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1ST SESSION

S. 861

To require the United States Government to obtain and maintain the capacity to transmit internet access service abroad and domestically in case of emergency-related disruptions, and to strengthen support for circumvention technologies that allow users to evade government-backed censorship.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2023

Mr. RUBIO (for himself, Mr. SCOTT of Florida, and Mr. HAGERTY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the United States Government to obtain and maintain the capacity to transmit internet access service abroad and domestically in case of emergency-related disruptions, and to strengthen support for circumvention technologies that allow users to evade government-backed censorship.

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 “Protecting Against Ty-

5 rants by Restoring Internet Access and Yielding Vital

1 Interconnectivity in Designated Areas Act of 2023” or the
2 “PATRIA Y VIDA Act of 2023”.

3 **SEC. 2. TRANSMISSION OF INTERNET ACCESS SERVICE;**
4 **CIRCUMVENTION TECHNOLOGY.**

5 (a) DEFINITIONS.—In this section:

6 (1) APPLICABLE OFFICIAL.—The term “appli-
7 cable official” means the Secretary of State or the
8 Administrator of the Federal Emergency Manage-
9 ment Agency.

10 (2) COMMISSION.—The term “Commission”
11 means the Federal Communications Commission.

12 (3) ELIGIBLE COMPANY.—The term “eligible
13 company” means a United States company that—

14 (A) provides internet censorship cir-
15 cumvention tools that have a demonstrated ca-
16 pability to service significant numbers of simul-
17 taneous user sessions; and

18 (B) has the capacity to scale up operations
19 in response to foreign internet censorship activ-
20 ity.

21 (4) INTERNET CENSORSHIP CIRCUMVENTION
22 TOOL.—The term “internet censorship circumven-
23 tion tool” means a software application or other tool
24 that an individual can use to evade foreign govern-
25 ment restrictions on internet access.

1 (b) CAPACITY TO TRANSMIT INTERNET.—

2 (1) TRANSMISSION IN FOREIGN COUNTRIES.—

3 The Secretary of State, in consultation with the As-
4 sistant Secretary of Commerce for Communications
5 and Information, the Commission, the Chief Execu-
6 tive Officer of the United States Agency for Global
7 Media, the Administrator of the Federal Emergency
8 Management Agency, the Administrator of the Fed-
9 eral Aviation Administration, and the Secretary of
10 Defense, shall obtain and maintain the capacity of
11 the United States Government to transmit internet
12 access service to locations in foreign countries where
13 the provision of additional internet access service
14 would promote freedom from repressive regimes.

15 (2) TRANSMISSION IN THE UNITED STATES.—

16 The Administrator of the Federal Emergency Man-
17 agement Agency, in consultation with the Assistant
18 Secretary of Commerce for Communications and In-
19 formation, the Commission, and the Administrator
20 of the Federal Aviation Administration, shall obtain
21 and maintain the capacity of the United States Gov-
22 ernment to transmit internet access service to loca-
23 tions in the United States in the case of emergency-
24 related network disruptions.

1 (3) DUTIES OF CONSULTED AGENCIES.—A
2 Federal agency with which the applicable official
3 consults under paragraph (1) or (2) shall provide
4 any and all authorizations and support that the ap-
5 plicable official determines necessary to carry out
6 internet restoration as provided in the applicable
7 paragraph.

8 (4) CONSULTATION WITH OTHER FEDERAL
9 AGENCIES.—The applicable official may consult with
10 other Federal agencies, in addition to the Federal
11 agencies described in paragraph (1) or (2), as the
12 applicable official determines appropriate.

13 (c) CIRCUMVENTION TECHNOLOGIES.—

14 (1) IDENTIFICATION.—The Commission, in con-
15 sultation with the Secretary of State and each other
16 Federal agency described in subsection (b)(1), shall
17 identify internet censorship circumvention tools that
18 are designed to and can effectively counter large-
19 scale internet censorship activity by foreign govern-
20 ments.

21 (2) SURGE FUNDING.—The Commission, when
22 necessary due to increased demand for internet cen-
23 sorship circumvention tools because of internet cen-
24 sorship activity by a foreign government, shall rap-
25 idly provide funding for eligible companies to provide

1 internet censorship circumvention tools to individ-
2 uals in that country.

3 (d) REPORT.—Not later than 60 days after the date
4 of enactment of this Act, the Commission and the Chief
5 Executive Officer of the United States Agency for Global
6 Media shall jointly submit to Congress a report that de-
7 scribes—

8 (1) as of the date of the report—

9 (A) the capacity of the United States Gov-
10 ernment to transmit internet access service—

11 (i) in foreign countries to circumvent
12 censorship; and

13 (ii) in the United States in the case of
14 emergency-related network disruptions;
15 and

16 (B) the capacity of internet censorship cir-
17 cumvention tools that are available to be used
18 by individuals in foreign countries seeking to
19 counteract censors; and

20 (2) any new resources needed to provide the
21 United States Government with more robust capac-
22 ity to—

23 (A) transmit internet access service—

24 (i) in foreign countries to circumvent
25 censorship; and

1 (ii) in the United States in the case of
2 emergency-related network disruptions;
3 and

4 (B) rapidly provide funding for companies
5 to provide internet censorship circumvention
6 tools to evade foreign government restrictions
7 on internet access.

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