

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

H. R. 600

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. MARKEY

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Digital Global Access

5 Policy Act of 2018” 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 mobile and fixed access to the Inter-

10 net in order to catalyze innovation, spur economic

11 growth and job creation, improve health, education,

1 and financial services, reduce poverty and gender in-
2 equality, mitigate disasters, and promote democracy
3 and good governance;

4 (2) promote build-once policies and approaches
5 and the multi-stakeholder approach to Internet gov-
6 ernance; and

7 (3) ensure the effective use of United States
8 foreign assistance resources toward that end.

9 **SEC. 3. FINDINGS.**

10 Congress makes the following findings:

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

17 (2) The number of Internet users has more
18 than tripled from 1,000,000,000 to over
19 3,000,000,000 since 2005, including 2,000,000,000
20 living in the developing world, yet more than half of
21 the world's population remains offline, living without
22 the economic and social benefits of the Internet. By
23 the end of 2016, over 80 percent of households in
24 the developed world had Internet access, compared
25 with just 40 percent of households in developing

1 countries and just 11 percent in the world's least de-
2 veloped countries. Of the world's offline population,
3 an estimated 75 percent live in just 20 countries,
4 and rural, female, elderly, illiterate, and low-income
5 populations are being left behind.

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

13 (4) The United States has been a leader in pro-
14 moting access to an open, interoperable Internet
15 around the world. Recognizing that support for ex-
16 panded Internet access furthers United States eco-
17 nomic and foreign policy interests, including efforts
18 to end extreme global poverty and enabling resilient,
19 democratic societies, the Department of State
20 launched a diplomatic effort called "Global Con-
21 nect".

22 (5) Internet access in developing countries is
23 hampered, in part, by a lack of infrastructure and
24 a poor regulatory environment for investment. Build-
25 once policies and approaches, which seek to coordi-

1 nate public and private sector investments in roads
2 and other critical infrastructure, can reduce the
3 number and scale of excavation and construction ac-
4 tivities when installing telecommunications infra-
5 structure in rights-of-way, thereby reducing installa-
6 tion costs for high-speed Internet networks and serv-
7 ing as a development best practice.

8 **SEC. 4. EXPANDING INTERNET ACCESS IN DEVELOPING**
9 **COUNTRIES.**

10 (a) DEFINITIONS.—In this section:

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

14 (A) the Committee on Foreign Relations
15 and the Committee on Appropriations of the
16 Senate; and

17 (B) the Committee on Foreign Affairs and
18 the Committee on Appropriations of the House
19 of Representatives.

20 (2) BROADBAND.—The term “broadband”
21 means an Internet Protocol-based transmission serv-
22 ice that enables users to send and receive voice,
23 video, data, graphics, or a combination thereof,
24 using technologies including fiber optic, mobile, sat-
25 ellite, and Wi-Fi.

1 (3) BROADBAND CONDUIT.—The term
2 “broadband conduit” means a conduit for fiber optic
3 cables and other connectivity technologies that sup-
4 port broadband or wireless facilities for broadband
5 service.

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

15 (5) STAKEHOLDERS.—The term “stakeholders”
16 means the private sector, the public sector, coopera-
17 tives, civil society, the technical community that de-
18 velops Internet technologies, standards, implementa-
19 tion, operations, and applications, and other groups
20 that are working to increase Internet access or are
21 impacted by the lack of Internet access in their com-
22 munities.

23 (b) POLICY.—It is the policy of the United States to
24 consult, partner, and coordinate with the governments of
25 foreign countries, international organizations, regional

1 economic communities, businesses, civil society, and other
2 stakeholders in a concerted effort to close the digital gap
3 by increasing public and private investments in Internet
4 infrastructure and creating conditions for universal Inter-
5 net access and usage worldwide by promoting—

6 (1) first-time access to fixed or mobile
7 broadband Internet by 2026 for at least
8 1,500,000,000 people living in urban and rural areas
9 in developing countries;

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

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

24 (B) adoption and integration of build-once
25 policies and approaches into the development

