

114TH CONGRESS
2D SESSION

H. R. 5537

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Digital Global Access
3 Policy Act of 2016” or the “Digital GAP Act”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to encourage the efforts
6 of developing countries to improve mobile and fixed access
7 to the Internet in order to spur economic growth and job
8 creation, improve health, education, and financial services,
9 reduce poverty and gender inequality, mitigate disasters,
10 promote democracy and good governance, strengthen cy-
11 bersecurity, and update the Department of State’s struc-
12 ture to address cyberspace policy.

13 **SEC. 3. FINDINGS.**

14 Congress finds the following:

15 (1) Since 2005, the number of Internet users
16 has more than tripled from 1 billion to 3.2 billion.

17 (2) 4.2 billion people, 60 percent of the world’s
18 population, remain offline and the growth rate of
19 Internet access is slowing. An estimated 75 percent
20 of the offline population lives in just 20 countries
21 and is largely rural, female, elderly, illiterate, and
22 low-income.

23 (3) Studies suggest that across the developing
24 world, women are nearly 50 percent less likely to ac-
25 cess the Internet than men living within the same
26 communities, and that this digital gender divide car-

1 ries with it a great economic cost. According to a
2 study, “Women and the Web”, bringing an addi-
3 tional 600 million women online would contribute
4 \$13 billion–\$18 billion to annual GDP across 144
5 developing countries.

6 (4) Without increased Internet access, the de-
7 veloping world risks falling behind.

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

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

18 **SEC. 4. STATEMENT OF POLICY.**

19 Congress declares that it is the policy of the United
20 States to partner, consult, and coordinate with the govern-
21 ments of foreign countries, international organizations, re-
22 gional economic communities, businesses, civil society, and
23 other stakeholders in a concerted effort to—

24 (1) promote first-time Internet access to mobile
25 or broadband Internet for at least 1.5 billion people

1 in developing countries by 2020 in both urban and
2 rural areas;

3 (2) promote Internet deployment and related
4 coordination, capacity building, and build-once poli-
5 cies and approaches in developing countries, includ-
6 ing actions to encourage—

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

21 (B) national and local government agencies
22 of developing countries and donor governments
23 and organizations to coordinate road building,
24 pipe laying, and major infrastructure with the
25 private sector so that, for example, fiber optic

1 cable could be laid below roads at the time such
2 roads are built; and

3 (C) international organizations to increase
4 their financial support, including grants and
5 loans, and technical assistance to expand infor-
6 mation and communications access and Internet
7 connectivity;

8 (3) promote policy changes that encourage first-
9 time affordable access to the Internet in developing
10 countries, including actions to encourage—

11 (A) integration of universal and gender-eq-
12 uitable Internet access goals, to be informed by
13 the collection of related gender disaggregated
14 data, and Internet tools into national develop-
15 ment plans and United States Government
16 country-level strategies;

17 (B) reforms of competition laws and spec-
18 trum allocation processes that may impede the
19 ability of companies to provide Internet serv-
20 ices; and

21 (C) efforts to improve procurement proc-
22 esses to help attract and incentivize investment
23 in Internet infrastructure;

24 (4) promote the removal of tax and regulatory
25 barriers to Internet access;

1 (5) promote the use of the Internet to increase
2 economic growth and trade, including—

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

6 (B) entrepreneurship and distance learning
7 enabled by access to technology;

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

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

16 (B) policies and initiatives aimed at pro-
17 moting the multistakeholder model of Internet
18 governance; and

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

1 (7) promote Internet access and inclusion into
2 Internet policymaking for women, people with dis-
3 abilities, minorities, low-income and marginalized
4 groups, and underserved populations; and

5 (8) promote cybersecurity and data protection,
6 including international use of the National Institute
7 of Standards and Technology (NIST) Framework
8 for Improving Critical Infrastructure Cybersecurity
9 that are industry-led, globally recognized cybersecu-
10 rity standards and best practices.

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

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the Secretary of State should redesignate an
14 existing Assistant Secretary position to be the Assistant
15 Secretary for Cyberspace to lead the Department of
16 State’s diplomatic cyberspace policy generally, including
17 for cybersecurity, Internet access, Internet freedom, and
18 to promote an open, secure, and reliable information and
19 communications technology infrastructure.

