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H. R. 1359

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2019

Mr. WRIGHT (for himself, Mr. McCAUL, Mr. TED LIEU of California, and Mr. BERA) 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 2019” 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 and secure mobile and fixed access

1 to the Internet in order to catalyze innovation, spur
2 economic growth and job creation, improve health,
3 education, and financial services, reduce poverty and
4 gender inequality, mitigate disasters, and promote
5 free speech, democracy, and good governance;

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 that end.

11 **SEC. 3. FINDINGS.**

12 Congress makes the following findings:

13 (1) Internet access has been a driver of eco-
14 nomic activity around the world. Bringing Internet
15 access to the more than 4,000,000,000 people who
16 do not have it could increase global economic output
17 by \$6,700,000,000,000 and raise 500,000,000 peo-
18 ple out of poverty.

19 (2) The number of Internet users has more
20 than tripled from 1,000,000,000 to over
21 3,000,000,000 since 2005, including 2,000,000,000
22 living in the developing world, yet more than half of
23 the world's population remains offline, living without
24 the economic and social benefits of the Internet. By
25 the end of 2016, over 80 percent of households in

1 the developed world had Internet access, compared
2 with just 40 percent of households in developing
3 countries and just 11 percent in the world's least de-
4 veloped countries. Of the world's offline population,
5 an estimated 75 percent live in just 20 countries,
6 and rural, female, elderly, illiterate, and low-income
7 populations are being left behind.

8 (3) Studies suggest that women are dispropor-
9 tionately affected by a digital gap in developing
10 countries, where there are on average 23 percent
11 fewer women online than men. Bringing an addi-
12 tional 600,000,000 women online could contribute
13 \$13,000,000,000 to \$18,000,000,000 to annual
14 GDP across 144 developing countries.

15 (4) The United States has been a leader in pro-
16 moting access to an open, secure, interoperable
17 Internet around the world. Recognizing that support
18 for expanded Internet access furthers United States
19 economic and foreign policy interests, including ef-
20 forts to end extreme global poverty and enabling re-
21 silient, democratic societies, the Department of State
22 launched a diplomatic effort called "Global Con-
23 nect".

24 (5) Internet access in developing countries is
25 hampered, in part, by a lack of infrastructure and

1 a poor regulatory environment for investment. Build-
2 once policies and approaches, which seek to coordi-
3 nate public and private sector investments in roads
4 and other critical infrastructure, can reduce the
5 number and scale of excavation and construction ac-
6 tivities when installing telecommunications infra-
7 structure in rights-of-way, thereby reducing installa-
8 tion costs for high-speed Internet networks and serv-
9 ing as a development best practice.

10 **SEC. 4. EXPANDING INTERNET ACCESS IN DEVELOPING**
11 **COUNTRIES.**

12 (a) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Foreign Relations,
17 the Committee on Commerce, Science, and
18 Transportation, and the Committee on Appro-
19 priations of the Senate; and

20 (B) the Committee on Foreign Affairs, the
21 Committee on Energy and Commerce, and the
22 Committee on Appropriations of the House of
23 Representatives.

24 (2) BROADBAND.—The term “broadband”
25 means an Internet Protocol-based transmission serv-

1 ice that enables users to send and receive voice,
2 video, data, graphics, or a combination thereof,
3 using technologies including fiber optic, mobile, sat-
4 ellite, and Wi-Fi.

5 (3) BROADBAND CONDUIT.—The term “broad-
6 band conduit” means a conduit for fiber optic cables
7 and other connectivity technologies that support
8 broadband or wireless facilities for broadband serv-
9 ice.

10 (4) BUILD-ONCE POLICIES AND APPROACHES.—
11 The term “build-once policies and approaches”
12 means policies or practices that encourage the inte-
13 gration of Internet infrastructure into traditional in-
14 frastructure projects that minimize the number and
15 scale of excavation and construction activities when
16 installing telecommunications infrastructure in
17 rights-of-way to reduce costs, such as by laying fiber
18 optic cable simultaneously with road construction.

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.

3 (b) POLICY.—It is the policy of the United States to
4 consult, partner, and coordinate with the governments of
5 foreign countries, international organizations, regional
6 economic communities, businesses, civil society, and other
7 stakeholders in a concerted effort to close the digital gap
8 by increasing public and private investments in secure
9 Internet infrastructure and creating conditions for uni-
10 versal Internet access and usage worldwide by pro-
11 moting—

12 (1) first-time access to fixed or mobile broad-
13 band Internet by 2027 for at least 1,500,000,000
14 people living in urban and rural areas in developing
15 countries;

16 (2) Internet deployment and related coordina-
17 tion, capacity building, and build-once policies and
18 approaches in developing countries, including actions
19 to encourage—

20 (A) standardization of build-once policies
21 and approaches for the inclusion of broadband
22 conduit in rights-of-way projects that are fund-
23 ed, co-funded, or partially financed by the
24 United States or any international organization
25 that includes the United States as a member, in

