

116TH CONGRESS
2D SESSION

S. 4575

To ensure that the United States Government advocates for a free internet.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2020

Mr. GARDNER introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To ensure that the United States Government advocates for a free internet.

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 “Free the Internet
5 around the Globe to Hack Tyranny and Censorship Act”
6 or the “FIGHT Censorship Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) ASSISTANT SECRETARY.—The term “Assist-
10 ant Secretary” means the Assistant Secretary of
11 Commerce for Communications and Information.

1 (2) UNITED STATES INTERNET FREEDOM POL-
2 ICY.—The term “United States internet freedom
3 policy” means the policy under section 3(b).

4 **SEC. 3. STATEMENT OF UNITED STATES POLICY ON COM-**
5 **MITMENT TO INTERNET FREEDOM.**

6 (a) FINDINGS.—Congress finds that—

7 (1) the internet has revolutionized communica-
8 tions and is one of the most transformative techno-
9 logical developments of the 20th century;

10 (2) the internet is a powerful tool that facili-
11 tates the exercise of human rights and fundamental
12 freedoms, including freedoms of expression, associa-
13 tion, peaceful assembly, and religion or belief;

14 (3) the internet has vastly improved economic
15 freedom for connected individuals around the world
16 and driven a global increase in trade, commercial ac-
17 tivity, and innovation;

18 (4) the internet is intended to be universal, and
19 a segmented or fractured internet puts protection of
20 human rights and fundamental freedoms at risk;

21 (5) national governments that pursue aggres-
22 sive data localization efforts or attempts to reduce
23 the free flow of information across borders erode
24 economic opportunity and freedom for their own citi-
25 zens;

1 (6) national governments that own, sponsor, or
2 largely control social media platforms, telecommuni-
3 cations providers, or other technological mediums
4 and use them to further human rights abuses violate
5 the rights and freedoms described in this subsection;
6 and

7 (7) national governments that engage in inter-
8 net shutdowns, arrests for nonviolent expression on-
9 line, politically motivated content moderation, and
10 online political surveillance violate human rights, in-
11 cluding the rights to privacy and safety, as well as
12 the fundamental freedoms of their own citizens.

13 (b) POLICY.—It is the policy of the United States—

14 (1) that the internet should remain open, inter-
15 operable, reliable, and secure, and grounded in a
16 transparent, consensus-driven, multi-stakeholder
17 model;

18 (2) to uphold human rights and fundamental
19 freedoms described in subsection (a) domestically
20 and promote their continued adoption, protection,
21 and expansion throughout the world;

22 (3) to engage international partners and na-
23 tional governments who pledge to uphold the human
24 rights and fundamental freedoms described in sub-
25 section (a), and build a coalition of like-minded

1 countries to support those rights and freedoms in all
2 internet-related activities;

3 (4) that the United States is committed to a
4 single internet where everyone in the world has ac-
5 cess to the free exchange of information and ideas;
6 and

7 (5) that the United States, its global partners,
8 and United States companies should ensure that all
9 national governments adhere to the human rights
10 and fundamental freedoms described in subsection
11 (a) in questions of internet policy and work to
12 counter national governments hostile to those rights
13 and freedoms.

14 **SEC. 4. NTIA RESPONSIBILITIES.**

15 The Assistant Secretary shall—

16 (1) adhere to the United States internet free-
17 dom policy;

18 (2) communicate the United States internet
19 freedom policy to appropriate stakeholders during
20 meetings of international organizations at which the
21 Assistant Secretary represents the United States in
22 discussions on internet policy; and

23 (3) work to advance the United States internet
24 freedom policy in global fora.

1 **SEC. 5. INTERNET FREEDOM TASK FORCE.**

2 (a) ESTABLISHMENT.—The Secretary of Commerce
3 shall establish an Internet Freedom Task Force composed
4 of—

5 (1) the National Telecommunications and Infor-
6 mation Administration;

7 (2) the United States Patent and Trademark
8 Office;

9 (3) the National Institute of Standards and
10 Technology; and

11 (4) the International Trade Administration.

12 (b) COORDINATOR.—The Assistant Secretary shall
13 coordinate the activities of the Internet Freedom Task
14 Force.

