

116TH CONGRESS  
1ST SESSION

# H. R. 1359

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

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## 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

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## 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.

○