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# H. R. 600

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IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2017

Received; read twice and referred to the Committee on Foreign Relations

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## 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 2017” or the “Digital GAP Act”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to—

6 (1) encourage the efforts of developing coun-  
7 tries to improve mobile and fixed access to the Inter-  
8 net in order to catalyze innovation, spur economic  
9 growth and job creation, improve health, education,  
10 and financial services, reduce poverty and gender in-  
11 equality, mitigate disasters, promote democracy and  
12 good governance, and strengthen cybersecurity;

13 (2) promote build once policies and approaches  
14 and the multi-stakeholder approach to Internet gov-  
15 ernance; and

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

18 **SEC. 3. FINDINGS.**

19 Congress finds the following:

20 (1) The number of Internet users worldwide  
21 has more than tripled from 1 billion to 3.2 billion  
22 since 2005, yet the growth rate of Internet access is  
23 slowing. An estimated 4.2 billion people, or 60 per-  
24 cent of the world’s population, remain offline, an es-  
25 timated 75 percent of the offline population lives in  
26 just 20 countries, and rural, female, elderly, illit-

1 erate, and low-income populations are being left be-  
2 hind.

3 (2) Studies suggest that women across the de-  
4 veloping world are disproportionately affected by a  
5 digital gap, and that bringing an additional 600 mil-  
6 lion women online would contribute \$13 billion to  
7 \$18 billion to annual GDP across 144 developing  
8 countries.

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

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

20 **SEC. 4. STATEMENT OF POLICY.**

21 Congress declares that it is the policy of the United  
22 States to consult, partner, and coordinate with the govern-  
23 ments of foreign countries, international organizations, re-  
24 gional economic communities, businesses, civil society, and

1 other stakeholders in a concerted effort to close the digital  
2 gap by promoting—

3 (1) first-time Internet access to mobile or  
4 broadband Internet for at least 1.5 billion people in  
5 developing countries by 2020 in both urban and  
6 rural areas;

7 (2) Internet deployment and related coordina-  
8 tion, capacity building, and build once policies and  
9 approaches in developing countries, including actions  
10 to encourage—

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

21 (B) adoption and integration of build once  
22 policies and approaches into the development  
23 and investment strategies of national and local  
24 government agencies of developing countries  
25 and donor governments and organizations that

1 will enhance coordination with the private sec-  
2 tor for road building, pipe laying, and other  
3 major infrastructure projects; and

4 (C) provision of increased financial support  
5 by international organizations, including  
6 through grants, loans, and technical assistance,  
7 to expand information and communications ac-  
8 cess and Internet connectivity;

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

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

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

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

1           (4) the removal of tax and regulatory barriers  
2 to Internet access;

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

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

8                 (B) entrepreneurship and distance learning  
9 enabled by access to technology;

10          (6) use of the Internet to bolster democracy,  
11 government accountability, transparency, and human  
12 rights, including through the establishments of poli-  
13 cies, initiatives, and investments that—

14                 (A) support the development of national  
15 Internet plans that are consistent with United  
16 States human rights goals, including freedom of  
17 expression, religion, assembly, and association;

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

23                 (C) advance the principles of responsible  
24 Internet governance, including commitments to  
25 maintain open and equitable access; and

1 (D) support programs, research, and tech-  
2 nologies that safeguard human rights and fun-  
3 damental freedoms online, and enable political  
4 organizing and activism, free speech, and reli-  
5 gious expression that are in compliance with  
6 international human rights standards;

7 (7) Internet access and inclusion into Internet  
8 policymaking for women, people with disabilities, mi-  
9 norities, low-income and marginalized groups, and  
10 underserved populations;

11 (8) cybersecurity and data protection, including  
12 international use of the National Institute of Stand-  
13 ards and Technology (NIST) Framework for Im-  
14 proving Critical Infrastructure Cybersecurity, that  
15 are industry-led and globally recognized cybersecu-  
16 rity standards and best practices; and

17 (9) inter-agency coordination and cooperation  
18 across all executive branch agencies regarding the  
19 construction and promotion of Internet initiatives as  
20 a greater part of United States foreign policy.

