

118TH CONGRESS
1ST SESSION

S. 3114

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.

IN THE SENATE OF THE UNITED STATES

OCTOBER 24, 2023

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

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 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The People’s Republic of China has repeat-
2 edly violated its obligations under the Joint Declara-
3 tion by suppressing the basic rights and freedoms of
4 Hong Kongers.

5 (2) On June 30, 2020, the National People’s
6 Congress passed a law on Safeguarding National Se-
7 curity in the Hong Kong Special Administrative Re-
8 gion (referred to in this Act as the “National Secu-
9 rity Law”), which further erodes Hong Kong’s au-
10 tonomy and enables authorities to suppress dissent.

11 (3) The Government of the People’s Republic of
12 China continues to utilize the National Security Law
13 to undermine the fundamental rights of Hong
14 Kongers by suppressing freedoms of speech, assem-
15 bly, religion, and the press.

16 (4) Article 9 of the National Security Law au-
17 thorizes unprecedented regulation and supervision of
18 internet activity in Hong Kong, including expanded
19 police powers to force internet service providers to
20 censor content, hand over user information, and
21 block access to platforms.

22 (5) On January 13, 2021, the Hong Kong
23 Broadband Network blocked public access to
24 HKChronicles, which is a website promoting pro-de-

1 mocracy viewpoints, under the authorities of the Na-
2 tional Security Law.

3 (6) On January 28, 2021, the Hong Kong
4 Internet Registration Corporation Limited enacted a
5 revised “acceptable use” policy that enables authori-
6 ties to require the rejection of website registration
7 requests that may “incite ‘illegal acts’”.

8 (7) On February 4, 2021, Carrie Lam ex-
9 pressed support for implementing additional laws to
10 increase internet censorship.

11 (8) On February 12, 2021, internet service pro-
12 viders blocked access to the Taiwan Transitional
13 Justice Commission website in Hong Kong.

14 (9) Major tech companies including Facebook,
15 Twitter, WhatsApp, and Google have stopped review-
16 ing requests for user data from Hong Kong authori-
17 ties.

18 (10) On February 28, 2021, 47 pro-democracy
19 activists in Hong Kong were arrested charged under
20 the National Security Law on the charge of “con-
21 spiracy to commit subversion”.

22 (11) On December 12, 2022, Chris Tang and
23 John Lee advocated for Google to remove search re-
24 sults for a pro-democracy song.

1 (12) On February 14, 2023, John Lee re-
2 affirmed his commitment to pass Article 23 of the
3 Basic Law by 2024, which would require Hong
4 Kong to enact national security legislation for seven
5 types of offenses, further eroding individual free-
6 doms and giving unrestricted power to authorities.

7 (13) In March 2023, Hong Kong authorities ar-
8 rested a student returning from Japan for violating
9 the National Security Law by sharing pro-democracy
10 statements online while studying abroad.

11 (14) On May 16, 2023, John Lee encouraged
12 public libraries to remove books with messages that
13 do not serve the interests of Hong Kong.

14 (15) On June 6, 2023, the Hong Kong Govern-
15 ment attempted to ban all forms of broadcasting and
16 distribution of a pro-democracy song.

17 **SEC. 3. SENSE OF CONGRESS.**

18 It is the sense of Congress that the United States
19 should—

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

23 (2) focus on investments in technologies that
24 facilitate the unhindered exchange of information in

1 Hong Kong in advance of any future efforts by the
2 Chinese Communist Party—

3 (A) to suppress internet access;

4 (B) to increase online censorship; or

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

7 **SEC. 4. DEFINITIONS.**

8 In this Act:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Foreign Relations of
13 the Senate;

14 (B) the Committee on Appropriations of
15 the Senate;

16 (C) the Select Committee on Intelligence of
17 the Senate;

18 (D) the Committee on Foreign Affairs of
19 the House of Representatives;

20 (E) the Committee on Appropriations of
21 the House of Representatives; and

22 (F) the Permanent Select Committee on
23 Intelligence of the House of Representatives.

1 (2) INTERAGENCY WORKING GROUP.—The term
 2 “interagency working group” means a group com-
 3 posed of—

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

6 (B) the Assistant Secretary of State for
 7 East Asian and Pacific Affairs;

8 (C) the Chief Executive Officer of the
 9 Open Technology Fund; and

10 (D) the Administrator of the United States
 11 Agency for International Development.

12 (3) JOINT DECLARATION.—The term “Joint
 13 Declaration” means the Joint Declaration of the
 14 Government of the United Kingdom of Great Britain
 15 and Northern Ireland and the Government of the
 16 People’s Republic of China on the Question of Hong
 17 Kong, done at Beijing on December 19, 1984.

18 **SEC. 5. HONG KONG INTERNET FREEDOM PROGRAM.**

19 (a) INTERAGENCY WORKING GROUP.—The Secretary
 20 of State is authorized to establish an interagency working
 21 group, composed of the individuals occupying the positions
 22 listed in section 4(2), to develop a strategy to bolster inter-
 23 net resiliency and online access in Hong Kong.

24 (b) HONG KONG INTERNET FREEDOM PROGRAM.—

1 (1) DEPARTMENT OF STATE.—The Secretary of
2 State shall establish a Hong Kong Internet Freedom
3 Program in the Bureau of Democracy, Human
4 Rights, and Labor of the Department of State.

5 (2) OPEN TECHNOLOGY FUND.—The Chief Ex-
6 ecutive Officer of the Open Technology Fund is au-
7 thorized to establish a Hong Kong Internet Freedom
8 Program.

9 (3) COORDINATION.—The programs established
10 pursuant to paragraphs (1) and (2) shall operate
11 independently, but shall strategically coordinate with
12 other entities represented in the interagency working
13 group.

