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IN THE SENATE OF THE UNITED STATES

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

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 2019” 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 and secure mobile and fixed access
8 to the Internet in order to catalyze innovation, spur
9 economic growth and job creation, improve health,
10 education, and financial services, reduce poverty and
11 gender inequality, mitigate disasters, and promote
12 free speech, democracy, and good governance;

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 that end.

18 **SEC. 3. FINDINGS.**

19 Congress makes the following findings:

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

1 (2) The number of Internet users has more
2 than tripled from 1,000,000,000 to over
3 3,000,000,000 since 2005, including 2,000,000,000
4 living in the developing world, yet more than half of
5 the world's population remains offline, living without
6 the economic and social benefits of the Internet. By
7 the end of 2016, over 80 percent of households in
8 the developed world had Internet access, compared
9 with just 40 percent of households in developing
10 countries and just 11 percent in the world's least de-
11 veloped countries. Of the world's offline population,
12 an estimated 75 percent live in just 20 countries,
13 and rural, female, elderly, illiterate, and low-income
14 populations are being left behind.

15 (3) Studies suggest that women are dispropor-
16 tionately affected by a digital gap in developing
17 countries, where there are on average 23 percent
18 fewer women online than men. Bringing an addi-
19 tional 600,000,000 women online could contribute
20 \$13,000,000,000 to \$18,000,000,000 to annual
21 GDP across 144 developing countries.

22 (4) The United States has been a leader in pro-
23 moting access to an open, secure, interoperable
24 Internet around the world. Recognizing that support
25 for expanded Internet access furthers United States

1 economic and foreign policy interests, including ef-
2 forts to end extreme global poverty and enabling re-
3 siliant, democratic societies, the Department of State
4 launched a diplomatic effort called “Global Con-
5 nect”.

6 (5) Internet access in developing countries is
7 hampered, in part, by a lack of infrastructure and
8 a poor regulatory environment for investment. Build-
9 once policies and approaches, which seek to coordi-
10 nate public and private sector investments in roads
11 and other critical infrastructure, can reduce the
12 number and scale of excavation and construction ac-
13 tivities when installing telecommunications infra-
14 structure in rights-of-way, thereby reducing installa-
15 tion costs for high-speed Internet networks and serv-
16 ing as a development best practice.

17 **SEC. 4. EXPANDING INTERNET ACCESS IN DEVELOPING**
18 **COUNTRIES.**

19 (a) DEFINITIONS.—In this section:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

23 (A) the Committee on Foreign Relations,
24 the Committee on Commerce, Science, and

1 Transportation, and the Committee on Appro-
2 priations of the Senate; and

3 (B) the Committee on Foreign Affairs, the
4 Committee on Energy and Commerce, and the
5 Committee on Appropriations of the House of
6 Representatives.

7 (2) BROADBAND.—The term “broadband”
8 means an Internet Protocol-based transmission serv-
9 ice that enables users to send and receive voice,
10 video, data, graphics, or a combination thereof,
11 using technologies including fiber optic, mobile, sat-
12 ellite, and Wi-Fi.

13 (3) BROADBAND CONDUIT.—The term “broad-
14 band conduit” means a conduit for fiber optic cables
15 and other connectivity technologies that support
16 broadband or wireless facilities for broadband serv-
17 ice.

18 (4) BUILD-ONCE POLICIES AND APPROACHES.—
19 The term “build-once policies and approaches”
20 means policies or practices that encourage the inte-
21 gration of Internet infrastructure into traditional in-
22 frastructure projects that minimize the number and
23 scale of excavation and construction activities when
24 installing telecommunications infrastructure in

1 rights-of-way to reduce costs, such as by laying fiber
2 optic cable simultaneously with road construction.

