

114TH CONGRESS  
2D SESSION

# S. 3206

To promote worldwide access to the Internet, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 13, 2016

Mr. MARKEY introduced the following bill; which was read twice and referred  
to the Committee on Foreign Relations

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## A BILL

To promote worldwide access to 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 “Driving Innovation and  
5 Growth in Internet Technology and Launching Universal  
6 Access to the Global Economy (DIGITAL AGE) Act of  
7 2016”.

8 **SEC. 2. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**

9 **FINED.**

10 In this Act, the term “appropriate congressional com-  
11 mittees” means—

1           (1) the Committee on Foreign Relations and  
2           the Committee on Appropriations of the Senate; and

3           (2) the Committee on Foreign Affairs and the  
4           Committee on Appropriations of the House of Rep-  
5           resentatives.

6 **SEC. 3. PURPOSE.**

7           The purpose of this Act is to support and enhance  
8           existing United States Government efforts to expand ac-  
9           cess to the Internet for people living in developing coun-  
10          tries as a means to catalyze innovation and economic  
11          growth, promote democracy and good governance, create  
12          new educational opportunities, improve health outcomes,  
13          and strengthen global research networks.

14 **SEC. 4. FINDINGS.**

15          Congress makes the following findings:

16           (1) Internet access has been a driver of eco-  
17           nomic activity around the world. Unbounded by na-  
18           tional borders, it contains the potential to signifi-  
19           cantly reduce global economic inequality.

20           (2) Of more than 7,000,000,000 people in the  
21           world, 3,200,000,000 were using the Internet by  
22           2015. 40 percent of the world's population is now  
23           online, a seven-fold increase since the year 2000.  
24           2,000,000,000 of these people live in developing  
25           countries.

1           (3) Nevertheless, more than half of the world’s  
2           population remains offline, living without the eco-  
3           nomic and social benefits of the Internet, and devel-  
4           oping countries remain far behind global averages in  
5           terms of connectivity, creating a global “digital di-  
6           vide”. By the end of 2015, more than 80 percent of  
7           households in the developed world had Internet ac-  
8           cess, compared with just 34 percent of households in  
9           developing countries and just 7 percent of house-  
10          holds in the world’s least developed countries.

11          (4) There is inequality within countries as well.  
12          Across the developing world, there are on average 23  
13          percent fewer women online than men. Uneven  
14          connectivity and usage whether between countries or  
15          between people risks leaving those who are not on-  
16          line behind.

17          (5) With the Sustainable Development Goals,  
18          which the United States supports, the United Na-  
19          tions has set as a target to “[s]ignificantly increase  
20          access to information and communications tech-  
21          nology and strive to provide universal and affordable  
22          access to the Internet in least developed countries by  
23          2020”.

24          (6) Achieving this goal requires overcoming  
25          many barriers. Governments of developing countries

1 often lack the resources to make this investment,  
2 and there are sometimes significant barriers to pri-  
3 vate sector investment in connectivity, particularly in  
4 rural and other remote areas.

5 (7) In addition to obstacles to expanding  
6 connectivity infrastructure, there are often barriers  
7 to access even where that infrastructure is in place.  
8 In the world's least developed countries, one month  
9 of Internet access can cost well over the average per-  
10 son's annual income. The cost of devices for access-  
11 ing the Internet, a lack of digital and traditional lit-  
12 eracy, gender and other inequality, and limited lo-  
13 cally relevant content also combine to serve as bar-  
14 riers to universal Internet access and usage.

15 (8) Even where infrastructure and devices are  
16 available, some governments are active in censoring  
17 and restricting access to certain content and services  
18 and enhancing surveillance over and repression of  
19 online conduct in contravention of internationally  
20 recognized human rights standards. According to  
21 one global annual study, 61 percent the world's  
22 Internet users live in countries where criticism of the  
23 government, military, or ruling family has been sub-  
24 ject to censorship.

1           (9) While these are significant barriers, there  
2           are proven policies that countries can implement to  
3           address them. Creating a regulatory approach that  
4           promotes a competitive marketplace, taxing Internet  
5           access devices such as smartphones appropriately,  
6           promoting free expression and the free flow of data,  
7           and creating universal service funds are just some of  
8           the policies that can help bring the cost of infra-  
9           structure investment and Internet access to a more  
10          affordable level.

