

111TH CONGRESS
2D SESSION

H. R. 5694

To combat trade barriers that threaten the maintenance of a single, open, global Internet, that mandate unique technology standards as a condition of market access and related measures, and to promote the free flow of information.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2010

Ms. ZOE LOFGREN of California (for herself, Mr. NEAL of Massachusetts, Mr. GOODLATTE, Mr. GEORGE MILLER of California, Mr. MCCAUL, Mr. GORDON of Tennessee, Mr. BECERRA, Mr. THOMPSON of California, Mr. BLUMENAUER, and Ms. ESHOO) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Foreign Affairs and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To combat trade barriers that threaten the maintenance of a single, open, global Internet, that mandate unique technology standards as a condition of market access and related measures, and to promote the free flow of information.

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 “One Global Internet
3 Act of 2010”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) A single, open, global Internet is a vital tool
7 for facilitating the free and secure flow of informa-
8 tion and products without regard to distances or na-
9 tional boundaries.

10 (2) The goal of a single, open, global Internet
11 is best supported by policies that—

12 (A) encourage utilization on a global basis
13 of technology standards set by international
14 standards-setting organizations, including in-
15 dustry-led and other voluntary bodies, and se-
16 lected by the market;

17 (B) respect the security of information and
18 privacy of Internet users;

19 (C) respect the rights of intellectual prop-
20 erty owners and users and promote investment
21 in Internet-related innovation;

22 (D) refrain from compelling Internet serv-
23 ice providers and other intermediaries to re-
24 strict the free flow of information on the Inter-
25 net; and

1 (E) allow trade in Internet-related goods,
2 services, information, and content, in accord-
3 ance with international trade agreements.

4 (3) Certain governments are adopting policies
5 contrary to the goal of a single open, global Internet,
6 including—

7 (A) mandating unique technology stand-
8 ards favoring domestic producers as a condition
9 of market access or pursuing related policies re-
10 garding standard-setting that are discrimina-
11 tory and subvert the open, global nature of the
12 Internet;

13 (B) requiring that companies forfeit their
14 intellectual property in Internet-related tech-
15 nologies as a condition of market access for
16 commercial and civilian uses or government
17 procurement;

18 (C) sponsoring or tolerating the use of
19 Internet-related tools to gain unauthorized ac-
20 cess to public-sector and private-sector net-
21 works in the United States to disrupt their op-
22 eration or for the purpose of misappropriation
23 or infringement of intellectual property;

24 (D) blocking, filtering, or otherwise re-
25 stricting Internet communications in a manner

1 that discriminates against Internet-based serv-
2 ices and content originating in other countries;
3 and

4 (E) imposing market access requirements
5 or liabilities that discriminate against or other-
6 wise impede Internet-related goods, services and
7 content from other countries.

8 (4) Such actions threaten the interests of the
9 United States by—

10 (A) facilitating attempts by foreign govern-
11 ments to restrict or disrupt the free flow of in-
12 formation on the Internet;

13 (B) promoting “national Internets” in con-
14 flict with the underlying rationale and architec-
15 ture of the Internet as originally envisioned and
16 constructed, thereby compromising the Inter-
17 net’s full functionality and promise;

18 (C) harming United States workers and
19 businesses, undermining a strong United States
20 industrial base, and putting foreign competitors
21 at an advantage; and

22 (D) putting at risk the utility of the Inter-
23 net as a tool of open communication, assembly,
24 and commerce, and the individuals who seek to
25 use it for such purposes.

1 **SEC. 3. TASK FORCE ON THE GLOBAL INTERNET.**

2 (a) ESTABLISHMENT.—

3 (1) IN GENERAL.—There is established within
4 the executive branch a Task Force on the Global
5 Internet (in this Act referred to as the “Task
6 Force”).

7 (2) CHAIRPERSON.—The President shall select
8 from among the members of the Task Force under
9 subsection (b) an individual to serve as Chairperson.