1 consultation with telecommunications providers,
2 unless a cost-benefit analysis determines that
3 the cost of such approach outweighs the bene-
4 fits;

5 (B) adoption and integration of build-once
6 policies and approaches into the development
7 and investment strategies of national and local
8 government agencies of developing countries
9 and donor governments and organizations that
10 will enhance coordination with the private sec-
11 tor for road building, pipe laying, major infra-
12 structure projects, and development-related con-
13 struction such as schools, clinics, and civic
14 buildings;

15 (C) provision of increased financial support
16 by international organizations, including
17 through grants, loans, technical assistance, and
18 partnerships to expand information and com-
19 munications access and Internet connectivity;
20 and

21 (D) avoidance of vendors and contractors
22 likely to be subject to extrajudicial direction
23 from a foreign government;

24 (3) policy and regulatory approaches that pro-
25 mote a competitive market for investment and inno-

1 vation in Internet infrastructure and service to en-
2 courage first-time, affordable access to the Internet
3 in developing countries, including actions to encour-
4 age, as appropriate—

5 (A) the integration of universal and gen-
6 der-equitable Internet access and adoption
7 goals, to be informed by the collection of related
8 gender disaggregated data and research on so-
9 cial norms that often limit women’s and girls’
10 use of the Internet, into national development
11 plans and United States Government country-
12 level strategies;

13 (B) effective, transparent, and efficient
14 spectrum allocation processes and reforms of
15 competition laws that may impede the ability of
16 companies to provide Internet services; and

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

20 (4) the removal of tax and regulatory barriers
21 to Internet access, as appropriate;

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

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) the use of the Internet to bolster democ-
7 racy, government accountability, transparency, gen-
8 der equity, and human rights, including through the
9 establishment of policies, initiatives, and investments
10 that—

11 (A) support the development of national
12 broadband plans or information and commu-
13 nication technologies strategies that are con-
14 sistent with fundamental civil and political
15 rights, including freedom of expression, religion,
16 belief, assembly, and association;

17 (B) expand online access to government in-
18 formation and services to enhance government
19 accountability and service delivery, including for
20 areas in which government may have limited
21 presence; and

22 (C) support expression of free speech and
23 enable political organizing and activism in sup-
24 port of human rights and democracy through
25 activities that expand access to independent

1 sources of news and information and safeguard
2 human rights and fundamental freedoms online,
3 in compliance with international human rights
4 standards;

5 (7) programs and mechanisms that actively pro-
6 mote and advance access to and adoption of Internet
7 and other information and communications tech-
8 nologies by women, people with disabilities, minori-
9 ties, low-income and marginalized groups, and un-
10 derserved populations, such as programs that ad-
11 dress social norms and barriers to women's active
12 participation in the digital economy or Internet pol-
13 icymaking;

14 (8) mechanisms for public and private financing
15 of rural broadband connectivity and digital inclusion;

16 (9) public Internet access facilities and Wi-Fi
17 networks in places such as libraries, government
18 buildings, community centers, and schools;

19 (10) the creation and support of research and
20 educational networks;

21 (11) cybersecurity, data protection, and privacy,
22 including international use of the latest version of
23 the National Institute of Standards and Technology
24 Framework for Improving Critical Infrastructure
25 Cybersecurity; and

1 (12) interagency coordination and cooperation
2 across all executive branch agencies regarding the
3 promotion of Internet initiatives as a part of United
4 States foreign policy.

5 (c) DEPARTMENT OF STATE.—The Secretary of
6 State, in coordination with other agencies, multilateral in-
7 stitutions, foreign countries, and stakeholders, shall ad-
8 vance the policy articulated in this Act and promote ex-
9 panded Internet connectivity worldwide, as appropriate,
10 by—

11 (1) encouraging foreign countries to prioritize
12 secure Internet connectivity in development plans;

13 (2) promoting the formation of region-specific
14 multi-sector working groups to ensure technical and
15 regulatory best practices; and

16 (3) encouraging the development of digital lit-
17 eracy programs in developing countries.

18 (d) USAID.—The Administrator of the United
19 States Agency for International Development (USAID)
20 should advance the policy articulated in this Act and sup-
21 port expanded Internet connectivity worldwide, as appro-
22 priate, by—

23 (1) supporting efforts to expand secure Internet
24 infrastructure and improve digital literacy, and other
25 appropriate measures to improve Internet connectivi-

1 ty and usage, in close coordination with the Sec-
2 retary of State;

3 (2) encouraging public and private investment
4 in Internet infrastructure and services of developing
5 countries that takes into consideration the data se-
6 curity and integrity risks attendant to the products
7 and services of vendors likely to be subject to
8 extrajudicial direction from a foreign government;

9 (3) integrating efforts to expand Internet ac-
10 cess, develop appropriate, sustainable, and equitable
11 technologies, and enhance digital literacy and the
12 availability of relevant local content across develop-
13 ment sectors, such as USAID health, education, ag-
14 riculture, and economic development programs;

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

23 (5) establishing and promoting guidelines for
24 the protection of personal information of individuals
25 served by humanitarian, disaster, and development

1 programs directly through the United States Gov-
2 ernment, and through contracts funded by the
3 United States Government and by international or-
4 ganizations; and

5 (6) establishing programs that directly address
6 and seek to close gaps in access, adoption, and use
7 of the Internet and other information and commu-
8 nications technologies by women, minorities, and
9 other marginalized groups.