11          (10) The United States is already a leader in  
12          promoting access to open, interoperable Internet  
13          around the world. For example, in April 2016, the  
14          Department of State launched a new diplomatic ef-  
15          fort called “Global Connect”, which seeks to bring  
16          an additional 1,500,000,000 people online by 2020.

17          (11) United States Government support for ex-  
18          panded Internet access is not only in keeping with  
19          our global leadership in the effort to end extreme  
20          global poverty and enabling resilient, democratic so-  
21          cieties, but is also vital for United States national  
22          security and economic interests.

23 **SEC. 5. STATEMENT OF POLICY.**

24          It is the policy of the United States—

1           (1) to promote increased public and private in-  
2           vestment in Internet infrastructure and the creation  
3           of the conditions for universal Internet access and  
4           usage worldwide by working with—

5                   (A) foreign governments to encourage poli-  
6                   cies to increase coverage and reduce the cost of  
7                   access, including by—

8                           (i) creating a regulatory approach  
9                           that promotes a competitive market for in-  
10                           vestment and innovation in Internet infra-  
11                           structure and services, including fiber  
12                           optic, mobile, satellite, Wi-Fi and other  
13                           connectivity technologies as well as digital  
14                           financial services and other innovative  
15                           services and content that can drive use;

16                           (ii) developing policies for effective,  
17                           transparent and efficient spectrum alloca-  
18                           tion, ensuring adequate bandwidth is re-  
19                           leased to drive the expansion of 3G and 4G  
20                           services while also encouraging innovative  
21                           use of wireless technologies to meet public  
22                           interest goals;

23                           (iii) promoting policies that encourage  
24                           infrastructure sharing and are aimed at  
25                           creating incentives for network operators

1 to share backbone, tower, and other forms  
2 of communications infrastructure, as a  
3 means to significantly lower network costs;

4 (iv) promoting policies that encourage  
5 the integration of Internet infrastructure  
6 into traditional infrastructure projects to  
7 reduce costs, such as by laying of fiber  
8 optic cable simultaneously with road con-  
9 struction;

10 (v) promoting mechanisms for public  
11 financing of rural broadband connectivity  
12 and digital inclusion, such as transparent  
13 and well-managed universal service funds,  
14 similar to the one managed by the Federal  
15 Communications Commission, which also  
16 includes the “E-Rate” program, which is  
17 specifically designed to connect schools and  
18 libraries to the Internet;

19 (vi) encouraging the creation,  
20 strengthening, and sustainment of inde-  
21 pendent agencies to regulate the tele-  
22 communications and Internet industry and  
23 ensure consultation with all stakeholders in  
24 the formulation and execution of policies  
25 and regulations;

1 (vii) encouraging the development of  
2 national broadband access plans with spe-  
3 cific, time-bound, and measurable goals for  
4 achieving universal affordable access, in-  
5 cluding a specific plan for bringing women,  
6 minority, and other marginalized groups  
7 online, recognizing both the unique bar-  
8 riers and the unique social and economic  
9 benefits associated with extending access  
10 to these groups;

11 (viii) collecting and openly releasing  
12 timely, disaggregated data on all aspects of  
13 connectivity, coverage, and digital skills,  
14 including data on equality of access for  
15 women, minority, and other disadvantaged  
16 groups;

17 (ix) improving affordability of Inter-  
18 net access devices such as smartphones  
19 and personal computers;

20 (x) encouraging laws and regulations  
21 that enhance privacy, freedom of expres-  
22 sion, and other rights to ensure their rel-  
23 evance and effectiveness in an online era,  
24 with an emphasis on promoting a human

1 rights-respecting approach in all Internet  
2 expansion efforts;

3 (xi) emphasizing the importance of  
4 ensuring comparable access for persons  
5 with disabilities;

6 (xii) promoting an open and free  
7 Internet, which is essential for creating an  
8 environment of equal opportunity where in-  
9 novation can occur, and ensuring wholesale  
10 broadband infrastructure is available to all  
11 on fair and reasonable terms and in a  
12 manner which is transparent and non-  
13 discriminatory;

14 (xiii) creating public access facilities  
15 in places such as libraries, schools, govern-  
16 ment buildings, and community centers  
17 and community Wi-Fi networks or dedi-  
18 cated facilities for Internet access, which in  
19 addition to providing free or low-cost ac-  
20 cess, can be ideal locations for digital lit-  
21 eracy training, online health, banking and  
22 education services, job seeking, and access  
23 to government data and e-government  
24 services;