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

23 (1) update existing training programs relevant
24 to policy discussions; and

1 (2) promote the recruitment of candidates with
2 technical expertise into the Civil Service and the
3 Foreign Service.

4 (c) OFFSET.—To offset any costs incurred by the De-
5 partment of State to carry out the designation of an As-
6 sistant Secretary for Cyberspace in accordance with sub-
7 section (a), the Secretary of State shall eliminate such po-
8 sitions within the Department of State, unless otherwise
9 authorized or required by law, as the Secretary determines
10 to be necessary to fully offset such costs.

11 (d) RULE OF CONSTRUCTION.—The redesignation of
12 the Assistant Secretary position described in subsection
13 (a) may not be construed as increasing the number of As-
14 sistant Secretary positions at the Department of State
15 above the current level of 24 as authorized in section
16 1(c)(1) of the State Department Basic Authorities Act of
17 1956 (22 U.S.C. 2651a(c)(1)).

18 **SEC. 6. USAID.**

19 It is the sense of Congress that the Administrator
20 of the United States Agency for International Develop-
21 ment should—

22 (1) integrate efforts to expand Internet access,
23 develop appropriate technologies, and enhance digital
24 literacy into the education, development, and eco-

1 nomic growth programs of the agency, where appro-
2 priate;

3 (2) expand the utilization of information and
4 communications technologies in humanitarian aid
5 and disaster relief responses and United States oper-
6 ations involving stabilization and security to improve
7 donor coordination, reduce duplication and waste,
8 capture and share lessons learned, and augment dis-
9 aster preparedness and risk mitigation strategies;
10 and

11 (3) establish and promote guidelines for the
12 protection of personal information of individuals
13 served by humanitarian, disaster, and development
14 programs directly through the United States Gov-
15 ernment, through contracts funded by the United
16 States Government and by international organiza-
17 tions.

18 **SEC. 7. PEACE CORPS.**

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

21 (1) redesignating subsection (h) as subsection
22 (e); and

23 (2) by adding at the end the following new sub-
24 sections:

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

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

11 **SEC. 8. LEVERAGING INTERNATIONAL SUPPORT.**

12 In pursuing the policy described in section 4, the
13 President should direct United States representatives to
14 appropriate international bodies to use the influence of the
15 United States, consistent with the broad development
16 goals of the United States, to advocate that each such
17 body—

18 (1) commit to increase efforts to promote gen-
19 der-equitable Internet access, in partnership with
20 stakeholders and consistent with host countries’ ab-
21 sorptive capacity;

22 (2) enhance coordination with stakeholders in
23 increasing affordable and gender-equitable access to
24 the Internet;

1 (3) integrate gender-equitable affordable Inter-
2 net access into existing economic and business as-
3 sessments, evaluations, and indexes such as the Mil-
4 lennium Challenge Corporation constraints analysis,
5 the Doing Business Report, International Monetary
6 Fund Article IV assessments and country reports,
7 the Open Data Barometer, and the Affordability
8 Drivers Index;

9 (4) standardize inclusion of broadband con-
10 duit—fiber optic cables that support broadband or
11 wireless facilities for broadband service—as part of
12 highway or highway-comparable construction
13 projects in developing countries, in consultation with
14 telecommunications providers, unless such inclusion
15 would create an undue burden, is not necessary
16 based on the availability of existing broadband infra-
17 structure, or a cost-benefit analysis determines that
18 the cost outweighs the benefits;

19 (5) provide technical assistance to the regu-
20 latory authorities in developing countries to remove
21 unnecessary barriers to investment in otherwise com-
22 mercially viable projects and strengthen weak regu-
23 lations or develop new ones to support market
24 growth and development;

1 (6) utilize clear, accountable, and metric-based
2 targets, including targets with gender-disaggregated
3 metrics, to measure the effectiveness of efforts to
4 promote Internet access; and

5 (7) promote and protect human rights online,
6 such as the freedoms of speech, assembly, associa-
7 tion, religion, and belief, through resolutions, public
8 statements, projects, and initiatives, and advocating
9 that other member states of such bodies are held ac-
10 countable when major violations are uncovered.

