

Global Free Internet Act of 2015

SUMMARY

The Global Free Internet Act would create a Task Force within the U.S. government for evaluating policies that pose threats to Internet users and online services. The “Task Force on the Global Internet” is designed to identify, prioritize, and develop a response to policies and practices of the U.S. government, foreign governments, or international bodies that deny fair market access to Internet-related goods and services, or that threaten the technical operation, security, or free flow of global Internet communications.

Members of the Task Force include 1) the heads of key executive branch agencies, 2) four U.S. persons appointed by Congressional leadership, and 3) four U.S. persons who are not government employees, nominated by the Internet itself and appointed by the President. The Task Force would hold public hearings, issue reports no less than annually, and coordinate the activity of the U.S. government to respond to threats to the Internet. The United States Trade Representative and Federal Trade Commission would be required to investigate and take action to address policies or practices that are identified as threats to Internet commerce and users.

SECTION-BY-SECTION

Sec. 2 – Congressional Findings

Policies to ensure a free and open global Internet: Congress finds that the best policies for a global free Internet are those that promote adoption of global technology standards, protect the security and privacy of Internet users, promote innovation, refrain from compelling service providers to restrict the free flow of communications, and allow trade in Internet-related goods and services.

Policies contrary to a free and open global Internet: Congress finds some governments and international bodies have adopted or are considering policies that are counter to the goal of a free and open Internet. These policies include mandating technology standards to favor domestic producers, sponsoring or tolerating Internet tools that allow unauthorized access to networks in the United States, filtering or censoring Internet content originating in other countries, and monitoring Internet use in violation of individual privacy, and imposing discriminatory market access requirements on Internet-related goods and services from other countries.

Negative outcomes of contrary policies: Congress finds policies that are contrary to the goal of a free and open global Internet threaten U.S. national interests by enabling foreign governments to disrupt the free flow of Internet communications, promoting “national Internets” that fragment and weaken the global Internet, placing U.S. workers and industries at a competitive disadvantage, and reducing the effectiveness of the Internet as a tool of commerce and communication.

Sec. 3 – Task Force on the Global Internet

Establishment of the Task Force: This section establishes a Task Force on the Global Internet in the executive branch, under the Department of Commerce. The membership of the Task Force will consist of 1) Four U.S. persons with expertise in Internet policy, who are not government employees, nominated by the public through the Internet and appointed by the President, to serve a renewable term of three years; 2) Four U.S. persons with expertise in Internet policy, appointed by the majority and minority leaders of both chambers of Congress, to serve a renewable term of three years; 3) The heads of the United States Trade Representative, the National Telecommunications and Information Administration, the Privacy and Civil Liberties Oversight Board, and the Department of Homeland Security; and 4) Other federal agency heads as determined appropriate by the President. The President will select a Chairperson for the Task Force from amongst the members.

Task Force duties: The Task Force shall 1) Develop strategies to respond to foreign and domestic government policies that are counter to the goal of an open and free Internet, 2) Consult and share information with the Internet Corporation for Assigned Names and Numbers, and civil society groups with expertise in Internet policy and civil liberties, 3) Coordinate the federal government’s implementation of strategies to respond to policies contrary to an open and free Internet, 4) Prepare a report and action plan, described in Sec. 4, 5) Hold public hearings and solicit public comment as appropriate, and 6) Appoint a Task Force member to serve as a point of contact for Task Force correspondence.

Sec. 4 – Report and Action Plan

Report timing and content: The Task Force is required to issue a report and action plan within 15 months after the enactment of this Act, and annually thereafter. The report must detail policies of the U.S. or other governments or organizations that violate the guidelines set out in Sec. 2 and the trade-distorting impacts thereof. The report will also include a prioritized ranking of such violations and a list of actions to be taken in response. The report and action

plan may contain a classified annex, if appropriate.

Information gathering and public participation: The Task Force is required to establish a website that publishes timely information regarding its activities and provides an opportunity for the public to submit comments to the Task Force. In preparing its report and plan, the Task Force must seek public input through its website and at least one public hearing. In preparing its report and action plan, the Task Force must also publish a notice in the Federal Register that includes instructions on how the public may submit comments to the report and plan. The Task Force must consult and coordinate with relevant executive agencies, and consult and share timely information with civil society groups. The Task Force is also required to take into account information from sources available to the United States Trade Representative.

Report release and publication: The Task Force must deliver the report and action plan to the President, and the House Ways and Means, House Judiciary, House Energy & Commerce, Senate Finance, Senate Judiciary, and Senate Commerce, Science, & Transportation Committees. The unclassified report and action plan must also be published in the Federal Register.

Sec. 5 – Investigation and Potential Sanctions

Trade Representative response to report: Within 30 days of the release of each annual report and action plan, the United States Trade Representative must – in accordance with 19 U.S.C 2411 through 2414 – initiate an investigation and take action in response to the policies of foreign governments or international bodies that are identified as priority concerns in the Task Force’s report and action plan.

Sec. 6 – Review by Federal Trade Commission and Dept. of Justice

Antitrust oversight: The Federal Trade Commission and Attorney General must review the policies and practices identified in the report and action plan as contrary to an open and free Internet, and investigate these policies to determine whether they violate U.S. antitrust laws.

Sec. 7 – Report on International Trade Agreements

Report to Congress and the President: Within two years of enactment, the Task Force must submit a report to Congress and the President that assesses the sufficiency of current trade agreements in promoting international trade in Internet-related goods and services, encouraging global technology standards, protecting the security and functioning of the

Internet, facilitating the free flow of information on the Internet, and protecting the interests of Internet users. The report must recommend appropriate modifications to existing agreements. The report may contain a classified annex, if appropriate.

Information gathering, public participation, and publication: The Task Force must use a process identical to its annual report and action plan.

Sec. 8. Training Government Officials on Technical Standards

The Task Force must coordinate with national government, intergovernmental, and private sector entities to organize training of foreign and domestic government officials and standard-setting bodies on best practices to mitigate concerns identified in the annual report and action plan.

Sec. 9 – Outside Consultation

The Task Force must establish a regularized process to receive and respond to timely input from businesses, organizations, experts, and other interested parties regarding the fulfillment of its functions.

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