States to promote global internet freedom  
21 by countering internet censorship and repressive surveil-  
22 lance and protect the internet as a platform for the free  
23 exchange of ideas, promotion of human rights and democ-  
24 racy, and advancement of a free press and to support ef-  
25 forts that prevent the deliberate misuse of the internet to

1 repress individuals from exercising their rights to free  
2 speech and association, including countering the use of  
3 such technologies by authoritarian regimes.

4 **SEC. 4. ESTABLISHMENT OF THE OPEN TECHNOLOGY**  
5 **FUND.**

6 (a) IN GENERAL.—The United States International  
7 Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is  
8 amended by inserting after section 309 the following new  
9 section:

10 **“SEC. 309A. OPEN TECHNOLOGY FUND.**

11 “(a) AUTHORITY.—

12 “(1) IN GENERAL.—Grants authorized under  
13 section 305 shall be available to make annual grants  
14 for the purpose of promoting, consistent with United  
15 States law, unrestricted access to uncensored  
16 sources of information via the internet to enable  
17 journalists, including journalists employed by or af-  
18 filiated with the Voice of America, Radio Free Eu-  
19 rope/Radio Liberty, Radio Free Asia, the Middle  
20 East Broadcasting Networks, the Office of Cuba  
21 Broadcasting, or any entity funded by or partnering  
22 with the United States Agency for Global Media, to  
23 create and disseminate, and for their audiences to  
24 receive, news and information consistent with the

1 purposes, standards, and principles specified in sec-  
2 tions 302 and 303.

3 “(2) ESTABLISHMENT.—There is established a  
4 grantee entity to be known as the ‘Open Technology  
5 Fund’, which shall carry out the provisions of this  
6 section.

7 “(b) FUNCTIONS OF THE GRANTEE.—In furtherance  
8 of the mission set forth in subsection (a), the Open Tech-  
9 nology Fund shall seek to advance freedom of the press  
10 and unrestricted access to the internet in repressive envi-  
11 ronments overseas, and shall—

12 “(1) research, develop, implement, and main-  
13 tain—

14 “(A) technologies that circumvent tech-  
15 niques used by authoritarian governments,  
16 nonstate actors, and others to block or censor  
17 access to the internet, including circumvention  
18 tools that bypass internet blocking, filtering,  
19 and other censorship techniques used to limit or  
20 block legitimate access to content and informa-  
21 tion; and

22 “(B) secure communication tools and other  
23 forms of privacy and security technology that  
24 facilitate the creation and distribution of news

1           and enable audiences to access media content  
2           on censored websites;

3           “(2) advance internet freedom by supporting  
4           private and public sector research, development, im-  
5           plementation, and maintenance of technologies that  
6           provide secure and uncensored access to the internet  
7           to counter attempts by authoritarian governments,  
8           nonstate actors, and others to improperly restrict  
9           freedom online;

10          “(3) research and analyze emerging technical  
11          threats and develop innovative solutions through col-  
12          laboration with the private and public sectors to  
13          maintain the technological advantage of the United  
14          States Government over authoritarian governments,  
15          nonstate actors, and others;

16          “(4) develop, acquire, and distribute requisite  
17          internet freedom technologies and techniques for the  
18          United States Agency for Global Media, including as  
19          set forth in paragraph (1), and digital security inter-  
20          ventions, to fully enable the creation and distribution  
21          of digital content between and to all users and re-  
22          gional audiences;

23          “(5) prioritize programs for countries the gov-  
24          ernments of which restrict freedom of expression on  
25          the internet, and that are important to the national

1 interest of the United States, and are consistent  
2 with section 7050(b)(2)(C) of the Further Consoli-  
3 dated Appropriations Act, 2020 (Public Law 116-  
4 94); and

5 “(6) carry out any other effort consistent with  
6 the purposes of this Act or press freedom overseas  
7 if requested or approved by the United States Agen-  
8 cy for Global Media.