1           (xiv) creating and supporting research  
2           and educational networks, which are vital  
3           for connecting researchers and educators  
4           worldwide and facilitating collaboration in  
5           science, medicine, and other fields, and en-  
6           suring a stable, high-speed Internet infra-  
7           structure at universities, which is essential  
8           for the development of local technology-  
9           driven entrepreneurs;

10           (xv) promoting access to government  
11           information and services online for pur-  
12           poses of disseminating information to and  
13           enabling participation by people who might  
14           not otherwise have it, enhancing account-  
15           ability, and extending the reach of the gov-  
16           ernment to areas where it may have a lim-  
17           ited presence (particularly rural areas) and  
18           for generating relevant content to draw  
19           people online; and

20           (xvi) providing technical assistance  
21           and prioritization of funding, supporting  
22           policies and programs through assistance  
23           in the form of technical expertise and expe-  
24           rience sharing and, where appropriate,  
25           through material support and funding;

1 (B) international organizations and inter-  
2 national finance institutions to increase support  
3 for activities that expand Internet access, in-  
4 cluding by—

5 (i) encouraging the increase of Inter-  
6 net access-related programs and other in-  
7 vestments beyond the 1 to 2 percent they  
8 currently receive of all infrastructure-re-  
9 lated investment financed by international  
10 finance institutions; and

11 (ii) encouraging the integration of  
12 Internet infrastructure into traditional in-  
13 frastructure projects, such as the laying of  
14 fiber optic cable simultaneously with road  
15 construction to reduce costs; and

16 (C) private companies to facilitate invest-  
17 ment in Internet infrastructure and affordable  
18 services in the developing world, including by—

19 (i) offering United States Government  
20 programs to incentivize and facilitate in-  
21 vestment in Internet infrastructure in de-  
22 veloping countries;

23 (ii) encouraging companies to commit  
24 to principles of responsible business con-  
25 duct, develop systems and policies that

1 identify, prevent, mitigate, and account for  
2 adverse human rights impacts, and en-  
3 hance privacy and freedom of expression;  
4 and

5 (iii) encouraging the adoption of coop-  
6 erative infrastructure-sharing policies and  
7 flexible approaches to spectrum reuse; and

8 (2) to promote digital literacy and other skills  
9 people will need to take advantage of expanded and  
10 improved access to Internet and close the global dig-  
11 ital divide, including where possible, the integration  
12 by USAID of digital literacy and related skills into  
13 programming and support from USAID and the De-  
14 partment of State for public access facilities, such as  
15 Internet in schools, hospitals, government buildings,  
16 and other facilities as relevant.

17 **SEC. 6. SPECIAL REPRESENTATIVE FOR THE GLOBAL CON-**  
18 **NECT INITIATIVE.**

19 (a) ESTABLISHMENT.—The Secretary of State shall  
20 establish a Special Representative for the Global Connect  
21 Initiative (in this section referred to as “Special Rep-  
22 resentative”), who shall be appointed by the President, by  
23 and with the consent of the Senate. The Special Rep-  
24 resentative shall have the rank of ambassador and report

1 directly to the Under Secretary of State for Economic  
2 Growth, Energy, and the Environment.

3 (b) PURPOSE.—In addition to carrying out the duties  
4 described in subsection (c) and those duties determined  
5 by the Secretary of State, the Special Representative shall  
6 direct the foreign policy efforts of the United States Gov-  
7 ernment to promote global universal Internet access, and  
8 shall represent the United States internationally in bilat-  
9 eral and multilateral engagement on these matters.

10 (c) DUTIES.—The Special Representative shall—

11 (1) oversee the Global Connect initiative to pro-  
12 mote policies and programs that support quality, af-  
13 fordable Internet access, with the goal of enabling  
14 first-time access to mobile and broadband Internet  
15 for at least 1,500,000,000 people in both urban and  
16 rural areas by 2020;

17 (2) promote greater investment by international  
18 finance institutions and United States corporations  
19 in Internet infrastructure expansion and other  
20 projects to enhance connectivity, as described in sub-  
21 paragraphs (B) and (C) of section 5(1);

22 (3) encourage partner countries to adopt poli-  
23 cies designed to lower prices and improve the quality  
24 of Internet service, such as those described in sec-  
25 tion 5(1)(A); and

1           (4) collaborate with other Federal agencies to  
2           seek opportunities to promote connectivity projects.

