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2D SESSION

H. R. 5537

To promote internet access in developing countries and update foreign policy toward the internet, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2016

Mr. ROYCE (for himself, Mrs. McMORRIS RODGERS, Mr. ENGEL, and Ms. MENG) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To promote internet access in developing countries and update foreign policy toward the internet, 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 “Digital Global Access
5 Policy Act of 2016” or the “Digital GAP Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to encourage the efforts
8 of developing countries to improve mobile and fixed access
9 to the internet in order to spur economic growth and job

1 creation, improve health, education, and financial services,
2 reduce poverty and gender inequality, mitigate disasters,
3 promote democracy and good governance, strengthen cy-
4 bersecurity, and update the Department of State's struc-
5 ture to address cyberspace policy.

6 **SEC. 3. FINDINGS.**

7 Congress finds the following:

8 (1) Since 2005, the number of internet users
9 has more than tripled from 1,000,000,000 to
10 3,200,000,000.

11 (2) 4.2 billion people, 60 percent of the world's
12 population, remain offline and the growth rate of
13 internet access is slowing. An estimated 75 percent
14 of the offline population lives in just 20 countries
15 and is largely rural, female, elderly, illiterate, and
16 low-income.

17 (3) Studies suggest that across the developing
18 world, women are nearly 50 percent less likely to ac-
19 cess the internet than men living within the same
20 communities, and that this digital gender divide car-
21 ries with it a great economic cost. According to a
22 study, "Women and the Web", bringing an addi-
23 tional 600,000,000 women online would contribute
24 \$13,000,000,000–\$18,000,000,000 to annual GDP
25 across 144 developing countries.

1 (4) Without increased internet access, the devel-
2 oping world risks falling behind.

3 (5) Internet access in developing countries is
4 hampered by a lack of infrastructure and a poor reg-
5 ulatory environment for investment.

6 (6) Build-once policies and approaches are poli-
7 cies or practices that minimize the number and scale
8 of excavation and construction activities when in-
9 stalling telecommunications infrastructure in rights-
10 of-way, thereby lowering the installation costs for
11 high-speed internet networks and serve as a develop-
12 ment best practice.

13 **SEC. 4. STATEMENT OF POLICY.**

14 Congress declares that it is the policy of the United
15 States to partner, consult, and coordinate with the govern-
16 ments of foreign countries, international organizations, re-
17 gional economic communities, businesses, civil society, and
18 other stakeholders in a concerted effort to—

19 (1) promote first-time internet access to mobile
20 or broadband internet for at least 1.5 billion people
21 in developing countries by 2020 in both urban and
22 rural areas;

23 (2) promote internet deployment and related co-
24 ordination, capacity building, and build-once policies

1 and approaches in developing countries, including
2 actions to encourage—

3 (A) a build-once approach by standardizing
4 the inclusion of broadband conduit pipes which
5 house fiber optic communications cable that
6 support broadband or wireless facilities for
7 broadband service as part of rights-of-way
8 projects, including sewers, power transmission
9 facilities, rail, pipelines, bridges, tunnels, and
10 roads, that are funded, co-funded, or partially
11 financed by the United States or any inter-
12 national organization that includes the United
13 States as a member, in consultation with tele-
14 communications providers, unless a cost-benefit
15 analysis determines that the cost of such ap-
16 proach outweighs the benefits;

17 (B) national and local government agencies
18 of developing countries and donor governments
19 and organizations to coordinate road building,
20 pipe laying, and major infrastructure with the
21 private sector so that, for example, fiber optic
22 cable could be laid below roads at the time such
23 roads are built; and

24 (C) international organizations to increase
25 their financial support, including grants and

1 loans, and technical assistance to expand infor-
2 mation and communications access and internet
3 connectivity;

4 (3) promote policy changes that encourage first-
5 time affordable access to the internet in developing
6 countries, including actions to encourage—

