

114TH CONGRESS  
1ST SESSION

# H. R. 1307

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2015

Ms. LOFGREN (for herself, Ms. ESHOO, and Mr. HONDA) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Foreign Affairs, the Judiciary, and Energy and Commerce, 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

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## A BILL

To combat trade barriers that threaten the maintenance of an open Internet, that mandate unique technology standards as a condition of market access and related measures, and to promote online free expression and 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Global Free Internet  
5 Act of 2015”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

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

14 (B) respect the security of information,  
15 privacy, and speech of Internet users;

16 (C) promote investment in Internet-related  
17 innovation;

18 (D) refrain from compelling Internet serv-  
19 ice providers and other intermediaries to re-  
20 strict the free flow of information on the Inter-  
21 net; and

22 (E) allow trade in Internet-related goods,  
23 services, information, and content.

24 (3) Certain governments and international bod-  
25 ies are adopting or considering policies contrary to  
26 the goal of a free, open Internet, including—

1 (A) mandating unique technology stand-  
2 ards favoring domestic producers as a condition  
3 of market access or pursuing related policies re-  
4 garding standard-setting that are discrimina-  
5 tory and subvert the open, global nature of the  
6 Internet;

7 (B) sponsoring or tolerating the use of  
8 Internet-related tools to gain unauthorized ac-  
9 cess to public-sector and private-sector net-  
10 works in the United States to disrupt their op-  
11 eration;

12 (C) blocking, filtering, or otherwise re-  
13 stricting Internet communications in a manner  
14 that discriminates against Internet-based serv-  
15 ices and content originating in other countries;

16 (D) monitoring Internet use and commu-  
17 nications in a manner that restricts individual  
18 privacy and freedom; and

19 (E) imposing market access requirements  
20 or liabilities that discriminate against or other-  
21 wise impede Internet-related goods, services and  
22 content from other countries.

23 (4) Such actions threaten the interests of the  
24 United States by—

1 (A) facilitating attempts by foreign govern-  
2 ments to restrict or disrupt the free flow of in-  
3 formation on the Internet;

4 (B) promoting “national Internets” in con-  
5 flict with the underlying rationale and architec-  
6 ture of the Internet as originally envisioned and  
7 constructed, thereby compromising the Inter-  
8 net’s full functionality and promise;

9 (C) harming United States workers and  
10 businesses, undermining a strong United States  
11 industrial base, and putting foreign competitors  
12 at an advantage; and

13 (D) putting at risk the utility of the Inter-  
14 net as a tool of open communication, assembly,  
15 and commerce, and the individuals who seek to  
16 use it for such purposes.

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

18 (a) ESTABLISHMENT.—

19 (1) IN GENERAL.—There is established within  
20 the executive branch a Task Force on the Global  
21 Internet (in this Act referred to as the “Task  
22 Force”), hosted by the Department of Commerce.

23 (2) CHAIRPERSON.—The President shall select  
24 from among the members of the Task Force under  
25 subsection (b)(1) to serve as Chairperson.

1 (b) COMPOSITION.—The Task Force shall consist of  
2 the following:

3 (1) Four United States persons with substantial  
4 expertise in Internet policy who are not employees or  
5 officers of Federal, State, local, or tribal govern-  
6 ments and who—

7 (A) are nominated by the public through a  
8 process managed by the Department of Com-  
9 merce that solicits public recommendations  
10 through the Internet and are appointed by the  
11 President, acting through the President’s Coun-  
12 cil of Advisors on Science and Technology; and

13 (B) shall serve on the Task Force for re-  
14 newable terms not to exceed 3 years.

15 (2) The leader of the majority party in the Sen-  
16 ate and the leader of the minority party in the Sen-  
17 ate shall each appoint one United States person with  
18 substantial expertise in Internet policy to serve on  
19 the Task Force for renewable terms not to exceed 3  
20 years.

21 (3) The Speaker of the House of Representa-  
22 tives and the leader of the minority party in the  
23 House of Representatives shall each appoint one  
24 United States person with substantial expertise in

1 Internet policy to serve on the Task Force for re-  
2 newable terms not to exceed 3 years.

3 (4) The United States Trade Representative,  
4 the Secretary of Homeland Security, the Assistant  
5 Secretary for Communications and Information of  
6 the National Telecommunications and Information  
7 Administration, the Chair of the Privacy and Civil  
8 Liberties Oversight Board, and the heads of other  
9 Federal departments and agencies as determined to  
10 be appropriate by the President, acting through  
11 their respective designees.

12 (c) STAFF OF FEDERAL AGENCIES.—Upon request  
13 of the Task Force, the head of any Federal department  
14 or agency or other Federal official described in subsection  
15 (b)(4) may detail, with or without reimbursement, any of  
16 the personnel or services of the relevant Federal depart-  
17 ment or agency to the Task Force to assist it in carrying  
18 out its functions.