3           (d) COLLABORATION AND COORDINATION.—The Spe-  
4           cial Representative shall, as appropriate, collaborate and  
5           coordinate with the Department of Commerce, the Federal  
6           Communications Commission, the Overseas Private In-  
7           vestment Corporation, the Export-Import Bank, the  
8           United States Agency for International Development, the  
9           Millennium Challenge Corporation, and other relevant  
10          agencies in formulating United States policies, reports,  
11          and implementation strategies for expanding global Inter-  
12          net access.

13          (e) APPROPRIATIONS.—There are authorized to be  
14          appropriated—

15                (1) such funds as may be necessary to support  
16                the work of the Special Representative and three full  
17                time equivalent (FTE) staff members; and

18                (2) \$200,000 to provide further funding to the  
19                Technology Leadership Program as part of a Global  
20                Connect fund in order to help bring an additional  
21                1,500,000,000 people online by 2020.

22          (f) ANNUAL REPORT.—Not more than 180 days after  
23          the date of the enactment of this Act, and annually there-  
24          after, the Secretary of State shall submit to the appro-  
25          priate committees a report describing—

1 (1) the plans and existing efforts of the United  
2 States Government to promote universal Internet ac-  
3 cess;

4 (2) progress towards the goal of connecting an  
5 additional 1,500,000,000 people by 2020;

6 (3) methods for private companies to partner in  
7 furtherance of these goals; and

8 (4) recommendations for further executive and  
9 legislative action.

10 **SEC. 7. USAID SUPPORT FOR CONNECTIVITY, DIGITAL LIT-**  
11 **ERACY, AND RELATED NEEDS.**

12 (a) **PURPOSE.**—The Administrator of the United  
13 States Agency for International Development is author-  
14 ized to support expanded Internet connectivity worldwide  
15 by—

16 (1) providing guidance to partner governments  
17 on establishing regulatory policies that facilitate ex-  
18 panded Internet connectivity;

19 (2) funding and implementing programs to ex-  
20 pand Internet infrastructure, improve digital lit-  
21 eracy, and other measures necessary to improve  
22 Internet connectivity and usage; and

23 (3) carrying out other activities as deemed nec-  
24 essary by the Administrator.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
 2 tion to funds otherwise available for such purposes, there  
 3 is authorized to be appropriated \$1,000,000 in fiscal year  
 4 2017 to support USAID activities to promote universal  
 5 Internet connectivity.

6 (c) REPORTING.—The Administrator shall coordinate  
 7 with the Secretary of State to ensure USAID’s activities  
 8 to promote universal Internet connectivity are included in  
 9 the report required under section 6(f).

10 **SEC. 8. PRIORITIZATION OF EFFORTS FOR PROJECTS THAT**  
 11 **PROMOTE EXPANDED INTERNET ACCESS BY**  
 12 **THE OVERSEAS PRIVATE INVESTMENT COR-**  
 13 **PORATION.**

14 (a) IN GENERAL.—The Overseas Private Investment  
 15 Corporation should, as appropriate, prioritize and expedite  
 16 institutional efforts and assistance to facilitate the involve-  
 17 ment of such institutions in Internet access-related  
 18 projects and markets in developing countries and partner  
 19 with other investors and local institutions, including pri-  
 20 vate sector actors, to specifically increase access to high-  
 21 quality, open, and affordable Internet services. Invest-  
 22 ments shall be focused on promoting Internet access with  
 23 the goal of—

24 (1) maximizing the number of people with new  
 25 access to Internet services;

1           (2) improving and expanding the construction  
2 of Internet infrastructure, including fiber, mobile,  
3 and other emerging access technologies;

4           (3) expanding access to Internet for those in  
5 rural areas by supporting the creation of Internet  
6 access hubs for individual consumers, businesses,  
7 educational institutions, health care facilities, and  
8 government agencies;

9           (4) building the capacity of developing countries  
10 to monitor and appropriately and transparently reg-  
11 ulate the Internet sector and to encourage private  
12 investment in Internet infrastructure and services;  
13 and

14           (5) prioritizing investment in countries and re-  
15 gions with particularly acute shortages of critical in-  
16 frastructure and services needed for Internet access,  
17 such as sub-Saharan Africa.