9 “(c) METHODOLOGY.—In carrying out subsection  
10 (b), the Open Technology Fund shall—

11 “(1) support fully open-source tools, code, and  
12 components, to the extent practicable, to ensure  
13 such supported tools and technologies are as secure,  
14 transparent, and accessible as possible, and require  
15 that any such tools, components, code, or technology  
16 supported by the Open Technology Fund remain  
17 fully open-source, to the extent practicable;

18 “(2) support technologies that undergo com-  
19 prehensive security audits to ensure that such tech-  
20 nologies are secure and have not been compromised  
21 in a manner detrimental to the interest of the  
22 United States or to individuals and organizations  
23 benefitting from programs supported by the Open  
24 Technology Fund;

1           “(3) review and update periodically as nec-  
2           essary security auditing procedures used by the  
3           Open Technology Fund to reflect current industry  
4           security standards;

5           “(4) establish safeguards to mitigate the use of  
6           such supported technologies for illicit purposes;

7           “(5) solicit project proposals through an open,  
8           transparent, and competitive application process to  
9           attract innovative applications and reduce barriers to  
10          entry;

11          “(6) seek input from technical, regional, and  
12          subject matter experts from a wide range of relevant  
13          disciplines, to review, provide feedback, and evaluate  
14          proposals to ensure the most competitive projects  
15          are funded;

16          “(7) implement an independent review process,  
17          through which proposals are reviewed by such ex-  
18          perts to ensure the highest degree of technical re-  
19          view and due diligence;

20          “(8) maximize cooperation with the public and  
21          private sectors, as well as foreign allies and partner  
22          countries, to maximize efficiencies and eliminate du-  
23          plication of efforts; and

24          “(9) utilize any other methodology approved by  
25          the United States Agency for Global Media in fur-

1 therance of the mission of the Open Technology  
2 Fund.

3 “(d) GRANT AGREEMENT.—Any grant agreement  
4 with or grants made to the Open Technology Fund under  
5 this section shall be subject to the following limitations  
6 and restrictions:

7 “(1) The headquarters of the Open Technology  
8 Fund and its senior administrative and managerial  
9 staff shall be located in a location which ensures  
10 economy, operational effectiveness, and account-  
11 ability to the United States Agency for Global  
12 Media.

13 “(2) Grants awarded under this section shall be  
14 made pursuant to a grant agreement which requires  
15 that grant funds be used only for activities con-  
16 sistent with this section, and that failure to comply  
17 with such requirements shall permit the grant to be  
18 terminated without fiscal obligation to the United  
19 States.

20 “(3) Any grant agreement under this section  
21 shall require that any contract entered into by the  
22 Open Technology Fund shall specify that all obliga-  
23 tions are assumed by the grantee and not by the  
24 United States Government.



1           “(4) Any grant agreement under this section  
2 shall require that any lease agreements entered into  
3 by the Open Technology Fund shall be, to the max-  
4 imum extent possible, assignable to the United  
5 States Government.

6           “(5) Administrative and managerial costs for  
7 operation of the Open Technology Fund should be  
8 kept to a minimum and, to the maximum extent fea-  
9 sible, should not exceed the costs that would have  
10 been incurred if the Open Technology Fund had  
11 been operated as a Federal entity rather than as a  
12 grantee.

13           “(6) Grant funds may not be used for any ac-  
14 tivity the purpose of which is influencing the passage  
15 or defeat of legislation considered by Congress.

16           “(e) RELATIONSHIP TO THE UNITED STATES AGEN-  
17 CY FOR GLOBAL MEDIA.—

18           “(1) IN GENERAL.—The Open Technology  
19 Fund shall be subject to the same oversight and gov-  
20 ernance by the United States Agency for Global  
21 Media as other grantees of the Agency as set forth  
22 in section 305.

23           “(2) ASSISTANCE.—The United States Agency  
24 for Global Media, its broadcast entities, and the  
25 Open Technology Fund should render assistance to

1 each other as may be necessary to carry out the pur-  
2 poses of this section or any other provision of this  
3 Act.

4 “(3) NOT A FEDERAL AGENCY OR INSTRUMEN-  
5 TALITY.—Nothing in this section may be construed  
6 to make the Open Technology Fund a Federal agen-  
7 cy or instrumentality.

8 “(4) DETAILEES.—Under the Intergovern-  
9 mental Personnel Act, employees of a grantee of the  
10 United States Agency for Global Media may be de-  
11 tailed to the Agency, and Federal employees may be  
12 detailed to a grantee of the United States Agency  
13 for Global Media.