10 (b) COMPOSITION.—The Task Force shall consist of
11 the United States Trade Representative, the Secretary of
12 State, the Chief Technology Officer, the Secretary of Com-
13 merce, the Assistant Secretary for Communications and
14 Information of the National Telecommunications and In-
15 formation Administration, the Secretary of Defense, the
16 Attorney General, the Director of the National Institute
17 of Standards and Technology, the White House Cyberse-
18 curity Coordinator, and the heads of other executive
19 branch departments and agencies, as appropriate, acting
20 through their respective designees. The head of any such
21 department or agency may detail such personnel and may
22 furnish such services, with or without reimbursement, as
23 the Task Force may request to assist in carrying out its
24 functions.

25 (c) FUNCTIONS.—In addition to such other respon-
26 sibilities the President may assign, the Task Force shall—

1 (1) develop and implement strategies in re-
2 response to foreign government policies that
3 unjustifiably or unreasonably burden or restrict
4 international trade in Internet-related goods, serv-
5 ices, and content, mandate or otherwise preference
6 Internet-related technology standards and related
7 measures, impede the free flow of information on the
8 Internet, or otherwise threaten the interests of the
9 United States in Internet-related international trade
10 and the open, global nature of the Internet;

11 (2) coordinate the activity of all executive
12 branch departments and agencies as necessary to
13 implement the strategies developed in accordance
14 with paragraph (1); and

15 (3) prepare a report and action plan in accord-
16 ance with section 4.

17 **SEC. 4. REPORT AND ACTION PLAN TO CONGRESS.**

18 (a) IN GENERAL.—Not later than six months after
19 the date of the enactment of this Act and annually there-
20 after, the Task Force shall transmit to the Committee on
21 Ways and Means of the House of Representatives and the
22 Committee on Finance of the Senate a report and action
23 plan that—

24 (1) identifies acts, policies, or practices of a for-
25 eign government and related measures that—

1 (A) deny fair and equitable market access
2 to or otherwise unjustifiably or unreasonably
3 burden or restrict trade in Internet-related
4 goods, services, and content;

5 (B) mandate, give preference to, or pro-
6 mote Internet-related technology standards that
7 diverge from widely adopted international
8 standards, or otherwise lead to the adoption of
9 discriminatory or trade-restrictive technology
10 standards or conformity assessment procedures;

11 (C) require the forfeiture of intellectual
12 property of Internet-related technologies as a
13 condition for market access; or

14 (D) otherwise threaten the interests of the
15 United States in the technical operation, secu-
16 rity, and free flow of global Internet commu-
17 nications;

18 (2) estimates the trade-distorting impact of
19 measures identified under paragraph (1) on United
20 States commerce and the functioning of the Inter-
21 net;

22 (3) designates which measures identified under
23 paragraph (1) are priority concerns;

24 (4) sets forth a strategy and actions to be taken
25 by executive branch departments and agencies in re-

1 sponse to measures identified under paragraph (1);
2 and

3 (5) provides information with respect to any ac-
4 tion taken (or the reasons if no action is taken) in
5 response to any such measures identified in prior
6 years' reports, including such actions as are required
7 under section 5.

8 (b) FORM OF REPORTS.—The reports and action
9 plans required under subsection (a) may contain a classi-
10 fied annex if the Task Force determines that such is ap-
11 propriate.

12 (c) COORDINATION AND NOTICE.—In preparing each
13 annual report and action plan required under subsection
14 (a), the Task Force shall—

15 (1) seek public participation by publishing no-
16 tice in the Federal Register and holding a public
17 hearing;

18 (2) consult and coordinate with all relevant ex-
19 ecutive branch departments and agencies; and

20 (3) take into account information from such
21 sources as may be available to the United States
22 Trade Representative and such information as may
23 be submitted to the Trade Representative by inter-
24 ested persons, including information contained in re-
25 ports submitted under section 181 of the Trade Act

1 of 1974 (19 U.S.C. 2241 (b)) and petitions sub-
2 mitted under section 302 of such Act (19 U.S.C.
3 2412).

