

115TH CONGRESS
1ST SESSION

H. R. 600

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2017

Mr. ROYCE of California (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 2017” or the “Digital GAP Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to—

8 (1) encourage the efforts of developing coun-
9 tries to improve mobile and fixed access to the Inter-

1 net in order to catalyze innovation, spur economic
2 growth and job creation, improve health, education,
3 and financial services, reduce poverty and gender in-
4 equality, mitigate disasters, promote democracy and
5 good governance, and strengthen cybersecurity;

6 (2) promote build once policies and approaches
7 and the multi-stakeholder approach to Internet gov-
8 ernance; and

9 (3) ensure the effective use of United States
10 foreign assistance resources toward this end.

11 **SEC. 3. FINDINGS.**

12 Congress finds the following:

13 (1) The number of Internet users worldwide
14 has more than tripled from 1 billion to 3.2 billion
15 since 2005, yet the growth rate of Internet access is
16 slowing: An estimated 4.2 billion people, or 60 per-
17 cent of the world's population, remain offline, an es-
18 timated 75 percent of the offline population lives in
19 just 20 countries, and rural, female, elderly, illit-
20 erate, and low-income populations are being left be-
21 hind.

22 (2) Studies suggest that women across the de-
23 veloping world are disproportionately affected by a
24 digital gap, and that bringing an additional 600 mil-
25 lion women online would contribute \$13 billion to

1 \$18 billion to annual GDP across 144 developing
2 countries.

3 (3) Internet access in developing countries is
4 most often hampered by a lack of infrastructure and
5 a poor regulatory environment for investment.

6 (4) Build once policies and approaches, which
7 seek to coordinate public and private sector invest-
8 ments in roads and other critical infrastructure, can
9 minimize the number and scale of excavation and
10 construction activities when installing telecommuni-
11 cations infrastructure in rights-of-way, thereby re-
12 ducing installation costs for high-speed Internet net-
13 works and serving as a development best practice.

14 **SEC. 4. STATEMENT OF POLICY.**

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

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

1 (2) Internet deployment and related coordina-
2 tion, capacity building, and build once policies and
3 approaches in developing countries, including actions
4 to encourage—

5 (A) standardization of build once policies
6 and approaches for the inclusion of broadband
7 conduit in rights-of-way projects that are fund-
8 ed, co-funded, or partially financed by the
9 United States or any international organization
10 that includes the United States as a member, in
11 consultation with telecommunications providers,
12 unless a cost-benefit analysis determines that
13 the cost of such approach outweighs the bene-
14 fits;

15 (B) adoption and integration of build once
16 policies and approaches into the development
17 and investment strategies of national and local
18 government agencies of developing countries
19 and donor governments and organizations that
20 will enhance coordination with the private sec-
21 tor for road building, pipe laying, and other
22 major infrastructure projects; and

23 (C) provision of increased financial support
24 by international organizations, including
25 through grants, loans, and technical assistance,

1 to expand information and communications ac-
2 cess and Internet connectivity;

3 (3) policy changes that encourage first-time af-
4 fordable access to the Internet in developing coun-
5 tries, including actions to encourage—

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

12 (B) reforms of competition laws and spec-
13 trum allocation processes that may impede the
14 ability of companies to provide Internet serv-
15 ices; and

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

19 (4) the removal of tax and regulatory barriers
20 to Internet access;

21 (5) the use of the Internet to increase economic
22 growth and trade, including—

23 (A) policies and strategies to remove re-
24 strictions to e-commerce, cross-border informa-
25 tion flows, and competitive marketplaces; and

1 (B) entrepreneurship and distance learning
2 enabled by access to technology;

3 (6) use of the Internet to bolster democracy,
4 government accountability, transparency, and human
5 rights, including through the establishments of poli-
6 cies, initiatives, and investments that—

7 (A) support the development of national
8 Internet plans that are consistent with United
9 States human rights goals, including freedom of
10 expression, religion, assembly, and association;