19 (d) FUNCTIONS.—In addition to such other respon-  
20 sibilities the President may assign, the Task Force shall—

21 (1) develop and implement strategies in re-  
22 sponse to foreign and domestic government policies  
23 that—

1 (A) unjustifiably or unreasonably burden  
2 or restrict international trade in Internet-re-  
3 lated goods, services, and content;

4 (B) mandate or otherwise preference Inter-  
5 net-related technology standards and related  
6 measures;

7 (C) impede the free flow of information on  
8 the Internet; or

9 (D) otherwise threaten the open, global na-  
10 ture of the Internet, the interests of Internet  
11 users and the United States in Internet-related  
12 international trade and discourse;

13 (2) consult and share timely information with  
14 the Internet Corporation for Assigned Names and  
15 Numbers;

16 (3) consult and share timely information with  
17 civil society groups with expertise in Internet policy;

18 (4) coordinate the activity of all Federal depart-  
19 ments and agencies as necessary to implement the  
20 strategies developed in accordance with paragraph  
21 (1);

22 (5) prepare a report and action plan in accord-  
23 ance with section 4;

1           (6) hold public hearings and solicit public com-  
2           ment through the Federal Register and the website  
3           for the Task Force as appropriate; and

4           (7) appoint a Task Force member, responsible  
5           for serving as a point of contact for correspondence  
6           and inquiries related to the activities of the Task  
7           Force.

8   **SEC. 4. REPORT AND ACTION PLAN TO THE PRESIDENT**  
9                                   **AND CONGRESS.**

10          (a) IN GENERAL.—Not later than 15 months after  
11          the date of the enactment of this Act, and annually there-  
12          after, the Task Force shall transmit to the President and  
13          the appropriate congressional committees a report and ac-  
14          tion plan that—

15                 (1) identifies acts, policies, or practices of the  
16                 United States, foreign governments, or international  
17                 bodies, and related measures that—

18                         (A) deny fair and equitable market access  
19                         to or otherwise unjustifiably or unreasonably  
20                         burden or restrict discourse or trade in Inter-  
21                         net-related goods, services, and content;

22                         (B) mandate, give preference to, or pro-  
23                         mote Internet-related technology standards that  
24                         diverge from widely adopted international  
25                         standards, or otherwise lead to the adoption of



1 discriminatory or trade-restrictive technology  
2 standards or conformity assessment procedures;  
3 or

4 (C) otherwise threaten the interests of the  
5 United States in the technical operation, secu-  
6 rity, and free flow of global Internet commu-  
7 nications;

8 (2) estimates the trade-distorting impact or ex-  
9 tent of suppression of free expression of measures  
10 identified under paragraph (1) on United States  
11 commerce, the interests of Internet users, and the  
12 functioning of the Internet;

13 (3) designates which measures identified under  
14 paragraph (1) are priority concerns;

15 (4) sets forth a strategy and actions to be taken  
16 by Federal departments and agencies in response to  
17 measures identified under paragraph (1); and

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

23 (b) FORM OF REPORTS.—The reports and action  
24 plans required under subsection (a) may contain a classi-

1 fied annex if the Task Force determines that such is ap-  
2 propriate.

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

6 (1) seek public participation by—

7 (A) publishing a notice in the Federal Reg-  
8 ister that includes instructions on how the pub-  
9 lic may submit comments on the report and  
10 plan;

11 (B) holding at least one public hearing;  
12 and

13 (C) establishing a website for the Task  
14 Force that publishes timely information regard-  
15 ing the Task Force’s activities and provides an  
16 opportunity for the public to submit comments  
17 to the Task Force;

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

20 (3) consult and share timely information with  
21 civil society groups with expertise in Internet policy;  
22 and

23 (4) take into account information from such  
24 sources as may be available to the United States  
25 Trade Representative and such information as may

1 be submitted to the Trade Representative by inter-  
2 ested persons, including information contained in re-  
3 ports submitted under section 181(b) of the Trade  
4 Act of 1974 (19 U.S.C. 2241(b)) and petitions sub-  
5 mitted under section 302 of such Act (19 U.S.C.  
6 2412).

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

11 (e) DEFINITION.—In this section, the term “appro-  
12 priate congressional committees” means—

13 (1) the Committee on Ways and Means, the  
14 Committee on the Judiciary, and the Committee on  
15 Energy and Commerce of the House of Representa-  
16 tives; and

17 (2) the Committee on Finance, the Committee  
18 on the Judiciary, and the Committee on Commerce,  
19 Science, and Transportation of the Senate.

20 **SEC. 5. SECTION 301 INVESTIGATION AND POTENTIAL**  
21 **SANCTIONS.**

22 Not later than 30 days after the transmission of each  
23 annual report and action plan required under section 4,  
24 the United States Trade Representative shall, in accord-  
25 ance with the requirements of sections 301 through 304

1 of the Trade Act of 1974 (19 U.S.C. 2411 through 2414),  
2 initiate an investigation, make any determinations re-  
3 quired, and take any actions specified under such sections  
4 with respect to any acts, policies, or practices of a foreign  
5 government or international body that are identified in  
6 each such annual report and action plan as priority con-  
7 cerns, including restrictions on sale in the United States  
8 of products developed and manufactured in countries im-  
9 plementing such acts, policies, or practices.