15 (c) DUTIES.—

16 (1) ANNUAL REPORT.—Not later than 180 days
17 after the date of enactment of this Act, and each
18 year thereafter for 4 additional years, the Internet
19 Freedom Task Force shall submit to Congress a re-
20 port on the state of global internet freedom.

21 (2) CONSULTATION.—The Assistant Secretary,
22 as coordinator of the Internet Freedom Task Force,
23 shall engage in ongoing consultation with the Direc-
24 tor of the United States Patent and Trademark Of-
25 fice, the Director of the National Institute of Stand-
26 ards and Technology, and the Under Secretary of

1 Commerce for International Trade on matters re-
2 lated to privacy policy, copyright, global free flow of
3 information, cybersecurity, and innovation in the
4 internet economy, to ensure that the agency headed
5 by each such official is advancing policies that re-
6 flect the United States internet freedom policy.

7 **SEC. 6. ANNUAL DESIGNATIONS OF COUNTRIES THAT FAIL**
8 **TO PROVIDE SUFFICIENT INTERNET FREE-**
9 **DOM.**

10 The Secretary of State, in consultation with the Sec-
11 retary of Commerce, shall annually designate countries
12 that the Secretary of State determines do not provide suf-
13 ficient internet freedom to their residents, including—

14 (1) countries with unfavorable domestic laws
15 that—

16 (A) restrict the free flow of information; or

17 (B) deliberately target domestic minority
18 groups; and

19 (2) countries advocating for policies at inter-
20 national fora that conflict with the United States
21 internet freedom policy.

22 **SEC. 7. INTERNET FREEDOM GRANT PROGRAM.**

23 (a) GRANTS AUTHORIZED.—The Secretary of State,
24 working through the Assistant Secretary for the Bureau
25 of Democracy, Human Rights, and Labor, and in coordi-

1 nation with other bureaus in the Department of State,
2 shall administer a grant program to promote internet free-
3 dom policies worldwide that conform with the United
4 States internet freedom policy.

5 (b) ELIGIBLE GRANTEEES; GRANT PERIOD.—Grants
6 authorized under subsection (a) may be awarded to non-
7 profit and international organizations for a period not to
8 exceed 5 years.

9 (c) PURPOSE.—The purpose of the grants authorized
10 under subsection (a) shall be—

11 (1) to promote anti-censorship technology, in-
12 cluding censorship-defeating peer-to-peer commu-
13 nication technology; and

14 (2) to promote secure communications tech-
15 nology development, including research on current
16 and future global cybersecurity policy.

17 (d) USE OF GRANT FUNDS.—Grant funds received
18 by grant recipients under this section shall be used—

19 (1) to create open-source and free platforms to
20 achieve the purposes described in subsection (c); and

21 (2) for projects operating in countries des-
22 igned by the Secretary of State pursuant to sec-
23 tion 6.

24 (e) RISK ASSESSMENTS.—The Assistant Secretary
25 for the Bureau of Democracy, Human Rights, and Labor

1 shall conduct periodic risk assessments to protect the iden-
2 tity of grant recipients under this section.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 \$25,000,000, which shall remain available until expended.

6 **SEC. 8. STOP THE CCP INITIATIVE FUND.**

7 (a) ESTABLISHMENT.—There is established in the
8 Treasury of the United States a trust fund, which shall
9 be known as the “Stop the CCP Initiative Fund” (referred
10 to in this section as the “Fund”) and shall be adminis-
11 tered by the Secretary of State, in consultation with the
12 Secretary of Commerce.

13 (b) FUNDING.—There is hereby appropriated
14 \$20,000,000 into the Fund.

15 (c) PURPOSES.—The purposes of the Fund shall be
16 to support the development of technologies, including
17 counter censorship technology and secure communications
18 technology development—

19 (1) to counter and circumvent internet censor-
20 ship within the People’s Republic of China; and

21 (2) to promote human rights and fundamental
22 freedoms on the internet in a manner that is con-
23 sistent with the United States internet freedom pol-
24 icy.

1 (d) ANNUAL REPORTS.—The Secretary of State shall
2 submit an annual report to Congress regarding the activi-
3 ties supported by the Fund during the 5-year period be-
4 ginning on the date of the enactment of this Act.

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