11 **SEC. 9. PARTNERSHIP FRAMEWORK.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the President shall transmit to the Com-
14 mittee on Foreign Affairs of the House of Representatives
15 and the Committee on Foreign Relations of the Senate
16 plans to promote partnerships by United States develop-
17 ment agencies, including the United States Agency for
18 International Development and the Millennium Challenge
19 Corporation, as well as international agencies funded by
20 the United States Government for partnership with stake-
21 holders, that contain the following elements:

22 (1) Methods for stakeholders to partner with
23 such agencies in order to provide Internet access or
24 Internet infrastructure in developing countries.

1 (2) Methods of outreach to stakeholders to ex-
2 plore partnership opportunities for expanding Inter-
3 net access or Internet infrastructure, including co-
4 ordination with the private sector, when financing
5 roads and telecommunications infrastructure.

6 (3) Methods for early consultation with stake-
7 holders concerning projects in telecommunications
8 and road construction to provide Internet access or
9 Internet infrastructure.

10 **SEC. 10. REPORTING REQUIREMENT ON IMPLEMENTATION**
11 **EFFORTS.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the President shall transmit to the Com-
14 mittee on Foreign Affairs of the House of Representatives
15 and the Committee on Foreign Relations of the Senate
16 a report on efforts to implement the policy specified in
17 section 4 and a discussion of the plans and existing efforts
18 by the United States Government in developing countries
19 to accomplish the following:

20 (1) Develop a technical and regulatory road
21 map for promoting Internet access in developing
22 countries and a path to implementing such road
23 map.

24 (2) Identify the regulatory barriers that may
25 unduly impede Internet access, including regulation

1 of wireline broadband deployment or the infrastruc-
2 ture to augment wireless broadband deployment.

3 (3) Strengthen and support development of reg-
4 ulations that incentivize market growth and sector
5 development.

6 (4) Encourage further public and private in-
7 vestment in Internet infrastructure, including
8 broadband networks and services.

9 (5) Increase gender-equitable Internet access
10 and otherwise encourage or support Internet deploy-
11 ment, competition, and adoption.

12 (6) Improve the affordability of Internet access.

13 (7) Promote technology and cybersecurity ca-
14 pacity building efforts and consult technical experts
15 for advice regarding options to accelerate the ad-
16 vancement of Internet deployment, adoption, and
17 usage.

18 (8) Promote Internet freedom globally and in-
19 clude civil society and the private sector in the for-
20 mulation of policies, projects, and advocacy efforts
21 to protect human rights online.

22 (9) Promote and strengthen the multistake-
23 holder model of Internet governance and actively
24 participate in multistakeholder international fora,
25 such as the Internet Governance Forum.

1 **SEC. 11. CYBERSPACE STRATEGY.**

2 The President should include in the next White
3 House Cyberspace Strategy information relating to the
4 following:

5 (1) Methods to promote Internet access in de-
6 veloping countries.

7 (2) Methods to globally promote cybersecurity
8 policy consistent with the National Institute of
9 Standards and Technology (NIST) Framework for
10 Improving Critical Infrastructure Cybersecurity.

11 (3) Methods to promote global Internet freedom
12 principles, such as the freedoms of expression, as-
13 sembly, association, and religion, while combating ef-
14 forts to impose restrictions on such freedoms.

15 **SEC. 12. DEFINITION.**

16 In this Act—

17 (1) BUILD ONCE POLICIES AND APPROACHES.—

18 The term “build once policies and approaches”
19 means policies or practices that minimize the num-
20 ber and scale of excavation and construction activi-
21 ties when installing telecommunications infrastruc-
22 ture in rights-of-way.

23 (2) CYBERSPACE.—The term “cyberspace”
24 means the interdependent network of information
25 technology infrastructures, and includes the Inter-
26 net, telecommunications networks, computer sys-

1 tems, and embedded processors and controllers in
2 critical industries, and includes the virtual environ-
3 ment of information and interactions between peo-
4 ple.

5 (3) STAKEHOLDERS.—The term “stakeholders”
6 means the private sector, the public sector, coopera-
7 tives, civil society, the technical community that de-
8 velops Internet technologies, standards, implementa-
9 tion, operations, and applications, and other groups
10 that are working to increase Internet access or are
11 impacted by the lack of Internet access in their com-
12 munities.

Passed the House of Representatives September 7,
2016.

Attest:

Clerk.

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