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

11 (b) POLICY.—It is the policy of the United States to
12 consult, partner, and coordinate with the governments of
13 foreign countries, international organizations, regional
14 economic communities, businesses, civil society, and other
15 stakeholders in a concerted effort to close the digital gap
16 by increasing public and private investments in secure
17 Internet infrastructure and creating conditions for uni-
18 versal Internet access and usage worldwide by pro-
19 moting—

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

24 (2) Internet deployment and related coordina-
25 tion, capacity building, and build-once policies and

1 approaches in developing countries, including actions
2 to encourage—

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

13 (B) adoption and integration of build-once
14 policies and approaches into the development
15 and investment strategies of national and local
16 government agencies of developing countries
17 and donor governments and organizations that
18 will enhance coordination with the private sec-
19 tor for road building, pipe laying, major infra-
20 structure projects, and development-related con-
21 struction such as schools, clinics, and civic
22 buildings;

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

1 partnerships to expand information and com-
2 munications access and Internet connectivity;
3 and

4 (D) avoidance of vendors and contractors
5 likely to be subject to extrajudicial direction
6 from a foreign government;

7 (3) policy and regulatory approaches that pro-
8 mote a competitive market for investment and inno-
9 vation in Internet infrastructure and service to en-
10 courage first-time, affordable access to the Internet
11 in developing countries, including actions to encour-
12 age, as appropriate—

13 (A) the integration of universal and gen-
14 der-equitable Internet access and adoption
15 goals, to be informed by the collection of related
16 gender disaggregated data and research on so-
17 cial norms that often limit women’s and girls’
18 use of the Internet, into national development
19 plans and United States Government country-
20 level strategies;

21 (B) effective, transparent, and efficient
22 spectrum allocation processes and reforms of
23 competition laws that may impede the ability of
24 companies to provide Internet services; and

1 (C) efforts to improve procurement proc-
2 esses to help attract and incentivize investment
3 in secure Internet infrastructure;

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

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

8 (A) policies and strategies to remove re-
9 strictions to e-commerce, cross-border informa-
10 tion flows, and competitive marketplaces; and

11 (B) entrepreneurship and distance learning
12 enabled by access to technology;

13 (6) the use of the Internet to bolster democ-
14 racy, government accountability, transparency, gen-
15 der equity, and human rights, including through the
16 establishment of policies, initiatives, and investments
17 that—

18 (A) support the development of national
19 broadband plans or information and commu-
20 nication technologies strategies that are con-
21 sistent with fundamental civil and political
22 rights, including freedom of expression, religion,
23 belief, assembly, and association;

24 (B) expand online access to government in-
25 formation and services to enhance government

1 accountability and service delivery, including for
2 areas in which government may have limited
3 presence; and

4 (C) support expression of free speech and
5 enable political organizing and activism in sup-
6 port of human rights and democracy through
7 activities that expand access to independent
8 sources of news and information and safeguard
9 human rights and fundamental freedoms online,
10 in compliance with international human rights
11 standards;

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

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

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

1 (10) the creation and support of research and
2 educational networks;

3 (11) cybersecurity, data protection, and privacy,
4 including international use of the latest version of
5 the National Institute of Standards and Technology
6 Framework for Improving Critical Infrastructure
7 Cybersecurity; and

8 (12) interagency coordination and cooperation
9 across all executive branch agencies regarding the
10 promotion of Internet initiatives as a part of United
11 States foreign policy.

12 (c) DEPARTMENT OF STATE.—The Secretary of
13 State, in coordination with other agencies, multilateral in-
14 stitutions, foreign countries, and stakeholders, shall ad-
15 vance the policy articulated in this Act and promote ex-
16 panded Internet connectivity worldwide, as appropriate,
17 by—

18 (1) encouraging foreign countries to prioritize
19 secure Internet connectivity in development plans;

20 (2) promoting the formation of region-specific
21 multi-sector working groups to ensure technical and
22 regulatory best practices; and

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

1 (d) USAID.—The Administrator of the United
2 States Agency for International Development (USAID)
3 should advance the policy articulated in this Act and sup-
4 port expanded Internet connectivity worldwide, as appro-
5 priate, by—

6 (1) supporting efforts to expand secure Internet
7 infrastructure and improve digital literacy, and other
8 appropriate measures to improve Internet
9 connectivity and usage, in close coordination with
10 the Secretary of State;

11 (2) encouraging public and private investment
12 in Internet infrastructure and services of developing
13 countries that takes into consideration the data se-
14 curity and integrity risks attendant to the products
15 and services of vendors likely to be subject to
16 extrajudicial direction from a foreign government;

17 (3) integrating efforts to expand Internet ac-
18 cess, develop appropriate, sustainable, and equitable
19 technologies, and enhance digital literacy and the
20 availability of relevant local content across develop-
21 ment sectors, such as USAID health, education, ag-
22 riculture, and economic development programs;