1 and investment strategies of national and local
2 government agencies of developing countries
3 and donor governments and organizations that
4 will enhance coordination with the private sec-
5 tor for road building, pipe laying, major infra-
6 structure projects, and development-related con-
7 struction such as schools, clinics, and civic
8 buildings; and

9 (C) provision of increased financial support
10 by international organizations, including
11 through grants, loans, technical assistance, and
12 partnerships to expand information and com-
13 munications access and Internet connectivity;

14 (3) policy and regulatory approaches that pro-
15 mote a competitive market for investment and inno-
16 vation in Internet infrastructure and service to en-
17 courage first-time, affordable access to the Internet
18 in developing countries, including actions to encour-
19 age, as appropriate—

20 (A) the integration of universal and gen-
21 der-equitable Internet access and adoption
22 goals, to be informed by the collection of related
23 gender disaggregated data and research on so-
24 cial norms that often limit women's and girls'
25 use of the Internet, into national development

1 plans and United States Government country-
2 level strategies;

3 (B) effective, transparent, and efficient
4 spectrum allocation processes and reforms of
5 competition laws that may impede the ability of
6 companies to provide Internet services; and

7 (C) efforts to improve procurement proc-
8 esses to help attract and incentivize investment
9 in Internet infrastructure;

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

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

14 (A) policies and strategies to remove re-
15 strictions to e-commerce, cross-border informa-
16 tion flows, and competitive marketplaces; and

17 (B) entrepreneurship and distance learning
18 enabled by access to technology;

19 (6) the use of the Internet to bolster democ-
20 racy, government accountability, transparency, gen-
21 der equity, and human rights, including through the
22 establishment of policies, initiatives, and investments
23 that—

24 (A) support the development of national
25 broadband plans or information and commu-

1 nication technologies strategies that are con-
2 sistent with fundamental civil and political
3 rights, including freedom of expression, religion,
4 belief, assembly, and association;

5 (B) expand online access to government in-
6 formation and services to enhance government
7 accountability and service delivery, including for
8 areas in which government may have limited
9 presence;

10 (C) advance the principles of responsible
11 Internet governance, including commitments to
12 maintain open access; and

13 (D) support expression of free speech and
14 enable political organizing and activism in sup-
15 port of human rights and democracy through
16 activities that expand access to independent
17 sources of news and information and safeguard
18 human rights and fundamental freedoms online,
19 in compliance with international human rights
20 standards;

21 (7) programs and mechanisms that actively pro-
22 mote and advance access to and adoption of Internet
23 and other information and communications tech-
24 nologies by women, people with disabilities, minori-
25 ties, low-income and marginalized groups, and un-

1 derserved populations, such as programs that ad-
2 dress social norms and barriers to women’s active
3 participation in the digital economy or Internet pol-
4 icymaking;

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

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

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

12 (11) cybersecurity, data protection, and privacy,
13 including international use of the latest version of
14 the National Institute of Standards and Technology
15 Framework for Improving Critical Infrastructure
16 Cybersecurity; and

17 (12) interagency coordination and cooperation
18 across all executive branch agencies regarding the
19 promotion of Internet initiatives as a part of United
20 States foreign policy.

21 (c) DEPARTMENT OF STATE.—The Secretary of
22 State, in coordination with other agencies, multilateral in-
23 stitutions, foreign countries, and stakeholders, shall ad-
24 vance the policy articulated in this Act and promote ex-

1 panded Internet connectivity worldwide, as appropriate,
2 by—

3 (1) encouraging foreign countries to prioritize
4 Internet connectivity in development plans;

5 (2) promoting the formation of region-specific
6 multi-sector working groups to ensure technical and
7 regulatory best practices; and

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

10 (d) USAID.—The Administrator of the United
11 States Agency for International Development (USAID)
12 should advance the policy articulated in this Act and sup-
13 port expanded Internet connectivity worldwide, as appro-
14 priate, by—

15 (1) supporting efforts to expand Internet infra-
16 structure and improve digital literacy, and other ap-
17 propriate measures to improve Internet connectivity
18 and usage, in close coordination with the Secretary
19 of State;

