



THE COMMITTEE ON ENERGY AND COMMERCE

MEMORANDUM

April 7, 2014

To: Members, Subcommittee on Communications and Technology

From: Majority Committee Staff

Re: Subcommittee Markup of H.R. 4342, the “Domain Openness Through Continued Oversight Matters (DOTCOM) Act of 2014”

The Subcommittee on Communications and Technology will meet Wednesday, April 9, 2014, at 4:00 p.m. in 2123 Rayburn House Office Building for opening statements on H.R. 4342, the “Domain Openness Through Continued Oversight Matters Act of 2014” or the “DOTCOM Act of 2014.”

The Subcommittee will reconvene on Thursday, April 10, 2014, at 9:00 a.m. in 2123 Rayburn House Office Building in open markup session on the legislation. A summary of the legislation to be considered is below.

In keeping with Chairman Upton’s announced policy, Members must submit by email to peter.kielty@mail.house.gov any amendments they may have at least two hours before they are offered during this markup. Any information with respect to an amendment’s parliamentary standing (e.g. its germaneness) should be submitted at this time as well.

I. H.R. 4342, the “DOTCOM Act of 2014”

On March 27, 2014, Representative John Shimkus, along with ten co-sponsors, released H.R. 4342, the “DOTCOM Act of 2014.” On April 2, 2014, the Subcommittee held a hearing on the announcement by the National Telecommunications and Information Administration (NTIA) regarding their intention to transition oversight of a part of the Internet domain name system to the international community. Officials from NTIA and Internet Corporation for Assigned Names and Numbers (ICANN) testified, as well as a former United States ambassador to the ITU, and representatives from an Internet trade association and the public interest community.

NTIA’s March 2014 Announcement

On March 14, 2014, NTIA announced its intention to transition its oversight of the Internet domain name system’s root zone functions, performed by the Internet Assigned Numbers Authority (IANA), to the global multi-stakeholder community. The existing IANA contract between the U.S. government and ICANN expires in September 2015, although the contract provides for two additional two-year renewal periods.

In asking the multi-stakeholder community to generate a transition proposal, NTIA did not give the world a blank slate. In addition to a requirement that any acceptable proposal must garner wide community support, NTIA also set forth the following criteria that any acceptable proposal must satisfy:

- It must support and enhance the multi-stakeholder model;
- It must maintain the security, stability, and resiliency of the Internet Domain Name System (DNS);
- It must meet the needs and expectations of the global customers and partners of the IANA services; and,
- It must maintain the openness of the Internet.

NTIA also has stated that it will not accept any proposal that would replace its role with a government-led or inter-governmental organization solution. ICANN has been directed to work with parties directly affected by the transition, as well as those who are familiar with the architecture of the Internet, including IETF, IAB, and ISOC.

II. SECTION-BY-SECTION

Section 1. Section 1 provides the short title of “Domain Openness Through Continued Oversight Matters (DOTCOM) Act of 2014”

Section 2. Subsection (a) requires the Assistant Secretary of Commerce for Communications and Information to refrain from relinquishing or agreeing to a proposal that relinquishes the responsibilities of NTIA over the Internet DNS functions until the Comptroller General submits to Congress the report required by subsection (b) of the Act.

Subsection (b) requires the Government Accountability Office to produce a report on the consequences of any proposals submitted to NTIA to transition oversight of the IANA functions away from the Department of Commerce. The report must contain detail on the role of NTIA with respect to the DNS; discussion and analysis of the implications of relinquishing its role; NTIA’s criteria for evaluating submitted proposals; detailed analysis of the proposals received by NTIA; discussion of the processes and criteria used by NTIA and other agencies for evaluating the proposals; and evaluation of whether acceptance of the proposals would raise national security concerns. In addition, the report must include a definition of the term “multistakeholder” and any other terms necessary to understanding the report.

If you need more information, please call David Redl or Kelsey Guyselman at 5-2927.