4 (d) PUBLICATION.—The Task Force shall publish in
5 the Federal Register the report and action plan trans-
6 mitted to Congress under subsection (a), but shall omit
7 information transmitted to Congress under subsection (b).

8 **SEC. 5. SECTION 301 INVESTIGATION AND POTENTIAL**
9 **SANCTIONS.**

10 Not later than 30 days after the transmission of each
11 annual report and action plan required under section 4,
12 the United States Trade Representative shall, in accord-
13 ance with the requirements of sections 301–304 of the
14 Trade Act of 1974 (19 U.S.C. 2411–2414), initiate an in-
15 vestigation, make any determinations required, and take
16 any actions specified under such sections with respect to
17 any acts, policies, or practices of a foreign government
18 that are identified in each such annual report and action
19 plan as priority concerns, including restrictions on sale in
20 the United States of products developed and manufac-
21 tured in countries implementing such acts, policies, or
22 practices.

1 **SEC. 6. REVIEW AND INVESTIGATION BY FEDERAL TRADE**
2 **COMMISSION AND DEPARTMENT OF JUSTICE.**

3 (a) REVIEW AND INVESTIGATION.—The Federal
4 Trade Commission and the Attorney General shall—

5 (1) review each act, policy, or practice described
6 in paragraph (1) of section 4(a) that is contained in
7 a report or an action plan transmitted under such
8 section to Congress; and

9 (2) investigate whether such act, policy, or
10 practice (or any related action by a nongovernmental
11 entity) violates any of the antitrust laws.

12 (b) DEFINITION.—For purposes of this section, the
13 term “antitrust laws” has the meaning given it in sub-
14 section (a) of the first section of the Clayton Act (15
15 U.S.C. 12(a)), except that such term includes section 5
16 of the Federal Trade Commission Act (15 U.S.C. 45) to
17 the extent such section 5 applies to unfair methods of com-
18 petition.

19 **SEC. 7. REPORT TO CONGRESS ON INTERNATIONAL TRADE**
20 **AGREEMENTS.**

21 (a) REPORT.—Not later than two years after the date
22 of the enactment of this Act, the Task Force shall submit
23 to Congress a report that—

24 (1) assesses the sufficiency of existing multilat-
25 eral and bilateral trade agreements in—

1 (A) promoting international trade in Inter-
2 net-related goods, services, and content;

3 (B) encouraging the utilization on a global
4 basis of technology standards set by inter-
5 national standard-setting organizations;

6 (C) protecting the security and functioning
7 of the Internet; and

8 (D) facilitating the free flow of information
9 on the Internet; and

10 (2) recommends, as appropriate, modifications
11 of existing agreements or the negotiation of new
12 agreements to advance the objectives identified in
13 paragraph (1).

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the negotiating objectives of the United States
16 for future bilateral and multilateral trade agreements
17 should include the goals specified in subsection (a)(1).

18 **SEC. 8. STANDARDS-RELATED TRAINING.**

19 The Task Force shall coordinate with intergovern-
20 mental, national government, and private sector entities,
21 including the National Institute of Standards and Tech-
22 nology, the Patent and Trademark Office, the Trade and
23 Development Agency, the United States Telecommuni-
24 cations Training Institute, the Department of Justice, the
25 Federal Trade Commission, and any other appropriate en-

1 titles, for the purpose of organizing training of foreign
2 government officials and national standard-setting and
3 conformity assessment bodies with respect to best prac-
4 tices, including coordination with nongovernmental inter-
5 national standards bodies, in accordance with the annual
6 report and action plan required under Section 4.

7 **SEC. 9. OUTSIDE CONSULTATION.**

8 The Task Force shall establish a regularized process
9 to receive timely input from businesses, organizations, ex-
10 perts, and other interested parties regarding the fulfill-
11 ment of its functions.

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