10 **SEC. 6. REVIEW AND INVESTIGATION BY FEDERAL TRADE**  
11 **COMMISSION AND DEPARTMENT OF JUSTICE.**

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

14 (1) review each act, policy, or practice described  
15 in paragraph (1) of section 4(a) that is contained in  
16 a report or an action plan transmitted under such  
17 section to Congress; and

18 (2) investigate whether such act, policy, or  
19 practice (or any related action by a nongovernmental  
20 entity) violates the antitrust laws of the United  
21 States.

22 (b) DEFINITION.—For purposes of this section, the  
23 term “antitrust laws” has the meaning given it in sub-  
24 section (a) of the first section of the Clayton Act (15  
25 U.S.C. 12(a)), except that such term includes section 5

1 of the Federal Trade Commission Act (15 U.S.C. 45) to  
2 the extent such section 5 applies to unfair methods of com-  
3 petition.

4 **SEC. 7. REPORT TO PRESIDENT AND CONGRESS ON INTER-**  
5 **NATIONAL TRADE AGREEMENTS.**

6 (a) REPORT.—Not later than 2 years after the date  
7 of the enactment of this Act, the Task Force shall submit  
8 to the President and the appropriate congressional com-  
9 mittees a report that—

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

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

14 (B) encouraging the utilization on a global  
15 basis of technology standards set by inter-  
16 national standard-setting organizations;

17 (C) protecting the security and functioning  
18 of the Internet;

19 (D) facilitating the free flow of information  
20 on the Internet; and

21 (E) protecting the interests of Internet  
22 users; and

23 (2) recommends, as appropriate, modifications  
24 of existing agreements or the negotiation of new

1 agreements to advance the objectives identified in  
2 paragraph (1).

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

7 (c) FORM OF REPORTS.—The report required under  
8 subsection (a) may contain a classified annex if the Task  
9 Force determines that such is appropriate.

10 (d) COORDINATION AND NOTICE.—In preparing each  
11 report required under subsection (a), the Task Force  
12 shall—

13 (1) seek public participation by—

14 (A) publishing a notice in the Federal Reg-  
15 ister that includes instructions on how the pub-  
16 lic may submit comments on the report and  
17 plan;

18 (B) holding at least one public hearing;  
19 and

20 (C) establishing a website for the Task  
21 Force that publishes timely information regard-  
22 ing the Task Force’s activities and provides an  
23 opportunity for the public to submit comments  
24 to the Task Force;

1           (2) consult and coordinate with all relevant  
2 Federal departments and agencies;

3           (3) consult and share timely information with  
4 civil society groups with expertise in Internet policy;  
5 and

6           (4) take into account information from such  
7 sources as may be available to the United States  
8 Trade Representative and such information as may  
9 be submitted to the Trade Representative by inter-  
10 ested persons, including information contained in re-  
11 ports submitted under section 181(b) of the Trade  
12 Act of 1974 (19 U.S.C. 2241(b)) and petitions sub-  
13 mitted under section 302 of such Act (19 U.S.C.  
14 2412).

15       (e) PUBLICATION.—The Task Force shall publish in  
16 the Federal Register the report transmitted to Congress  
17 under subsection (a), but shall omit information trans-  
18 mitted to Congress under subsection (c).

19       (f) DEFINITION.—In this section, the term “appro-  
20 priate congressional committees” means—

21           (1) the Committee on Ways and Means, the  
22 Committee on Energy and Commerce, and the Com-  
23 mittee on the Judiciary of the House of Representa-  
24 tives; and

1           (2) the Committee on Finance, the Committee  
2           on the Judiciary, and the Committee on Commerce,  
3           Science, and Transportation of the Senate.

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

5           The Task Force shall coordinate with intergovern-  
6           mental, national government, and private sector entities,  
7           including the National Institute of Standards and Tech-  
8           nology, the Patent and Trademark Office, the Trade and  
9           Development Agency, the United States Telecommuni-  
10          cations Training Institute, the United States Agency for  
11          International Development, the Federal Trade Commis-  
12          sion, and any other appropriate entities, for the purpose  
13          of organizing training of foreign and domestic government  
14          officials and national standard-setting and conformity as-  
15          sessment bodies with respect to best practices, including  
16          coordination with nongovernmental international and do-  
17          mestic standards bodies, in accordance with the annual re-  
18          port and action plan required under section 4.

19 **SEC. 9. OUTSIDE CONSULTATION.**

20          The Task Force shall establish a regularized process  
21          to receive and respond to timely input from businesses,  
22          organizations, experts, and other interested parties re-  
23          garding the fulfillment of its functions.

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