

United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other entity of the United States to furnish the United States Agency for Global Media with such assistance outside the United States as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

**(2) Supersedes existing law**

The authority of paragraph (1) shall supersede any other provision of law.

**(3) Surge capacity defined**

In this subsection, the term “surge capacity” means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis abroad.

**(4) Duration**

The President is authorized to exercise the authority provided in subsection (a)(1) for a period of up to six months, which may be renewed for one additional six month period.

**(b) Authorization of appropriations**

**(1) In general**

There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed \$25,000,000.

**(2) Availability of funds**

Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

**(3) Designation of appropriations**

Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the “United States International Broadcasting Surge Capacity Fund”.

**(c) Report**

The annual report submitted to the President and Congress by the United States Agency for Global Media under section 6204(a)(9) of this title shall provide a detailed description of any activities carried out under this section.

(Pub. L. 103-236, title III, §316, as added Pub. L. 110-53, title XX, §2031(c), Aug. 3, 2007, 121 Stat. 516; amended Pub. L. 116-283, div. A, title XII, §1299Q(e)(11), Jan. 1, 2021, 134 Stat. 4026.)

**Editorial Notes**

**CODIFICATION**

Pub. L. 116-283, div. A, title XII, §1299Q(e)(11), Jan. 1, 2021, 134 Stat. 4026, which amended this section, was itself amended by Pub. L. 116-260, div. O, title XIII, §1301, Dec. 27, 2020, 134 Stat. 2158, to make it effective 90 days after Jan. 1, 2021. However, the amendment by

Pub. L. 116-260 could not be executed because it was enacted before the provision from Pub. L. 116-283 that it amended.

**AMENDMENTS**

2021—Subsecs. (a)(1), (c). Pub. L. 116-283 substituted “United States Agency for Global Media” for “Broadcasting Board of Governors”.

**Statutory Notes and Related Subsidiaries**

**FINDING; SENSE OF CONGRESS**

Pub. L. 110-53, title XX, §2031(a), (b), Aug. 3, 2007, 121 Stat. 515, provided that:

“(a) FINDING.—Congress finds that the report of the National Commission on Terrorist Attacks Upon the United States stated that ‘Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors [now United States Agency for Global Media] has asked for much larger resources. It should get them.’

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) the United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations; and

“(2) public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.”

**§ 6217. Global internet freedom**

**(a) Statement of policy**

It is the policy of the United States to promote internet freedom through programs of the Department and USAID that preserve and expand the internet as an open, global space for freedom of expression and association, which shall be prioritized for countries—

(1) whose governments restrict freedom of expression on the internet; and

(2) that are important to the national interest of the United States.

**(b) Purpose and coordination with other programs**

Global internet freedom programming under this section—

(1) shall be coordinated with other United States foreign assistance programs that promote democracy and support the efforts of civil society—

(A) to counter the development of repressive internet-related laws and regulations, including countering threats to internet freedom at international organizations;

(B) to combat violence against bloggers and other civil society activists who utilize the internet; and

(C) to enhance digital security training and capacity building for democracy activists;

(2) shall seek to assist efforts—

(A) to research key threats to internet freedom;

(B) to continue the development of technologies that provide or enhance access to the internet, including circumvention tools

that bypass internet blocking, filtering, and other censorship techniques used by authoritarian governments; and

(C) to maintain the technological advantage of the Federal Government over the censorship techniques described in subparagraph (B); and

(3) shall be incorporated into country assistance and democracy promotion strategies, as appropriate.

**(c) Authorization of appropriations**

There are authorized to be appropriated for fiscal year 2023—

(1) \$75,000,000 to the Department and USAID, to continue efforts to promote internet freedom globally, and shall be matched, to the maximum extent practicable, by sources other than the Federal Government, including the private sector; and

(2) \$49,000,000 to the United States Agency for Global Media (referred to in this section as the “USAGM”) and its grantees, for internet freedom and circumvention technologies that are designed—

(A) for open-source tools and techniques to securely develop and distribute digital content produced by the USAGM and its grantees;

(B) to facilitate audience access to such digital content on websites that are censored;

(C) to coordinate the distribution of such digital content to targeted regional audiences; and

(D) to promote and distribute such tools and techniques, including digital security techniques.

**(d) United States Agency for Global Media activities**

**(1) Annual certification**

For any new tools or techniques authorized under subsection (c)(2), the Chief Executive Officer of the USAGM, in consultation with the President of the Open Technology Fund (referred to in this subsection as the “OTF”) and relevant Federal departments and agencies, shall submit an annual certification to the appropriate congressional committees that verifies they—

(A) have evaluated the risks and benefits of such new tools or techniques; and

(B) have established safeguards to minimize the use of such new tools or techniques for illicit purposes.

**(2) Information sharing**

The Secretary may not direct programs or policy of the USAGM or the OTF, but may share any research and development with relevant Federal departments and agencies for the exclusive purposes of—

(A) sharing information, technologies, and best practices; and

(B) assessing the effectiveness of such technologies.

