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4 MARKUP OF H.R. 805, THE DOTCOM ACT OF 2015

5 WEDNESDAY, JUNE 17, 2015

6 House of Representatives,

7 Committee on Energy and Commerce

8 Washington, D.C.

9 The Committee met, pursuant to call, at 10:06 a.m., in
10 Room 2123 of the Rayburn House Office Building, Hon. Fred
11 Upton [Chairman of the Committee] presiding.

12 Members present: Representatives Upton, Whitfield,
13 Shimkus, Pitts, Walden, Murphy, Burgess, Latta, Harper,
14 Lance, Guthrie, Olson, McKinley, Pompeo, Kinzinger, Griffith,
15 Bilirakis, Johnson, Long, Elmers, Bucshon, Flores, Brooks,
16 Mullin, Collins, Cramer, Pallone, Eshoo, Doyle, Schakowsky,
17 Tonko, Loeb sack, and Schrader.

18 Staff present: Gary Andres, Staff Director; Will

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19 Batson, Legislative Clerk; Ray Baum, Senior Policy Advisor
20 for Communications and Technology; Karen Christian, General
21 Counsel; Andy Duberstein, Deputy Press Secretary; Gene
22 Fullano, Detailee, Telecom; Brittany Havens, Oversight
23 Associate, Oversight and Investigations; Peter Kielty, Deputy
24 General Counsel; Grace Koh, Counsel, Telecom; Tim Pataki,
25 Professional Staff Member; David Redl, Counsel, Telecom;
26 Charlotte Savercool, Legislative Clerk; Jen Berenholz,
27 Democratic Chief Clerk; Jeff Carroll, Democratic Staff
28 Director; Elizabeth Ertel, Democratic Deputy Clerk; David
29 Goldman, Democratic Chief Counsel, Communications and
30 Technology; Ashley Jones, Democratic Director of
31 Communications, Member Services and Outreach; Lori Maarbjerg,
32 Democratic FCC Detailee; Margaret McCarthy, Democratic Senior
33 Professional Staff Member; and Ryan Skukowski, Democratic
34 Policy Analyst.

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35 H.R. 805

36 The {Chairman.} All right, committee will come to
37 order. At the conclusion of opening statements yesterday,
38 the chair called up H.R. 805, the DOTCOM Act of 2015, and the
39 bill is open for amendment at any point.

40 Are there any bipartisan amendments to the bill?

41 Seeing none, are there any other amendments to the bill?

42 The chair would recognize the gentleman from Illinois,
43 Mr. Shimkus.

44 Mr. {Shimkus.} Thank you, Mr. Chairman. I do believe
45 it is probably a bipartisan amendment, since it was suggested
46 by the Administration that we change the language from
47 implemented--

48 The {Chairman.} Shimkus-Obama. That is what this is,
49 right? Illinois--the Illinois connection.

50 Mr. {Shimkus.} Do you really want me to--

51 The {Chairman.} No, all right.

52 Mr. {Shimkus.} --lose my reelection--

53 The {Chairman.} Yes. Yes. Yes.

54 Mr. {Shimkus.} --Mr. Chairman? Does this include TAA?

55 The {Chairman.} Gentleman--the clerk will report the
56 title of the amendment.

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57 The {Clerk.} Amendment to the committee print of H.R.

58 805, offered by Mr. Shimkus of Illinois.

59 [The amendment of Mr. Shimkus follows:]

60 ***** INSERT 1 *****

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61 The {Chairman.} And the amendment will be considered as
62 read.

63 The gentleman is recognized for 5 minutes.

64 Mr. {Shimkus.} Thank you, Mr. Chairman. As I said, it
65 is just changes the word from--that currently is implemented,
66 strikes that word and inserts the word adopted.

67 I would just note out of fun that we just got the
68 release from the--Mr. Strickling, who is the head of NTIA,
69 and in his written statement he uses the word implemented 3
70 times. So where he asked us to change the language to
71 adopted, in his release statement he uses the word
72 implemented. I am going to read it. It is just too hard to
73 believe.

74 I hope the community starts to focus on the matter of
75 implementation of its recommendations, have the issues of
76 implementation been identified and addressed in the proposal
77 so that the community and I can implement the plan, and
78 expeditiously as possible once we have reviewed and accepted
79 it.

80 So because of the good work we are doing in a bipartisan
81 manner, we will offer this amendment to change the word,
82 although we hope NTIA also changes its word from implemented

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83 to adopted.

84 I yield back.

85 The {Chairman.} Gentleman yields back.

86 Other members wishing to comment on the amendment?

87 Seeing none, the vote occurs on the amendment offered by
88 the gentleman from Illinois.

89 All those in favor will say aye.

90 Those opposed, say no.

91 In the opinion of the chair, the ayes have it. The ayes
92 have it and the amendment is adopted.

93 Are there further amendments to the bill?

94 Mr. {Walden.} Mr. Chairman. I move to strike--

95 The {Chairman.} Gentleman from--

96 Mr. {Walden.} May I move to strike the last word?

97 The {Chairman.} The gentleman is recognized for 5
98 minutes.

99 Mr. {Walden.} Thank you. I want to thank you for your
100 leadership, and certainly other members of the committee, Mr.
101 Shimkus, Ms. Eshoo, and Mr. Pallone.