18           (b) AMENDMENTS.—Title IV of chapter 2 of part I  
19 of the Foreign Assistance Act of 1961 is amended—

20           (1) in section 234(c) (22 U.S.C. 2194(e)), by  
21 inserting “eligible investors or” after “involve”;

22           (2) in section 237(d) (22 U.S.C. 2197(d))—

23           (A) in paragraph (2), by inserting “, sys-  
24 tems infrastructure costs,” after “outside the  
25 Corporation”; and

1 (B) in paragraph (3), by inserting “, systems  
2 infrastructure costs,” after “project-spe-  
3 cific transaction costs”;

4 (3) in section 235(a)(2) (22 U.S.C.  
5 2195(a)(2)), by striking “2007” and inserting  
6 “2021”; and

7 (4) in section 238(c) (22 U.S.C. 2198(c)), by  
8 inserting “or having significant United States con-  
9 nections” after “owned by United States citizens”.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
11 authorized to be appropriated \$5,000,000 for the Overseas  
12 Private Investment Corporation for fiscal year 2017 to  
13 carry out the purposes of this Act.

14 **SEC. 9. DEVELOPMENT OF A COMPREHENSIVE STRATEGY.**

15 (a) STRATEGY REQUIRED.—The President shall es-  
16 tablish a comprehensive, integrated, multiyear strategy en-  
17 couraging the efforts of developing countries to expand ac-  
18 cess to the Internet for their people as a means to catalyze  
19 innovation and economic growth, promote democracy and  
20 good governance, create new educational opportunities,  
21 improve health outcomes, and strengthen global research  
22 networks consistent with the policy stated in section 5.

23 (b) ANNUAL REPORT.—Not later than 180 days after  
24 the date of the enactment of this Act, and annually there-  
25 after, the President shall submit to the Committee on For-

1 eign Relations of the Senate and the Committee on For-  
2 eign Affairs of the House of Representatives a report that  
3 contains the strategy required under subsection (a) and  
4 includes the following elements:

5 (1) The objectives of the strategy and the cri-  
6 teria for determining the success of the strategy.

7 (2) A description of efforts to achieve the policy  
8 stated in section 5.

9 (3) A description of plans to support efforts of  
10 developing countries to expand Internet access with  
11 the goal of creating favorable conditions for eco-  
12 nomic growth and poverty reduction in urban and  
13 rural areas.

14 (4) A description of efforts by the United  
15 States Government to create an impact on the ena-  
16 bling policy and regulatory environments of devel-  
17 oping nations to foster Internet access as well as ex-  
18 panding access to digital goods and services with the  
19 goal of creating favorable conditions for information  
20 sharing, democratic governance, and poverty reduc-  
21 tion.

22 (5) A description of how United States invest-  
23 ments to increase Internet access in developing  
24 countries may increase economic growth and thereby

1 reduce the need for development assistance in the  
2 future.

3 (6) A description of efforts to include integra-  
4 tion of gender-equitable affordable Internet access  
5 into existing economic and business assessments,  
6 evaluations, and indexes, such as Millennium Chal-  
7 lenge Corporation economic constraints analyses.

8 (c) INTERAGENCY WORKING GROUP.—

9 (1) IN GENERAL.—The President may, as ap-  
10 propriate, establish an Interagency Working Group  
11 to coordinate the activities of relevant United States  
12 Government departments and agencies involved in  
13 carrying out the strategy required under this sec-  
14 tion. These agencies should include the Department  
15 of State, the United States Agency for International  
16 Development, the Federal Communications Commis-  
17 sion, the Millennium Challenge Corporation, the  
18 Overseas Private Investment Corporation, and the  
19 Export-Import Bank.

20 (2) FUNCTIONS.—The Interagency Working  
21 Group may, among other things—

22 (A) seek to coordinate the activities of the  
23 United States Government departments and  
24 agencies involved in implementing the strategy  
25 required under this section;

1           (B) ensure efficient and effective coordina-  
2           tion between participating departments and  
3           agencies; and

4           (C) facilitate information sharing and co-  
5           ordinate partnerships between the United  
6           States Government, the private sector, and  
7           other development partners to achieve the goals  
8           of the strategy.

○