

AMENDMENT TO RULES COMM. PRINT 116-57

OFFERED BY MR. McCAUL OF TEXAS

At the appropriate place in title XII, insert the following:

1 **SEC. 12 ____ . ESTABLISHMENT OF THE OPEN TECHNOLOGY**

2 **FUND.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that it is in the interest of the United States to pro-
5 mote global internet freedom by countering internet cen-
6 sorship and repressive surveillance and protect the inter-
7 net as a platform for the free exchange of ideas, promotion
8 of human rights and democracy, and advancement of a
9 free press and to support efforts that prevent the delib-
10 erate misuse of the internet to repress individuals from
11 exercising their rights to free speech and association, in-
12 cluding countering the use of such technologies by authori-
13 tarian regimes.

14 (b) ESTABLISHMENT.—The United States Inter-
15 national Broadcasting Act of 1994 (22 U.S.C. 6201 et
16 seq.) is amended by inserting after section 309 the fol-
17 lowing new section:

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

19 **“(a) AUTHORITY.—**

1 “(1) IN GENERAL.—Grants authorized under
2 section 305 shall be available to make annual grants
3 for the purpose of promoting, consistent with United
4 States law, unrestricted access to uncensored
5 sources of information via the internet to enable
6 journalists, including journalists employed by or af-
7 filiated with the Voice of America, Radio Free Eu-
8 rope/Radio Liberty, Radio Free Asia, the Middle
9 East Broadcasting Networks, the Office of Cuba
10 Broadcasting, or any entity funded by or partnering
11 with the United States Agency for Global Media, to
12 create and disseminate, and for their audiences to
13 receive, news and information consistent with the
14 purposes, standards, and principles specified in sec-
15 tions 302 and 303.

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

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

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

3 “(A) technologies that circumvent tech-
4 niques used by authoritarian governments,
5 nonstate actors, and others to block or censor
6 access to the internet, including circumvention
7 tools that bypass internet blocking, filtering,
8 and other censorship techniques used to limit or
9 block legitimate access to content and informa-
10 tion; and

11 “(B) secure communication tools and other
12 forms of privacy and security technology that
13 facilitate the creation and distribution of news
14 and enable audiences to access media content
15 on censored websites;

16 “(2) advance internet freedom by supporting
17 private and public sector research, development, im-
18 plementation, and maintenance of technologies that
19 provide secure and uncensored access to the internet
20 to counter attempts by authoritarian governments,
21 nonstate actors, and others to improperly restrict
22 freedom online;

23 “(3) research and analyze emerging technical
24 threats and develop innovative solutions through col-
25 laboration with the private and public sectors to

1 maintain the technological advantage of the United
2 States Government over authoritarian governments,
3 nonstate actors, and others;

4 “(4) develop, acquire, and distribute requisite
5 internet freedom technologies and techniques for the
6 United States Agency for Global Media, including as
7 set forth in paragraph (1), and digital security inter-
8 ventions, to fully enable the creation and distribution
9 of digital content between and to all users and re-
10 gional audiences;

11 “(5) prioritize programs for countries the gov-
12 ernments of which restrict freedom of expression on
13 the internet, and that are important to the national
14 interest of the United States, and are consistent
15 with section 7050(b)(2)(C) of the Further Consoli-
16 dated Appropriations Act, 2020 (Public Law 116-
17 94); and

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

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

24 “(1) support fully open-source tools, code, and
25 components, to the extent practicable, to ensure

1 such supported tools and technologies are as secure,
2 transparent, and accessible as possible, and require
3 that any such tools, components, code, or technology
4 supported by the Open Technology Fund remain
5 fully open-source, to the extent practicable;

6 “(2) support technologies that undergo com-
7 prehensive security audits to ensure that such tech-
8 nologies are secure and have not been compromised
9 in a manner detrimental to the interest of the
10 United States or to individuals and organizations
11 benefitting from programs supported by the Open
12 Technology Fund;

13 “(3) review and update periodically as nec-
14 essary security auditing procedures used by the
15 Open Technology Fund to reflect current industry
16 security standards;

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

19 “(5) solicit project proposals through an open,
20 transparent, and competitive application process to
21 attract innovative applications and reduce barriers to
22 entry;

23 “(6) seek input from technical, regional, and
24 subject matter experts from a wide range of relevant
25 disciplines, to review, provide feedback, and evaluate

1 proposals to ensure the most competitive projects
2 are funded;

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

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

11 “(9) utilize any other methodology approved by
12 the United States Agency for Global Media in fur-
13 therance of the mission of the Open Technology
14 Fund.

15 “(d) GRANT AGREEMENT.—Any grant agreement
16 with or grants made to the Open Technology Fund under
17 this section shall be subject to the following limitations
18 and restrictions:

19 “(1) The headquarters of the Open Technology
20 Fund and its senior administrative and managerial
21 staff shall be located in a location which ensures
22 economy, operational effectiveness, and account-
23 ability to the United States Agency for Global
24 Media.

1 “(2) Grants awarded under this section shall be
2 made pursuant to a grant agreement which requires
3 that grant funds be used only for activities con-
4 sistent with this section, and that failure to comply
5 with such requirements shall permit the grant to be
6 terminated without fiscal obligation to the United
7 States.