7 (A) integration of universal and gender-eq-
8 uitable internet access goals, to be informed by
9 the collection of related gender disaggregated
10 data, and internet tools into national develop-
11 ment plans and United States Government
12 country-level strategies;

13 (B) reforms of competition laws and spec-
14 trum allocation processes that may impede the
15 ability of companies to provide internet services;
16 and

17 (C) efforts to improve procurement proc-
18 esses to help attract and incentivize investment
19 in internet infrastructure;

20 (4) promote the removal of tax and regulatory
21 barriers to internet access;

22 (5) promote the use of the internet to increase
23 economic growth and trade, including—

1 (A) policies and strategies to remove re-
2 strictions to e-commerce, cross-border informa-
3 tion flows, and competitive marketplaces; and

4 (B) entrepreneurship and distance learning
5 enabled by access to technology;

6 (6) promote the use of the internet to bolster
7 democracy, government accountability, transparency,
8 and human rights, including—

9 (A) policies, initiatives, and investments,
10 including the development of national internet
11 plans, that are consistent with United States
12 human rights goals, including freedom of ex-
13 pression, religion, and association;

14 (B) policies and initiatives aimed at pro-
15 moting the multistakeholder model of internet
16 governance; and

17 (C) policies and support programs, re-
18 search, and technologies that safeguard human
19 rights and fundamental freedoms online, and
20 enable political organizing and activism, free
21 speech, and religious expression that are in
22 compliance with international human rights
23 standards;

24 (7) promote internet access and inclusion into
25 internet policymaking for women, people with dis-

1 abilities, minorities, low-income and marginalized
2 groups, and underserved populations; and

3 (8) promote cybersecurity and data protection,
4 including international adoption of the National In-
5 stitute of Standards and Technology (NIST) Frame-
6 work for Critical Infrastructure Cybersecurity that
7 are industry-led, globally recognized cybersecurity
8 standards and best practices.

9 **SEC. 5. DEPARTMENT OF STATE ORGANIZATION.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) the title of the Under Secretary for Eco-
13 nomic Growth, Energy, and the Environment should
14 be changed to the Under Secretary for Economics,
15 Energy, the Environment, and Cyberspace;

16 (2) the Secretary of State should redesignate an
17 existing Assistant Secretary position to be the As-
18 sistant Secretary for Technology, International Com-
19 munications, and Cyberspace to lead the Depart-
20 ment of States’s diplomatic technology policy gen-
21 erally, including for internet access, internet govern-
22 ance, internet freedom, telecommunications net-
23 works, information and communications technology
24 infrastructures, and cybersecurity; and

1 (3) such Assistant Secretary for Technology,
2 International Communications, and Cyberspace
3 should report to the Under Secretary for Economic
4 Growth, Energy, the Environment, and Cyberspace
5 referred to in paragraph (1).

6 (b) ACTIVITIES.—In recognition of the added value
7 of technical knowledge and expertise in the policymaking
8 and diplomatic channels, the Secretary of State should—

9 (1) update existing training programs relevant
10 to policy discussions, particularly for individuals em-
11 ployed under the Under Secretary referred to in sub-
12 section (a)(1); and

13 (2) promote the recruitment of candidates with
14 technical expertise into the Civil Service and the
15 Foreign Service.

16 (c) OFFSET.—To offset any costs incurred by the De-
17 partment of State to carry out the designation of an As-
18 sistant Secretary for Technology, International Commu-
19 nications and Cyberspace in accordance with subsection
20 (a), the Secretary of State shall eliminate such positions
21 within the Department of State, unless otherwise author-
22 ized or required by law, as the Secretary determines to
23 be necessary to fully offset such costs.

24 (d) RULE OF CONSTRUCTION.—The redesignation of
25 the Assistant Secretary position described in subsection

1 (a)(2) may not be construed as increasing the number of
2 Assistant Secretary positions at the Department of State
3 above the current level of 24 as authorized in section
4 1(c)(1) of the State Department Basic Authorities Act of
5 1956 (22 U.S.C. 2651a(c)(1)).