**(3) United States Agency for Global Media**

The Chief Executive Officer of the USAGM, in consultation with the President of the OTF, shall—

(A) coordinate international broadcasting programs and incorporate such programs into country broadcasting strategies, as appropriate;

(B) solicit project proposals through an open, transparent, and competitive application process, including by seeking input from technical and subject matter experts; and

(C) support internet circumvention tools and techniques for audiences in countries that are strategic priorities for the OTF, in accordance with USAGM’s annual language service prioritization review.

**(e) USAGM report**

Not later than 120 days after December 23, 2022, the Chief Executive Office of the USAGM shall submit a report to the appropriate congressional committees that describes—

(1) as of the date of the report—

(A) the full scope of internet freedom programs within the USAGM, including—

(i) the efforts of the Office of Internet Freedom; and

(ii) the efforts of the Open Technology Fund;

(B) the capacity of internet censorship circumvention tools supported by the Office of Internet Freedom and grantees of the Open Technology Fund that are available for use by individuals in foreign countries seeking to counteract censors; and

(C) any barriers to the provision of the efforts described in clauses (i) and (ii) of subparagraph (A), including access to surge funding; and

(2) successful examples from the Office of Internet Freedom and Open Technology Fund involving—

(A) responding rapidly to internet shutdowns in closed societies; and

(B) ensuring uninterrupted circumvention services for USAGM entities to promote internet freedom within repressive regimes.

**(f) Joint report**

Not later than 60 days after December 23, 2022, the Secretary and the Administrator of USAID shall jointly submit a report, which may include a classified annex, to the appropriate congressional committees that describes—

(1) as of the date of the report—

(A) the full scope of internet freedom programs within the Department and USAID, including—

(i) Department circumvention efforts; and

(ii) USAID efforts to support internet infrastructure;

(B) the capacity of internet censorship circumvention tools supported by the Federal Government that are available for use by individuals in foreign countries seeking to counteract censors; and

(C) any barriers to provision of the efforts enumerated in clauses (i) and (ii) of subsection (e)(1)(A), including access to surge funding; and

(2) any new resources needed to provide the Federal Government with greater capacity to provide and boost internet access—

(A) to respond rapidly to internet shut-downs in closed societies; and

(B) to provide internet connectivity to foreign locations where the provision of additional internet access service would promote freedom from repressive regimes.

**(g) Security audits**

Before providing any support for open source technologies under this section, such technologies must undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner that is detrimental to the interest of the United States or to the interests of individuals and organizations benefitting from programs supported by such funding.

**(h) Surge**

**(1) Authorization of appropriations**

Subject to paragraph (2), there is authorized to be appropriated, in addition to amounts otherwise made available for such purposes, up to \$2,500,000 to support internet freedom programs in closed societies, including programs that—

(A) are carried out in crisis situations by vetted entities that are already engaged in internet freedom programs;

(B) involve circumvention tools; or

(C) increase the overseas bandwidth for companies that received Federal funding during the previous fiscal year.

**(2) Certification**

Amounts authorized to be appropriated pursuant to paragraph (1) may not be expended until the Secretary has certified to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives that the use of such funds is in the national interest of the United States.

**(i) Defined term**

In this section, the term “internet censorship circumvention tool” means a software application or other tool that an individual can use to evade foreign government restrictions on internet access.

(Pub. L. 117–263, div. I, title XCVII, §9707, Dec. 23, 2022, 136 Stat. 3915.)

**Editorial Notes**

**CODIFICATION**

Section was enacted as part of the Department of State Authorization Act of 2022, and also as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and not as part of the United States International Broadcasting Act of 1994 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

**DEFINITIONS**

For definitions of terms used in this section, see section 9002 of Pub. L. 117–263, set out as a note under section 2651 of this title.

**CHAPTER 72—NUCLEAR PROLIFERATION PREVENTION**

**SUBCHAPTER I—SANCTIONS FOR NUCLEAR PROLIFERATION**

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**SUBCHAPTER I—SANCTIONS FOR NUCLEAR PROLIFERATION**

**§ 6301. Imposition of procurement sanction on persons engaging in export activities that contribute to proliferation**

**(a) Determination by President**

**(1) In general**

Except as provided in subsection (b)(2), the President shall impose the sanction described in subsection (c) if the President determines in writing that, on or after the effective date of this subchapter, a foreign person or a United States person has materially and with requisite knowledge contributed, through the export from the United States or any other country of any goods or technology (as defined in section 6305(2) of this title), to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device.

**(2) Persons against which the sanction is to be imposed**

The sanction shall be imposed pursuant to paragraph (1) on—

(A) the foreign person or United States person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person or United States person;

(C) any foreign person or United States person that is a parent or subsidiary of that person if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of that determination; and

(D) any foreign person or United States person that is an affiliate of that person if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

**(3) Other sanctions available**

The sanction which is required to be imposed for activities described in this sub-