21 **SEC. 5. LEVERAGING INTERNATIONAL SUPPORT.**

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

1 goals of the United States, to advocate that each such  
2 body—

3           (1) commit to increase efforts and coordination  
4           to promote affordable and gender-equitable Internet  
5           access, in partnership with stakeholders and con-  
6           sistent with host countries' absorptive capacity;

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

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

23          (4) provide technical assistance to the regu-  
24          latory authorities in developing countries to remove  
25          unnecessary barriers to investment in otherwise com-



1       mercially viable projects and strengthen weak regu-  
2       lations or develop new regulations to support market  
3       growth and development;

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

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

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

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

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

4 (1) update existing training programs relevant  
5 to policy discussions;

6 (2) promote the recruitment of candidates with  
7 technical expertise into the Civil Service and the  
8 Foreign Service; and

9 (3) work to improve inter-agency coordination  
10 and cooperation on cybersecurity and Internet initia-  
11 tives.

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

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

1 **SEC. 7. USAID.**

2 It is the sense of Congress that the Administrator  
3 of the United States Agency for International Develop-  
4 ment should—

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

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

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

1 **SEC. 8. PEACE CORPS.**

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

4 (1) redesignating subsection (h) as subsection  
5 (e); and

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

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

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

18 **SEC. 9. PARTNERSHIP FRAMEWORK.**

19 Not later than 180 days after the date of the enact-  
20 ment of this Act, the President shall transmit to the Com-  
21 mittee on Foreign Affairs of the House of Representatives  
22 and the Committee on Foreign Relations of the Senate  
23 plans to promote partnerships by United States develop-  
24 ment agencies, including the United States Agency for  
25 International Development and the Millennium Challenge  
26 Corporation, and international agencies funded by the

1 United States Government with the private sector and  
2 other stakeholders to expand affordable and gender equi-  
3 table access to the Internet in developing countries, includ-  
4 ing the following elements:

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

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

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

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

19 Not later than 180 days after the date of the enact-  
20 ment of this Act, the President shall transmit to the Com-  
21 mittee on Foreign Affairs of the House of Representatives  
22 and the Committee on Foreign Relations of the Senate  
23 a report on efforts to implement the policies specified in  
24 this Act 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) Developing 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) Identifying 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) Strengthening and supporting development  
12 of regulations that incentivize market growth and  
13 sector development.

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

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

20 (6) Improving the affordability of Internet ac-  
21 cess.

22 (7) Promoting technology and cybersecurity ca-  
23 pacity building efforts and consult technical experts  
24 for advice regarding options to accelerate the ad-

1 vancement of Internet deployment, adoption, and  
2 usage.

3 (8) Promoting Internet freedom globally and in-  
4 clude civil society and the private sector in the for-  
5 mulation of policies, projects, and advocacy efforts  
6 to protect human rights online.

7 (9) Promoting and strengthening the multi-  
8 stakeholder model of Internet governance and ac-  
9 tively participate in multi-stakeholder international  
10 fora, such as the Internet Governance Forum.

11 (10) Advancing a strategy to promote—

12 (A) global cybersecurity policy consistent  
13 with the National Institute of Standards and  
14 Technology (NIST) Framework for Improving  
15 Critical Infrastructure Cybersecurity;

16 (B) global Internet freedom principles,  
17 such as the freedoms of expression, religion, as-  
18 sembly, and association, while combating efforts  
19 to impose restrictions on such freedoms; and

20 (C) improved inter-agency coordination  
21 and cooperation on cybersecurity and Internet  
22 initiatives.

23 **SEC. 11. DEFINITIONS.**

24 In this Act:

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

5           (2) BROADBAND CONDUIT.—The term  
6 “broadband conduit” means a conduit for fiber optic  
7 cables that support broadband or wireless facilities  
8 for broadband service.

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

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

23           (5) STAKEHOLDERS.—The term “stakeholders”  
24 means the private sector, the public sector, coopera-  
25 tives, civil society, the technical community that de-



1 velops Internet technologies, standards, implementa-  
2 tion, operations, and applications, and other groups  
3 that are working to increase Internet access or are  
4 impacted by the lack of Internet access in their com-  
5 munities.

Passed the House of Representatives January 24,  
2017.

Attest:

KAREN L. HAAS,

*Clerk.*