

116TH CONGRESS  
2D SESSION

# S. 4245

To develop and deploy firewall circumvention tools for the people of Hong Kong after the People’s Republic of China violated its agreement under the Joint Declaration, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 21, 2020

Mr. LANKFORD (for himself and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To develop and deploy firewall circumvention tools for the people of Hong Kong after the People’s Republic of China violated its agreement under the Joint Declaration, 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 “Safeguarding Internet  
5       Freedom in Hong Kong Act of 2020”.

6       **SEC. 2. SENSE OF CONGRESS.**

7       It is the sense of Congress that the United States  
8       should—

1           (1) support the ability of the people of Hong  
2 Kong to maintain their freedom to access informa-  
3 tion online; and

4           (2) focus on investments in technologies that  
5 facilitate the unhindered exchange of information in  
6 Hong Kong in advance of any future efforts by the  
7 Chinese Communist Party—

8                   (A) to suppress internet access;

9                   (B) to increase online censorship; or

10                   (C) to inhibit online communication and  
11 content-sharing by the people of Hong Kong.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

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

17                   (A) the Committee on Foreign Relations of  
18 the Senate;

19                   (B) the Committee on Appropriations of  
20 the Senate;

21                   (C) the Select Committee on Intelligence of  
22 the Senate;

23                   (D) the Committee on Foreign Affairs of  
24 the House of Representatives;

1 (E) the Committee on Appropriations of  
2 the House of Representatives; and

3 (F) the Permanent Select Committee on  
4 Intelligence of the House of Representatives.

5 (2) INTERAGENCY WORKING GROUP.—The term  
6 “interagency working group” means—

7 (A) the Under Secretary of State for Civil-  
8 ian Security, Democracy, and Human Rights;

9 (B) the Assistant Secretary of State for  
10 East Asian and Pacific Affairs;

11 (C) the Chief Executive Officer of the  
12 Open Technology Fund; and

13 (D) the Administrator of the United States  
14 Agency for International Development.

15 **SEC. 4. HONG KONG INTERNET FREEDOM PROGRAM.**

16 (a) IN GENERAL.—The Secretary of State is author-  
17 ized to establish an interagency working group to develop  
18 a strategy to bolster internet resiliency and online access  
19 in Hong Kong. The Secretary shall establish a Hong Kong  
20 Internet Freedom Program in the Bureau of Democracy,  
21 Human Rights, and Labor at the Department of State.  
22 Additionally, the Chief Executive Officer of the Open  
23 Technology Fund is authorized to establish a Hong Kong  
24 Internet Freedom Program. These programs shall operate

1 independently, but in strategic coordination with other en-  
2 tities in the interagency working group.

3 (b) INDEPENDENCE.—During the period beginning  
4 on the date of the enactment of this Act and ending on  
5 September 30, 2023, the Program shall be carried out  
6 independent from the mainland China internet freedom  
7 portfolios in order to focus on supporting liberties pres-  
8 ently enjoyed by the people of Hong Kong.

9 (c) CONSOLIDATION OF DEPARTMENT OF STATE  
10 PROGRAM.—Beginning on October 1, 2023, the Secretary  
11 of State may—

12 (1) consolidate the Program with the mainland  
13 China initiatives in the Bureau of Democracy,  
14 Human Rights, and Labor; or

15 (2) continue to carry out the Program in ac-  
16 cordance with subsection (b).

17 (d) CONSOLIDATION OF OPEN TECHNOLOGY FUND  
18 PROGRAM.—Beginning on October 1, 2023, the CEO of  
19 the Open Technology Fund may—

20 (1) consolidate the Program with the mainland  
21 China initiatives in the Open Technology Fund; or

22 (2) continue to carry out the Program in ac-  
23 cordance with subsection (b).

24 **SEC. 5. SUPPORT FOR INFORMATION PROGRAMS.**

25 (a) GRANTS AUTHORIZED.—

1           (1) IN GENERAL.—The Secretary of State,  
2           working through the Open Technology Fund and the  
3           Bureau of Democracy, Human Rights, and Labor, is  
4           authorized to award grants to private organizations  
5           to support and develop programs in Hong Kong that  
6           promote or expand—

7                   (A) online information access;

8                   (B) freedom of the press;

9                   (C) disruptive technologies that bypass  
10           internet blocking, filtering, and other censorship  
11           techniques;

12                   (D) virtual private networks;

13                   (E) firewall circumvention tools;

14                   (F) distributed denial of service mitigation  
15           techniques;

16                   (G) digital security capacity building for  
17           internet users; or

18                   (H) digital resiliency for international or-  
19           ganizations, pro-democracy activists, and other  
20           civil society actors in Hong Kong, including  
21           emergency support.