20 (2) encouraging public and private investment
21 in Internet infrastructure and services of developing
22 countries;

23 (3) integrating efforts to expand Internet ac-
24 cess, develop appropriate, sustainable, and gender-
25 equitable technologies, and enhance digital literacy

1 and the availability of relevant local content across
2 development sectors, such as USAID health, edu-
3 cation, agriculture, and economic development pro-
4 grams;

5 (4) expanding the utilization of information and
6 communications technologies in humanitarian aid
7 and disaster relief responses and United States oper-
8 ations involving reconstruction and stabilization to
9 improve donor coordination, reduce duplication and
10 waste, capture and share lessons learned, and aug-
11 ment disaster preparedness and risk mitigation
12 strategies;

13 (5) establishing and promoting guidelines for
14 the protection of personal information of individuals
15 served by humanitarian, disaster, and development
16 programs directly through the United States Gov-
17 ernment, and through contracts funded by the
18 United States Government and by international or-
19 ganizations; and

20 (6) establishing programs that directly address
21 and seek to close gaps in access, adoption, and use
22 of Internet and other information and communica-
23 tions technologies by women, minorities, and other
24 marginalized groups.

1 (e) PEACE CORPS.—Section 3 of the Peace Corps Act
2 (22 U.S.C. 2502) is amended—

3 (1) by redesignating subsection (h) as sub-
4 section (e); and

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

6 “(f) It is the sense of Congress that access to the
7 Internet can transform agriculture, community economic
8 development, education, environment, health, and youth
9 development, which are the sectors in which Peace Corps
10 develops positions for volunteers.

11 “(g) In giving attention to the programs, projects,
12 training, and other activities referred to in subsection (f),
13 the Peace Corps should develop positions for volunteers
14 that include leveraging the Internet, as appropriate, for
15 development, education, and social and economic mobil-
16 ity.”.

17 (f) LEVERAGING INTERNATIONAL SUPPORT.—In
18 pursuing the policy described in this Act, the President
19 should direct United States representatives to appropriate
20 international bodies to use the influence of the United
21 States, consistent with the broad development goals of the
22 United States, to advocate that each such body—

23 (1) commit to increase efforts and coordination
24 to promote affordable, open, and gender-equitable

1 Internet access, in partnership with stakeholders and
2 consistent with host countries' absorptive capacity;

3 (2) integrate affordable and gender-equitable
4 Internet access data into existing economic and busi-
5 ness assessments, evaluations, and indexes such as
6 the Millennium Challenge Corporation constraints
7 analysis, the Doing Business reports, International
8 Monetary Fund Article IV assessments and country
9 reports, and the Affordability Drivers Index;

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

14 (A) such inclusion would create an undue
15 burden;

16 (B) such inclusion is not necessary based
17 on the availability of existing broadband infra-
18 structure; or

19 (C) a cost-benefit analysis determines that
20 the cost of such inclusion outweighs the bene-
21 fits;

22 (4) provide technical assistance to the regu-
23 latory authorities in developing countries to remove
24 unnecessary barriers to investment and develop reg-
25 ulations to support market growth and development;

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

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

11 (g) REPORTING REQUIREMENT ON IMPLEMENTATION
12 EFFORTS.—Not later than one year after the date of the
13 enactment of this Act, the President shall submit a report
14 to the appropriate congressional committees on efforts to
15 implement the policy described in this Act and, to the ex-
16 tent practicable, describe efforts by the United States Gov-
17 ernment to—

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

20 (2) strengthen and support development of reg-
21 ulations that incentivize market growth that contrib-
22 utes to increased Internet access in developing coun-
23 tries;

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

4 (4) increase gender-equitable Internet access
5 and close gender gaps in Internet and other infor-
6 mation and communications technology adoption and
7 use, especially in countries where social norms limit
8 such adoption and use by women and girls, and oth-
9 erwise encourage or support Internet deployment,
10 competition, and adoption; and

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