11 (B) expand online access to government in-
12 formation and services to enhance government
13 accountability and service delivery, including for
14 areas in which government may have limited
15 presence;

16 (C) advance the principles of responsible
17 Internet governance, including commitments to
18 maintain open and equitable access; and

19 (D) support programs, research, and tech-
20 nologies that safeguard human rights and fun-
21 damental freedoms online, and enable political
22 organizing and activism, free speech, and reli-
23 gious expression that are in compliance with
24 international human rights standards;

1 (7) Internet access and inclusion into Internet
2 policymaking for women, people with disabilities, mi-
3 norities, low-income and marginalized groups, and
4 underserved populations;

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

11 (9) inter-agency coordination and cooperation
12 across all executive branch agencies regarding the
13 construction and promotion of Internet initiatives as
14 a greater part of United States foreign policy.

15 **SEC. 5. LEVERAGING INTERNATIONAL SUPPORT.**

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

22 (1) commit to increase efforts and coordination
23 to promote affordable and gender-equitable Internet
24 access, in partnership with stakeholders and con-
25 sistent with host countries' absorptive capacity;

1 (2) integrate affordable and gender-equitable
2 Internet access data into existing economic and busi-
3 ness assessments, evaluations, and indexes such as
4 the Millennium Challenge Corporation constraints
5 analysis, the Doing Business Report, International
6 Monetary Fund Article IV assessments and country
7 reports, the Open Data Barometer, and the Afford-
8 ability Drivers Index;

9 (3) standardize inclusion of broadband conduit
10 as part of highway or comparable construction
11 projects in developing countries, in consultation with
12 telecommunications providers, unless such inclusion
13 would create an undue burden, is not necessary
14 based on the availability of existing broadband infra-
15 structure, or a cost-benefit analysis determines that
16 the cost outweighs the benefits;

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

23 (5) utilize clear, accountable, and metric-based
24 targets, including targets with gender-disaggregated

1 data, to measure the effectiveness of efforts to pro-
2 mote Internet access; and

3 (6) promote and protect human rights online,
4 such as the freedoms of expression, religion, assem-
5 bly, and association, through resolutions, public
6 statements, projects, and initiatives, and advocate
7 that other member states of such bodies are held ac-
8 countable when major violations are uncovered.

9 **SEC. 6. DEPARTMENT OF STATE ORGANIZATION.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that the Secretary of State should seek to enhance
12 the efficiency and effectiveness of United States foreign
13 assistance efforts to carry out the policies and objectives
14 established by this Act, including by redesignating an ex-
15 isting Assistant Secretary position in the Department of
16 State to be the Assistant Secretary for Cyberspace to lead
17 the Department’s diplomatic cyberspace policy generally,
18 including for cybersecurity, Internet access, Internet free-
19 dom, and to promote an open, secure, and reliable infor-
20 mation and communications technology infrastructure.

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

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

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

4 (3) work to improve inter-agency coordination
5 and cooperation on cybersecurity and Internet initia-
6 tives.

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

14 (d) RULE OF CONSTRUCTION.—The redesignation of
15 the Assistant Secretary position in the Department of
16 State described in subsection (a) may not be construed
17 as increasing the number of Assistant Secretary positions
18 at the Department above the current level of 24 as author-
19 ized in section 1(c)(1) of the State Department Basic Au-
20 thorities Act of 1956 (22 U.S.C. 2651a(c)(1)).

21 **SEC. 7. USAID.**

22 It is the sense of Congress that the Administrator
23 of the United States Agency for International Develop-
24 ment should—

1 (1) integrate efforts to expand Internet access,
2 develop appropriate technologies, and enhance digital
3 literacy into the education, development, and eco-
4 nomic growth programs of the agency, where appro-
5 priate;

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

14 (3) establish and promote guidelines for the
15 protection of personal information of individuals
16 served by humanitarian, disaster, and development
17 programs implemented directly through the United
18 States Government, through contracts funded by the
19 United States Government, and by international or-
20 ganizations.

