

[H.R. 805, Domain Openness Through Continued Oversight Matters \(DOTCOM\) Act of 2015](#)

FLOOR SITUATION

On Tuesday, June 23, 2015, the House will consider [H.R. 805](#), *the Domain Openness Through Continued Oversight Matters (DOTCOM) Act of 2015*, under suspension of the rules. H.R. 805 was introduced on February 5, 2015, by Rep. John Shimkus (R-IL) and was referred to the Committee on Energy and Commerce, which ordered the bill reported, as amended, by voice vote on June 17, 2015.

SUMMARY

H.R. 805 prohibits the Assistant Secretary of Commerce for Communications and Information from permitting the National Telecommunications and Information Administration (NTIA) from relinquishing its current oversight of the Internet Domain Name System (DNS) until 30 legislative days after submitting a report to Congress. This 30-day period is designed to allow Congress time to review the proposal and a required certification to ensure the transition will be successful before it is implemented.

Specifically, the report is required to include:

1. The transition proposal plan developed through the Internet Corporation for Assigned Names and Numbers (ICANN) multi-stakeholder process to transition DNS responsibilities from the NTIA to the Internet Assigned Numbers Authority (IANA); and,
2. Certification that the proposal: supports and enhances the multi-stakeholder model of Internet governance; maintains the security, stability, and resiliency of the Internet domain name system; meets the needs and expectations of the global customers and partners of the IANA services; maintains the openness of the Internet; and, does not replace the role of the NTIA with a government-led or inter-governmental organization solution.

The bill also requires the Assistant Secretary to certify that the required changes to ICANN's bylaws contained in the final report of ICANN's Cross Community Working Group on Enhancing ICANN Accountability, and the changes to ICANN's bylaws required by ICANN's IANA Stewardship Transition Coordination Group, have been adopted.

BACKGROUND

The NTIA currently contracts with the Internet Corporation for Assigned Names and Numbers (ICANN), a non-for-profit entity, to carry out the Internet Assigned Numbers Authority (IANA) functions, including oversight of the Internet Domain Name System (DNS). The current IANA functions contract expires September 30, 2015.¹

The DNS is a system that maintains files that link domain names with numerical addresses needed to locate computer services and devices, which is critical for the efficient operation of the Internet. NTIA has announced plans to transfer its DNS responsibilities to the international community and has asked ICANN to convene global stakeholders to develop a proposal for this transition. Transitioning NTIA out of its role marks the final phase of the privatization of the DNS.²

The NTIA has asserted that any acceptable proposal would garner wide community support and satisfy the following principles:³

- Maintain the security, stability, and resiliency of the DNS;
- Meet the needs and expectations of the global customers and partners of the IANA services; and,
- Maintain the openness of the Internet.

NTIA has stated that it will not accept any proposal that does not meet these criteria or that would replace its role with a government-led or inter-governmental organization solution.⁴

H.R. 805 would direct the NTIA to retain these DNS responsibilities for a 30-day period after the agency submits a report to the Congress that includes the proposed transition plan and a certification by the agency that the plan meets NTIA's criteria for acceptance, as well as certain accountability measures have been adopted by the group of stakeholders proposing the plan.

According to Chairman Upton, "Though we have supported the multi-stakeholder community from the beginning, our support cannot and should not be blind. We must ask the hard questions to ensure that we are taking the responsible route to a successful transition. I applaud the work of NTIA, ICANN, and the multi-stakeholder community to come up with guidelines for an acceptable proposal. But that can't be the end of the work. We have an important role to play before the transition is complete."⁵

¹ See NTIA Press Release, ["NTIA Announces Intent to Transition Key Internet Domain Name Functions,"](#) March 14, 2014.

² Id.

³ See Energy and Commerce ["Memo: Subcommittee Markup of H.R. 805, DOTCOM Act of 2015,"](#) June 8, 2015.

⁴ Id.

⁵ See Energy and Commerce Press Release, ["#SubCommTech Continues Bipartisan Effort to Protect the Future of the Internet,"](#) June 10, 2015.

COST

The Congressional Budget Office (CBO) [estimates](#) enacting H.R. 805 would have an insignificant effect on discretionary costs over 2016 to 2020 period. Therefore, pay-as-you-go procedures do not apply to this legislation because enacting the bill would not affect direct spending or revenues.

STAFF CONTACT

For questions or further information please contact [John Huston](#) with the House Republican Policy Committee by email or at 6-5539.