22           (2) GOALS.—The goals of the programs devel-  
23           oped with grants authorized under paragraph (1)  
24           should be—

1 (A) to make the technologies described in  
2 paragraph (1) available in Hong Kong;

3 (B) to increase the number of the tools in  
4 the circumvention technology portfolio;

5 (C) to promote the availability of such  
6 technologies and tools in Hong Kong;

7 (D) to encourage the adoption of such  
8 technologies and tools by the people of Hong  
9 Kong;

10 (E) to scale up the distribution of such  
11 technologies and tools throughout Hong Kong;

12 (F) to prioritize the development of tools,  
13 components, code, and technologies that are  
14 fully open-source, to the extent practicable;

15 (G) to conduct research on repressive tac-  
16 tics that undermine internet freedom in Hong  
17 Kong; and

18 (H) to engage American private industry,  
19 including e-commerce firms and social net-  
20 working companies, on the importance of pre-  
21 serving internet access in Hong Kong.

22 (3) GRANT RECIPIENTS.—Grants authorized  
23 under this subsection shall be distributed to multiple  
24 vendors and suppliers through an open, fair, com-  
25 petitive, and evidence-based decision process—

1 (A) to diversify the technical base; and

2 (B) to reduce the risk of mitigation by bad  
3 actors.

4 (4) SECURITY AUDITS.—New technologies de-  
5 veloped using grants from this subsection shall un-  
6 dergo comprehensive security audits to ensure that  
7 such technologies are secure and have not been com-  
8 promised in a manner detrimental to the interests of  
9 the United States or to individuals or organizations  
10 benefitting from programs supported by the Open  
11 Technology Fund.

12 (b) FUNDING SOURCE.—The Secretary of State is  
13 authorized to expend funds from the Human Rights and  
14 Democracy Fund of the Bureau of Democracy, Human  
15 Rights, and Labor of the Department of State during fis-  
16 cal year 2020 for grants authorized under subsection (a)  
17 at any entity in the interagency working group.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) OPEN TECHNOLOGY FUND.—In addition to  
20 the funds authorized to be expended pursuant to  
21 subsection (b), there are authorized to be appro-  
22 priated to the Open Technology Fund \$5,000,000  
23 for each of the fiscal years 2021 through 2023 to  
24 carry out this section.

1           (2) BUREAU OF DEMOCRACY, HUMAN RIGHTS,  
2           AND LABOR.—In addition to the funds authorized to  
3           be expended pursuant to subsection (b), there are  
4           authorized to be appropriated to the Office of Inter-  
5           net Freedom Programs in the Bureau of Democracy,  
6           Human Rights, and Labor of the Department of  
7           State \$10,000,000 for each of the fiscal years 2021  
8           through 2023 to carry out this section.

9           (3) AVAILABILITY.—Amounts appropriated pur-  
10          suant to paragraphs (1) and (2) shall remain avail-  
11          able until expended.

12 **SEC. 6. STRATEGIC PLANNING REPORT.**

13          Not later than 120 days after the date of the enact-  
14          ment of this Act, the Secretary of State and the inter-  
15          agency working group shall submit a classified report to  
16          the appropriate congressional committees that—

17               (1) describes the Federal Government’s plan to  
18               bolster and increase the availability of firewall cir-  
19               cumvention technology in Hong Kong during fiscal  
20               year 2021, including—

21                       (A) secure private messaging tools;

22                       (B) secure file storage and sharing plat-  
23               forms;

24                       (C) virtual private networks;

25                       (D) satellite internet;

- 1 (E) proxies;
- 2 (F) refraction routing;
- 3 (G) pluggable transports; and
- 4 (H) other secure communication mecha-
- 5 nisms and anti-censorship technologies;
- 6 (2) outlines a plan for—
- 7 (A) supporting the preservation of an
- 8 open, interoperable, reliable, and secure internet
- 9 in Hong Kong;
- 10 (B) increasing the supply of the technology
- 11 referred to in paragraph (1);
- 12 (C) accelerating the dissemination of such
- 13 technology;
- 14 (D) promoting the availability of such
- 15 technology in Hong Kong;
- 16 (E) utilizing presently available tools in the
- 17 mainland China portfolio for further use in the
- 18 unique context of Hong Kong;
- 19 (F) expanding the portfolio of tools in
- 20 order to diversify and strengthen the effective-
- 21 ness and resiliency of the circumvention efforts;
- 22 and
- 23 (G) providing training for high-risk groups
- 24 and individuals in Hong Kong;

1           (3) includes a detailed description of the tech-  
2           nical and fiscal steps necessary to implement the  
3           plans referred to in paragraphs (1) and (2), includ-  
4           ing an analysis of the market conditions in Hong  
5           Kong;

6           (4) describes the Federal Government's plans  
7           for awarding grants to private organizations for the  
8           purposes described in section 5(a)(1);

9           (5) outlines the interagency working group's  
10          consultations regarding the implementation of this  
11          Act to ensure that all Federal efforts are aligned  
12          and well coordinated; and

13          (6) outlines the Department of State's strategy  
14          to influence global internet legal standards at inter-  
15          national organizations and multilateral fora.

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