10 (e) PEACE CORPS.—Section 3 of the Peace Corps Act
11 (22 U.S.C. 2502) is amended—

12 (1) by redesignating subsection (h) as sub-
13 section (e); and

14 (2) by adding at the end the following:

15 “(f) It is the sense of Congress that access to the
16 Internet can transform agriculture, community economic
17 development, education, environment, health, and youth
18 development, which are the sectors in which Peace Corps
19 develops positions for volunteers.

20 “(g) In giving attention to the programs, projects,
21 training, and other activities referred to in subsection (f),
22 the Peace Corps should develop positions for volunteers
23 that include leveraging the Internet, as appropriate, for
24 development, education, and social and economic mobil-
25 ity.”.

1 (f) LEVERAGING INTERNATIONAL SUPPORT.—In
2 pursuing the policy described in this Act, the President
3 should direct United States representatives to appropriate
4 international bodies to use the influence of the United
5 States, consistent with the broad development goals of the
6 United States, to advocate that each such body—

7 (1) commit to increase efforts and coordination
8 to promote affordable, open, and gender-equitable
9 Internet access, in partnership with stakeholders and
10 consistent with host countries' absorptive capacity;

11 (2) integrate affordable and gender-equitable
12 Internet access data into existing economic and busi-
13 ness assessments, evaluations, and indexes such as
14 the Millennium Challenge Corporation constraints
15 analysis, the Doing Business reports, International
16 Monetary Fund Article IV assessments and country
17 reports, and the Affordability Drivers Index;

18 (3) standardize the inclusion of broadband con-
19 duit as part of highway or comparable construction
20 projects in developing countries, in consultation with
21 telecommunications providers, unless—

22 (A) such inclusion would create an undue
23 burden;

1 (B) such inclusion is not necessary based
2 on the availability of existing broadband infra-
3 structure;

4 (C) such inclusion would require the incor-
5 poration of the hardware, software, or mainte-
6 nance of vendors likely to be subject to
7 extrajudicial direction from a foreign govern-
8 ment; or

9 (D) a cost-benefit analysis determines that
10 the cost of such inclusion outweighs the bene-
11 fits;

12 (4) provide technical assistance to the regu-
13 latory authorities in developing countries to remove
14 unnecessary barriers to investment and develop regu-
15 lations to support market growth and development;

16 (5) utilize clear, accountable, and metric-based
17 targets, including targets with gender-disaggregated
18 data, to measure the effectiveness of efforts to pro-
19 mote Internet access; and

20 (6) promote and protect human rights online,
21 such as the freedoms of expression, religion, belief,
22 assembly, and association, through resolutions, pub-
23 lic statements, projects, and initiatives, and advo-
24 cating that member states of such bodies are held
25 accountable for violations.

1 (g) REPORTING REQUIREMENT ON IMPLEMENTATION
2 EFFORTS.—Not later than one year after the date of the
3 enactment of this Act, the President shall submit to the
4 appropriate congressional committees a report on efforts
5 to implement the policy described in this Act and, to the
6 extent practicable, describe efforts by the United States
7 Government to—

8 (1) provide technical and regulatory assistance
9 to promote Internet access in developing countries;

10 (2) strengthen and support development of reg-
11 ulations that incentivize market growth that contrib-
12 utes to increased Internet access in developing coun-
13 tries;

14 (3) encourage public and private investment in
15 Internet infrastructure, including broadband net-
16 works and services, in developing countries;

17 (4) increase gender-equitable Internet access
18 and close gender gaps in Internet and other infor-
19 mation and communications technology adoption and
20 use, especially in countries in which social norms
21 limit such adoption and use by women and girls, and
22 otherwise encourage or support Internet deployment,
23 competition, and adoption; and

1 (5) conduct outreach and explore partnership
2 opportunities with the private sector on activities
3 that advance the policy described in this Act.

4 **SEC. 5. COST LIMITATION.**

5 No additional funds are authorized to be appro-
6 priated to carry out the provisions of this Act.

7 **SEC. 6. RULE OF CONSTRUCTION.**

8 Nothing in this Act may be construed to infringe
9 upon the related functions of any Executive agency (as
10 defined in section 105 of title 5, United States Code) vest-
11 ed in such agency under any other provision of law.

○