8 “(3) Any grant agreement under this section
9 shall require that any contract entered into by the
10 Open Technology Fund shall specify that all obliga-
11 tions are assumed by the grantee and not by the
12 United States Government.

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

18 “(5) Administrative and managerial costs for
19 operation of the Open Technology Fund should be
20 kept to a minimum and, to the maximum extent fea-
21 sible, should not exceed the costs that would have
22 been incurred if the Open Technology Fund had
23 been operated as a Federal entity rather than as a
24 grantee.

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

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

6 “(1) IN GENERAL.—The Open Technology
7 Fund shall be subject to the same oversight and gov-
8 ernance by the United States Agency for Global
9 Media as other grantees of the Agency as set forth
10 in section 305.

11 “(2) ASSISTANCE.—The United States Agency
12 for Global Media, its broadcast entities, and the
13 Open Technology Fund should render assistance to
14 each other as may be necessary to carry out the pur-
15 poses of this section or any other provision of this
16 Act.

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

21 “(4) DETAILEES.—Under the Intergovern-
22 mental Personnel Act, employees of a grantee of the
23 United States Agency for Global Media may be de-
24 tailed to the Agency, and Federal employees may be

1 detailed to a grantee of the United States Agency
2 for Global Media.

3 “(f) RELATIONSHIP TO OTHER UNITED STATES
4 GOVERNMENT-FUNDED INTERNET FREEDOM PRO-
5 GRAMS.—The United States Agency for Global Media
6 shall ensure that internet freedom research and develop-
7 ment projects of the Open Technology Fund are coordi-
8 nated with internet freedom programs of the Department
9 of State and other relevant United States Government de-
10 partments, in order to share information and best-prac-
11 tices relating to the implementation of subsections (b) and
12 (c).

13 “(g) REPORTING REQUIREMENTS.—

14 “(1) ANNUAL REPORT.—The Open Technology
15 Fund shall highlight, in its annual report, internet
16 freedom activities, including a comprehensive assess-
17 ment of the Open Technology Fund’s activities relat-
18 ing to the implementation of subsections (b) and (c).

19 Each such report shall include the following:

20 “(A) An assessment of the current state of
21 global internet freedom, including trends in cen-
22 sorship and surveillance technologies and inter-
23 net shutdowns, and the threats such pose to
24 journalists, citizens, and human rights and
25 civil-society organizations.

1 “(B) A description of the technology
2 projects supported by the Open Technology
3 Fund and the associated impact of such
4 projects in the prior year, including the coun-
5 tries and regions in which such technologies
6 were deployed, and any associated metrics indi-
7 cating audience usage of such technologies, as
8 well as future-year technology project initia-
9 tives.

10 “(2) ASSESSMENT OF THE EFFECTIVENESS OF
11 THE OPEN TECHNOLOGY FUND.—Not later than two
12 years after the date of the enactment of this section,
13 the Inspector General of the Department of State
14 and the Foreign Service shall submit to the appro-
15 priate congressional committees a report on the fol-
16 lowing:

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

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

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

24 “(h) AUDIT AUTHORITIES.—

1 “(1) IN GENERAL.—Financial transactions of
2 the Open Technology Fund, as such relate to func-
3 tions carried out under this section, may be audited
4 by the Government Accountability Office in accord-
5 ance with such principles and procedures and under
6 such rules and regulations as may be prescribed by
7 the Comptroller General of the United States. Any
8 such audit shall be conducted at the place or places
9 at which accounts of the Open Technology Fund are
10 normally kept.

11 “(2) ACCESS BY GAO.—The Government Ac-
12 countability Office shall have access to all books, ac-
13 counts, records, reports, files, papers, and property
14 belonging to or in use by the Open Technology Fund
15 pertaining to financial transactions as may be nec-
16 essary to facilitate an audit. The Government Ac-
17 countability Office shall be afforded full facilities for
18 verifying transactions with any assets held by de-
19 positories, fiscal agents, and custodians. All such
20 books, accounts, records, reports, files, papers, and
21 property of the Open Technology Fund shall remain
22 in the possession and custody of the Open Tech-
23 nology Fund.

24 “(3) EXERCISE OF AUTHORITIES.—Notwith-
25 standing any other provision of law, the Inspector

1 General of the Department of State and the Foreign
2 Service is authorized to exercise the authorities of
3 the Inspector General Act of 1978 with respect to
4 the Open Technology Fund.”.

5 (c) CONFORMING AMENDMENTS.—The United States
6 International Broadcasting Act of 1994 is amended—

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

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

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

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated for the Open Technology
20 Fund \$25,000,000 for fiscal year 2022 to carry out sec-
21 tion 309A of the United States International Broadcasting
22 Act of 1994, as added by subsection (b) of this section.

23 (e) EFFECTIVE DATE.—Section 309A of the United
24 States International Broadcasting Act of 1994 (as added
25 by subsection (b) of this section) and subsections (c) and

1 (d) of this section shall take effect and apply beginning
2 on July 1, 2021.