14 (c) INDEPENDENCE.—During the period beginning
15 on the date of the enactment of this Act and ending on
16 September 30, 2028, the programs established pursuant
17 to subsection (b) shall be carried out independent from
18 the mainland China internet freedom portfolios in order
19 to focus on supporting liberties presently enjoyed by the
20 people of Hong Kong.

21 (d) CONSOLIDATION OF DEPARTMENT OF STATE
22 PROGRAM.—Beginning on October 1, 2028, the Secretary
23 of State may—

24 (1) consolidate the program established pursu-
25 ant to subsection (b)(1) with the mainland China

1 initiatives in the Bureau of Democracy, Human
 2 Rights, and Labor; or

3 (2) continue to carry out such program in ac-
 4 cordance with subsection (c).

5 (e) CONSOLIDATION OF OPEN TECHNOLOGY FUND
 6 PROGRAM.—Beginning on October 1, 2028, the Chief Ex-
 7 ecutive Officer of the Open Technology Fund may—

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

10 (2) continue to carry out the Program in ac-
 11 cordance with subsection (c).

12 **SEC. 6. SUPPORT FOR INFORMATION PROGRAMS.**

13 (a) GRANTS AUTHORIZED.—

14 (1) IN GENERAL.—The Secretary of State,
 15 working through the Open Technology Fund and the
 16 Bureau of Democracy, Human Rights, and Labor, is
 17 authorized to award grants to private organizations
 18 to support and develop programs in Hong Kong that
 19 promote or expand—

20 (A) online information access;

21 (B) freedom of the press;

22 (C) disruptive technologies that bypass
 23 internet blocking, filtering, and other censorship
 24 techniques;

25 (D) virtual private networks;

1 (E) firewall circumvention tools;

2 (F) distributed denial of service mitigation
3 techniques;

4 (G) digital security capacity building for
5 internet users; or

6 (H) digital resiliency for international or-
7 ganizations, pro-democracy activists, and other
8 civil society actors in Hong Kong, including
9 emergency support.

10 (2) GOALS.—The programs receiving grants
11 pursuant to paragraph (1) should strive—

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

14 (B) to increase the number of the tools in
15 the circumvention technology portfolio;

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

18 (D) to encourage the adoption of such
19 technologies and tools by the people of Hong
20 Kong;

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

23 (F) to prioritize the development of tools,
24 components, code, and technologies that are
25 fully open-source, to the extent practicable;

1 (G) to conduct research on repressive tac-
2 tics that undermine internet freedom in Hong
3 Kong; and

4 (H) to engage American private industry,
5 including e-commerce firms and social net-
6 working companies, on the importance of pre-
7 serving internet access in Hong Kong.

8 (3) GRANT RECIPIENTS.—Grants awarded pur-
9 suant to paragraph (1) shall be distributed to mul-
10 tiple vendors and suppliers through an open, fair,
11 competitive, and evidence-based decision process—

12 (A) to diversify the technical base; and

13 (B) to reduce the risk of mitigation by bad
14 actors.

15 (4) SECURITY AUDITS.—New technologies de-
16 veloped using grants from this subsection shall un-
17 dergo comprehensive security audits to ensure that
18 such technologies are secure and have not been com-
19 promised in a manner detrimental to the interests of
20 the United States or to individuals or organizations
21 benefitting from programs supported by the Open
22 Technology Fund.

23 (b) FUNDING SOURCE.—The Secretary of State is
24 authorized to expend funds from the Human Rights and
25 Democracy Fund of the Bureau of Democracy, Human

1 Rights, and Labor of the Department of State during fis-
2 cal year 2024 for grants awarded pursuant to subsection
3 (a) by any entity represented in the interagency working
4 group.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) OPEN TECHNOLOGY FUND.—In addition to
7 the amounts authorized to be expended pursuant to
8 subsection (b), there are authorized to be appro-
9 priated to the Open Technology Fund \$5,000,000
10 for each of the fiscal years 2024 through 2028 to
11 carry out this section.

12 (2) BUREAU OF DEMOCRACY, HUMAN RIGHTS,
13 AND LABOR.—In addition to the amounts authorized
14 to be expended pursuant to subsection (b), there are
15 authorized to be appropriated to the Office of Inter-
16 net Freedom Programs of the Bureau of Democracy,
17 Human Rights, and Labor of the Department of
18 State \$10,000,000 for each of the fiscal years 2024
19 through 2028 to carry out this section.

20 (3) AVAILABILITY.—Amounts appropriated pur-
21 suant to paragraphs (1) and (2) shall remain avail-
22 able until expended.

23 **SEC. 7. STRATEGIC PLANNING REPORT.**

24 Not later than 120 days after the date of the enact-
25 ment of this Act, the Secretary of State and the inter-

1 agency working group shall submit a classified report to
2 the appropriate congressional committees that—

3 (1) describes the Federal Government’s plan to
4 bolster and increase the availability of firewall cir-
5 cumvention technology in Hong Kong during fiscal
6 year 2024;

7 (2) outlines a plan for—

8 (A) supporting the preservation of an
9 open, interoperable, reliable, and secure internet
10 in Hong Kong;

11 (B) increasing the supply of the technology
12 referred to in paragraph (1);

13 (C) accelerating the dissemination of such
14 technology;

15 (D) promoting the availability of such
16 technology in Hong Kong;

17 (E) utilizing presently available tools in the
18 mainland China portfolio for further use in the
19 unique context of Hong Kong;

20 (F) expanding the portfolio of tools in
21 order to diversify and strengthen the effective-
22 ness and resiliency of the circumvention efforts;
23 and

24 (G) providing training for high-risk groups
25 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 6(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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