6 **SEC. 6. USAID.**

7 It is the sense of Congress that the Administrator
8 of the United States Agency for International Develop-
9 ment should—

10 (1) integrate efforts to expand internet access,
11 develop appropriate technologies, and enhance digital
12 literacy into the education, development, and eco-
13 nomic growth programs of the agency, where appro-
14 priate;

15 (2) expand the utilization of information and
16 communications technologies in humanitarian aid
17 and disaster relief responses and United States oper-
18 ations involving stabilization and security to improve
19 donor coordination, reduce duplication and waste,
20 capture and share lessons learned, and augment dis-
21 aster preparedness and risk mitigation strategies;
22 and

23 (3) establish and promote guidelines for the
24 protection of personal information of individuals
25 served by humanitarian, disaster, and development

1 programs directly through the United States Gov-
2 ernment, through contracts funded by the United
3 States Government and by international organiza-
4 tions.

5 **SEC. 7. PEACE CORPS.**

6 Section 3 of the Peace Corps Act (22 U.S.C. 2502)
7 is amended by—

8 (1) redesignating subsection (h) as subsection
9 (e); and

10 (2) by adding at the end the following new sub-
11 sections:

12 “(f) It is the sense of Congress that access to tech-
13 nology can transform agriculture, community economic de-
14 velopment, education, environment, health, and youth de-
15 velopment which are the sectors in which Peace Corps cur-
16 rently develops positions for Volunteers.

17 “(g) In giving attention to the programs, projects,
18 training, and other activities referred to in subsection (f),
19 the Peace Corps should develop positions for Volunteers
20 that are focused on leveraging technology for development,
21 education, and social and economic mobility.”.

22 **SEC. 8. LEVERAGING INTERNATIONAL SUPPORT.**

23 In pursuing the policy described in section 4, the
24 President should direct United States representatives to
25 appropriate international bodies to use the influence of the

1 United States, consistent with the broad development
2 goals of the United States, to advocate that each such
3 body—

4 (1) commit to increase efforts to promote gen-
5 der-equitable internet access, in partnership with
6 stakeholders and consistent with host countries' ab-
7 sorptive capacity;

8 (2) enhance coordination with stakeholders in
9 increasing affordable and gender-equitable access to
10 the internet;

11 (3) integrate gender-equitable affordable inter-
12 net access into existing economic and business as-
13 sessments, evaluations, and indexes such as the Mil-
14 lennium Challenge Corporation constraints analysis,
15 the Doing Business Report, International Monetary
16 Fund Article IV assessments and country reports,
17 the Open Data Barometer, and the Affordability
18 Drivers Index;

19 (4) standardize inclusion of broadband con-
20 duit—fiber optic cables that support broadband or
21 wireless facilities for broadband service—as part of
22 highway or highway-comparable construction
23 projects in developing countries, in consultation with
24 telecommunications providers, unless such inclusion
25 would create an undue burden, is not necessary

1 based on the availability of existing broadband infra-
2 structure, or a cost-benefit analysis determines that
3 the cost outweighs the benefits;

4 (5) provide technical assistance to the regu-
5 latory authorities in developing countries to remove
6 unnecessary barriers to investment in otherwise com-
7 mercially viable projects and strengthen weak regu-
8 lations or develop new ones to support market
9 growth and development;

10 (6) utilize clear, accountable, and metric-based
11 targets, including targets with gender-disaggregated
12 metrics, to measure the effectiveness of efforts to
13 promote internet access; and

14 (7) promote and protect human rights online,
15 such as the freedoms of speech, assembly, associa-
16 tion, religion, and belief, through resolutions, public
17 statements, projects, and initiatives, and advocating
18 that other member states of such bodies are held ac-
19 countable when major violations are uncovered.