102 This committee has long been committed to oversight of
103 the process of transitioning the IANA Functions away from the
104 United States to the international multi-stakeholder
105 community. For us, this means ensuring that there are

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106 effective safeguards in place to improve the odds of a
107 successful transition, and preserve the internet we have come
108 to rely upon in so many aspects of our lives.

109 Now, while we recognize and respect the role of the
110 multi-stakeholder community in internet governance, there too
111 is a role for Congress to play in this transition. Based on
112 feedback from all of our hearings and various stakeholder
113 groups, and through negotiations with our democratic
114 counterparts, we have come up with this bipartisan piece of
115 legislation that allows for congressional oversight without
116 replacing the process that is in place.

117 For its part, NTIA set forward strong criteria necessary
118 for any successful transition proposal, including a
119 requirement that ICANN improve its accountability to the
120 internet community. This bill incorporates this effort by
121 requiring NTIA to certify that the criteria have been met,
122 and the changes put forth by the multi-stakeholder
123 accountability group are put into place and are enforceable.

124 As I said at our subcommittee markup, Mr. Chairman, I
125 feel this bipartisan legislation presents an alternative to
126 funds limitation if signed into law by the President.

127 Now, through this bill, we can achieve our shared goal,
128 and that is to prevent harm to the internet as we know it.

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129 An active oversight role for Congress adds another guardrail
130 to this very process, and it demonstrates that the United
131 States takes this transition very, very seriously.

132 So I thank my democratic colleagues, my republican
133 colleagues for working with us, and certainly Mr. Shimkus for
134 his tireless and thoughtful work on this issue for the last
135 year. And I urge all to support this legislation and move it
136 to the House Floor.

137 And with that, I return the balance of my time.

138 The {Chairman.} Gentleman yields back.

139 Other members wishing to strike the last word?

140 Gentlelady from California is recognized for 5 minutes
141 to strike the last word.

142 Ms. {Eshoo.} Thank you, Mr. Chairman. And I want to
143 thank the chairman of our subcommittee, Mr. Walden, yourself,
144 the ranking member of our committee. This is a good bill.
145 It is bipartisan, and I want to thank everyone that was
146 involved in it to make it so.

147 The--I think importantly, this amended bill provides 30
148 legislative days for public review of the transitional
149 proposal, and I think that that is very important. It will
150 enhance transparency and accountability. It--and it
151 reaffirms our commitment to the transition of the IANA

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152 Functions. So all in all, I think that the, you know, what
153 the--the work that the subcommittee did, and the concerns
154 from both sides, are really fully addressed. So I think that
155 this is going to go by voice vote, but I think that speaks to
156 the work that was put in. But it really is a very important
157 bill, relative to the position of the United States, relative
158 to the internet.

159 So I thank everyone. And I would be happy to yield to
160 Mr. Pallone.

161 Mr. {Pallone.} I thank the gentlewoman. Thank you for
162 your work, and reiterate what you said and what my colleagues
163 on the republican side said.

164 I just wanted to pay special attention to what Mr.
165 Walden said about our approach in this DOTCOM Act being far
166 better as an alternative to blocking NTIA's ability to
167 implement the transition through an appropriations bill. I
168 think that is a very important point that we need to
169 reiterate.

170 And with that, I would yield back.

171 Ms. {Eshoo.} Yield back.

172 The {Chairman.} Gentleman yields back.

173 I just want to say that I appreciate the hard work by
174 members on both sides and, Ms. Eshoo, Mr. Pallone, Mr.

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175 Shimkus, Mr. Walden. With the International Conference
176 coming up in the next couple of days, I think this is a very
177 important bill to move out of our committee on what is
178 expected to be a very strong vote and soon to the House
179 Floor.

180 So I would urge all my colleagues to support this
181 bipartisan legislation.

182 And with that, I yield back.

183 Are there further amendments to the bill? Is there
184 further discussion on the bill?

185 Seeing none, the question now occurs on favorably
186 reporting H.R. 805 as amended to the House.

187 All those in favor will signify by saying aye.

188 All those opposed, say no.

189 Opinion of the chair the ayes have it. The ayes have
190 it, and the bill as amended is adopted.

191 Without objection, staff is authorized to make technical
192 and conforming changes to the bill reported by the committee
193 today. So ordered.

194 And pursuant to House Rule 1121, all members will be
195 given 2 calendar days to file written and signed views for
196 the bills approved by the committee today.

197 And without objection, the committee stands adjourned.

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[Whereupon, at 10:13 a.m., the Committee was adjourned.]