23 (4) expanding the utilization of information and
24 communications technologies in humanitarian aid
25 and disaster relief responses and United States oper-

1 ations involving reconstruction and stabilization to
2 improve donor coordination, reduce duplication and
3 waste, capture and share lessons learned, and aug-
4 ment disaster preparedness and risk mitigation
5 strategies;

6 (5) establishing and promoting guidelines for
7 the protection of personal information of individuals
8 served by humanitarian, disaster, and development
9 programs directly through the United States Gov-
10 ernment, and through contracts funded by the
11 United States Government and by international or-
12 ganizations; and

13 (6) establishing programs that directly address
14 and seek to close gaps in access, adoption, and use
15 of the Internet and other information and commu-
16 nications technologies by women, minorities, and
17 other marginalized groups.

18 (e) PEACE CORPS.—Section 3 of the Peace Corps Act
19 (22 U.S.C. 2502) is amended—

20 (1) by redesignating subsection (h) as sub-
21 section (e); and

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

23 “(f) It is the sense of Congress that access to the
24 Internet can transform agriculture, community economic
25 development, education, environment, health, and youth

1 development, which are the sectors in which Peace Corps
2 develops positions for volunteers.

3 “(g) In giving attention to the programs, projects,
4 training, and other activities referred to in subsection (f),
5 the Peace Corps should develop positions for volunteers
6 that include leveraging the Internet, as appropriate, for
7 development, education, and social and economic mobil-
8 ity.”.

9 (f) LEVERAGING INTERNATIONAL SUPPORT.—In
10 pursuing the policy described in this Act, the President
11 should direct United States representatives to appropriate
12 international bodies to use the influence of the United
13 States, consistent with the broad development goals of the
14 United States, to advocate that each such body—

15 (1) commit to increase efforts and coordination
16 to promote affordable, open, and gender-equitable
17 Internet access, in partnership with stakeholders and
18 consistent with host countries’ absorptive capacity;

19 (2) integrate affordable and gender-equitable
20 Internet access data into existing economic and busi-
21 ness assessments, evaluations, and indexes such as
22 the Millennium Challenge Corporation constraints
23 analysis, the Doing Business reports, International
24 Monetary Fund Article IV assessments and country
25 reports, and the Affordability Drivers Index;

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

5 (A) such inclusion would create an undue
6 burden;

7 (B) such inclusion is not necessary based
8 on the availability of existing broadband infra-
9 structure;

10 (C) such inclusion would require the incor-
11 poration of the hardware, software, or mainte-
12 nance of vendors likely to be subject to
13 extrajudicial direction from a foreign govern-
14 ment; or

15 (D) a cost-benefit analysis determines that
16 the cost of such inclusion outweighs the bene-
17 fits;

18 (4) provide technical assistance to the regu-
19 latory authorities in developing countries to remove
20 unnecessary barriers to investment and develop regu-
21 lations to support market growth and development;

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

1 (6) promote and protect human rights online,
2 such as the freedoms of expression, religion, belief,
3 assembly, and association, through resolutions, pub-
4 lic statements, projects, and initiatives, and advo-
5 cating that member states of such bodies are held
6 accountable for violations.

7 (g) REPORTING REQUIREMENT ON IMPLEMENTATION
8 EFFORTS.—Not later than 1 year after the date of the
9 enactment of this Act, the President shall submit to the
10 appropriate congressional committees a report on efforts
11 to implement the policy described in this Act and, to the
12 extent practicable, describe efforts by the United States
13 Government to—

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

16 (2) strengthen and support development of reg-
17 ulations that incentivize market growth that contrib-
18 utes to increased Internet access in developing coun-
19 tries;

20 (3) encourage public and private investment in
21 Internet infrastructure, including broadband net-
22 works and services, in developing countries;

23 (4) increase gender-equitable Internet access
24 and close gender gaps in Internet and other infor-
25 mation and communications technology adoption and

1 use, especially in countries in which social norms
2 limit such adoption and use by women and girls, and
3 otherwise encourage or support Internet deployment,
4 competition, and adoption; and

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

8 **SEC. 5. COST LIMITATION.**

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

11 **SEC. 6. RULE OF CONSTRUCTION.**

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

Passed the House of Representatives May 20, 2019.

Attest: CHERYL L. JOHNSON,
Clerk.