20 **SEC. 9. PARTNERSHIP FRAMEWORK.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the President shall transmit to the Com-
23 mittee on Foreign Affairs of the House of Representatives
24 and the Committee on Foreign Relations of the Senate
25 plans to promote partnerships by United States develop-

1 ment agencies, including the United States Agency for
2 International Development and the Millennium Challenge
3 Corporation, as well as international agencies funded by
4 the United States Government for partnership with stake-
5 holders, that contain the following elements:

6 (1) Methods for stakeholders to partner with
7 such agencies in order to provide internet access or
8 internet infrastructure in developing countries.

9 (2) Methods of outreach to stakeholders to ex-
10 plore partnership opportunities for expanding inter-
11 net access or internet infrastructure, including co-
12 ordination with the private sector, when financing
13 roads and telecommunications infrastructure.

14 (3) Methods for early consultation with stake-
15 holders concerning projects in telecommunications
16 and road construction to provide internet access or
17 internet infrastructure.

18 **SEC. 10. REPORTING REQUIREMENT ON IMPLEMENTATION**
19 **EFFORTS.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the President shall transmit to the Com-
22 mittee on Foreign Affairs of the House of Representatives
23 and the Committee on Foreign Relations of the Senate
24 a report on efforts to implement the policy specified in
25 section 4 and a discussion of the plans and existing efforts

1 by the United States Government in developing countries
2 to accomplish the following:

3 (1) Develop a technical and regulatory road
4 map for promoting internet access in developing
5 countries and a path to implementing such road
6 map.

7 (2) Identify the regulatory barriers that may
8 unduly impede internet access, including regulation
9 of wireline broadband deployment or the infrastruc-
10 ture to augment wireless broadband deployment.

11 (3) Strengthen and support development of reg-
12 ulations that incentivize market growth and sector
13 development.

14 (4) Encourage further public and private in-
15 vestment in internet infrastructure, including
16 broadband networks and services.

17 (5) Increase gender-equitable internet access
18 and otherwise encourage or support internet deploy-
19 ment, competition, and adoption.

20 (6) Improve the affordability of internet access.

21 (7) Promote technology and cybersecurity ca-
22 pacity building efforts and consult technical experts
23 for advice regarding options to accelerate the ad-
24 vancement of internet deployment, adoption, and
25 usage.

1 (8) Promote internet freedom globally and in-
2 clude civil society and the private sector in the for-
3 mulation of policies, projects, and advocacy efforts
4 to protect human rights online.

5 (9) Promote and strengthen the multistake-
6 holder model of internet governance and actively
7 participate in multistakeholder international fora,
8 such as the Internet Governance Forum.

9 **SEC. 11. CYBERSPACE STRATEGY.**

10 The President should include in the next White
11 House Cyberspace Strategy information relating to the
12 following:

13 (1) Methods to promote internet access in de-
14 veloping countries.

15 (2) Methods to globally promote cybersecurity
16 policy consistent with the National Institute of
17 Standards and Technology (NIST) Framework for
18 Improving Critical Infrastructure Cybersecurity.

19 (3) Methods to promote global internet freedom
20 principles, such as the freedoms of expression, as-
21 sembly, association, and religion, while combating ef-
22 forts to impose restrictions on such freedoms.

23 **SEC. 12. DEFINITION.**

24 In this Act—

1 (1) BUILD ONCE POLICIES AND APPROACHES.—

2 The term “build once policies and approaches”
3 means policies or practices that minimize the num-
4 ber and scale of excavation and construction activi-
5 ties when installing telecommunications infrastruc-
6 ture in rights-of-way.

7 (2) CYBERSPACE.—The term “cyberspace”

8 means the interdependent network of information
9 technology infrastructures, and includes the internet,
10 telecommunications networks, computer systems,
11 and embedded processors and controllers in critical
12 industries, and includes the virtual environment of
13 information and interactions between people.

14 (3) STAKEHOLDERS.—The term “stakeholders”

15 means the private sector, the public sector, coopera-
16 tives, civil society, the technical community that de-
17 velops internet technologies, standards, implementa-
18 tion, operations, and applications, and other groups
19 that are working to increase internet access or are
20 impacted by the lack of internet access in their com-
21 munities.