21 **SEC. 8. PEACE CORPS.**

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

24 (1) redesignating subsection (h) as subsection
25 (e); and

1 (2) adding at the end the following new sub-
2 sections:

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

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

13 **SEC. 9. PARTNERSHIP FRAMEWORK.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the President shall transmit to the Com-
16 mittee on Foreign Affairs of the House of Representatives
17 and the Committee on Foreign Relations of the Senate
18 plans to promote partnerships by United States develop-
19 ment agencies, including the United States Agency for
20 International Development and the Millennium Challenge
21 Corporation, and international agencies funded by the
22 United States Government with the private sector and
23 other stakeholders to expand affordable and gender equi-
24 table access to the Internet in developing countries, includ-
25 ing the following elements:

1 countries and a path to implementing such road
2 map.

3 (2) Identifying the regulatory barriers that may
4 unduly impede Internet access, including regulation
5 of wireline broadband deployment or the infrastruc-
6 ture to augment wireless broadband deployment.

7 (3) Strengthening and supporting development
8 of regulations that incentivize market growth and
9 sector development.

10 (4) Encouraging further public and private in-
11 vestment in Internet infrastructure, including
12 broadband networks and services.

13 (5) Increasing gender-equitable Internet access
14 and otherwise encourage or support Internet deploy-
15 ment, competition, and adoption.

16 (6) Improving the affordability of Internet ac-
17 cess.

18 (7) Promoting technology and cybersecurity ca-
19 pacity building efforts and consult technical experts
20 for advice regarding options to accelerate the ad-
21 vancement of Internet deployment, adoption, and
22 usage.

23 (8) Promoting Internet freedom globally and in-
24 clude civil society and the private sector in the for-

1 mulation of policies, projects, and advocacy efforts
2 to protect human rights online.

3 (9) Promoting and strengthening the multi-
4 stakeholder model of Internet governance and ac-
5 tively participate in multi-stakeholder international
6 fora, such as the Internet Governance Forum.

7 (10) Advancing a strategy to promote—

8 (A) global cybersecurity policy consistent
9 with the National Institute of Standards and
10 Technology (NIST) Framework for Improving
11 Critical Infrastructure Cybersecurity;

12 (B) global Internet freedom principles,
13 such as the freedoms of expression, religion, as-
14 sembly, and association, while combating efforts
15 to impose restrictions on such freedoms; and

16 (C) improved inter-agency coordination
17 and cooperation on cybersecurity and Internet
18 initiatives.

19 **SEC. 11. DEFINITIONS.**

20 In this Act:

21 (1) **BROADBAND.**—The term “broadband”
22 means an Internet Protocol-based transmission serv-
23 ice that enables users to send and receive voice,
24 video, data, graphics, or a combination thereof.

1 (2) BROADBAND CONDUIT.—The term
2 “broadband conduit” means a conduit for fiber optic
3 cables that support broadband or wireless facilities
4 for broadband service.

5 (3) BUILD ONCE POLICIES AND APPROACHES.—
6 The term “build once policies and approaches”
7 means policies or practices that minimize the num-
8 ber and scale of excavation and construction activi-
9 ties when installing telecommunications infrastruc-
10 ture in rights-of-way.

11 (4) CYBERSPACE.—The term “cyberspace”
12 means the interdependent network of information
13 technology infrastructures, and includes the Inter-
14 net, telecommunications networks, computer sys-
15 tems, and embedded processors and controllers in
16 critical industries, and includes the virtual environ-
17 ment of information and interactions between peo-
18 ple.

19 (5) STAKEHOLDERS.—The term “stakeholders”
20 means the private sector, the public sector, coopera-
21 tives, civil society, the technical community that de-
22 velops Internet technologies, standards, implementa-
23 tion, operations, and applications, and other groups
24 that are working to increase Internet access or are

1 impacted by the lack of Internet access in their com-
2 munities.

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