14 “(f) RELATIONSHIP TO OTHER UNITED STATES  
15 GOVERNMENT-FUNDED INTERNET FREEDOM PRO-  
16 GRAMS.—The United States Agency for Global Media  
17 shall ensure that internet freedom research and develop-  
18 ment projects of the Open Technology Fund are coordi-  
19 nated with internet freedom programs of the Department  
20 of State and other relevant United States Government de-  
21 partments, in order to share information and best-prac-  
22 tices relating to the implementation of subsections (b) and  
23 (c).

24 “(g) REPORTING REQUIREMENTS.—

1           “(1) ANNUAL REPORT.—The Open Technology  
2 Fund shall highlight, in its annual report, internet  
3 freedom activities, including a comprehensive assess-  
4 ment of the Open Technology Fund’s activities relat-  
5 ing to the implementation of subsections (b) and (c).  
6 Each such report shall include the following:

7           “(A) An assessment of the current state of  
8 global internet freedom, including trends in cen-  
9 sorship and surveillance technologies and inter-  
10 net shutdowns, and the threats such pose to  
11 journalists, citizens, and human rights and  
12 civil-society organizations.

13           “(B) A description of the technology  
14 projects supported by the Open Technology  
15 Fund and the associated impact of such  
16 projects in the prior year, including the coun-  
17 tries and regions in which such technologies  
18 were deployed, and any associated metrics indi-  
19 cating audience usage of such technologies, as  
20 well as future-year technology project initia-  
21 tives.

22           “(2) ASSESSMENT OF THE EFFECTIVENESS OF  
23 THE OPEN TECHNOLOGY FUND.—Not later than two  
24 years after the date of the enactment of this section,  
25 the Inspector General of the Department of State

1 and the Foreign Service shall submit to the appro-  
2 priate congressional committees a report on the fol-  
3 lowing:

4 “(A) Whether the Open Technology Fund  
5 is technically sound and cost effective.

6 “(B) Whether the Open Technology Fund  
7 is satisfying the requirements of this section.

8 “(C) The extent to which the interests of  
9 the United States are being served by maintain-  
10 ing the work of the Open Technology Fund.

11 “(h) AUDIT AUTHORITIES.—

12 “(1) IN GENERAL.—Financial transactions of  
13 the Open Technology Fund, as such relate to func-  
14 tions carried out under this section, may be audited  
15 by the Government Accountability Office in accord-  
16 ance with such principles and procedures and under  
17 such rules and regulations as may be prescribed by  
18 the Comptroller General of the United States. Any  
19 such audit shall be conducted at the place or places  
20 at which accounts of the Open Technology Fund are  
21 normally kept.

22 “(2) ACCESS BY GAO.—The Government Ac-  
23 countability Office shall have access to all books, ac-  
24 counts, records, reports, files, papers, and property  
25 belonging to or in use by the Open Technology Fund

1       pertaining to financial transactions as may be nec-  
2       essary to facilitate an audit. The Government Ac-  
3       countability Office shall be afforded full facilities for  
4       verifying transactions with any assets held by de-  
5       positories, fiscal agents, and custodians. All such  
6       books, accounts, records, reports, files, papers, and  
7       property of the Open Technology Fund shall remain  
8       in the possession and custody of the Open Tech-  
9       nology Fund.

10           “(3) EXERCISE OF AUTHORITIES.—Notwith-  
11       standing any other provision of law, the Inspector  
12       General of the Department of State and the Foreign  
13       Service is authorized to exercise the authorities of  
14       the Inspector General Act of 1978 with respect to  
15       the Open Technology Fund.”.

16       (b) CONFORMING AMENDMENTS.—The United States  
17       International Broadcasting Act of 1994 is amended by—

18           (1) in section 304(d) (22 U.S.C. 6203(d)), by  
19       inserting “the Open Technology Fund,” before “the  
20       Middle East Broadcasting Networks”;

21           (2) in sections 305 and 310 (22 U.S.C. 6204  
22       and 6209), by inserting “the Open Technology  
23       Fund,” before “or the Middle East Broadcasting  
24       Networks” each place such term appears; and

1           (3) in section 310 (22 U.S.C. 6209), by insert-  
2           ing “the Open Technology Fund,” before “and the  
3           Middle East Broadcasting Networks” each place  
4           such term appears.

5           (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
6           authorized to be appropriated for the Open Technology  
7           Fund \$20,000,000 for fiscal year 2021 and \$25,000,000  
8           for fiscal year 2022 to carry out section 309A of the  
9           United States International Broadcasting Act of 1994, as  
10          added by subsection (a).

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