

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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MEMORANDUM

June 9, 2015

To: Subcommittee on Communications and Technology Democratic Members and Staff

Fr: Committee on Energy and Commerce Democratic Staff

Re: Subcommittee Markup of H.R. 805, the Domain Openness Through Continued Oversight Matters (DOTCOM) Act

On Wednesday, June 10, 2015, at 10:00 a.m. in room 2123 of the Rayburn House Office Building, the Subcommittee on Communications and Technology will mark up H.R. 805, the Domain Openness Through Continued Oversight Matters (DOTCOM) Act.

I. BACKGROUND

On March 14, 2014, the National Telecommunications and Information Administration (NTIA) announced that the U.S. Government would seek to transfer the Internet Assigned Numbers Authority (IANA) functions to the private, global, multi-stakeholder community. NTIA currently contracts with the Internet Corporation for Assigned Names and Numbers (ICANN) to perform the IANA functions to manage the domain name system “root zone” files – the master files of top level domain names – as well as coordinate the allocation of IP addresses.¹

NTIA directed ICANN to convene global stakeholders to develop a proposal to transition the current role played by NTIA. The agency highlighted that the transition proposal must have broad community support while adhering to the following principles: (1) support and enhance the multi-stakeholder model; (2) maintain the security, stability, and resiliency of the Internet DNS; (3) meet the needs and expectations of the global customers and partners of the IANA services; and (4) maintain the openness of the Internet. It also specifically stated that “NTIA will not accept a proposal that replaces the NTIA role with a government-led or an inter-

¹ More specifically, the IANA functions include: (1) the coordination of the assignment of technical Internet protocol parameters; (2) the processing of change requests to the authoritative root zone file of the DNS and root key signing key (KSK) management; (3) the allocation of Internet numbering resources; and (4) the management of the .ARPA and .INT domains.

governmental organization solution.”² Companies such as Cisco, AT&T, Verizon, and Google, industry trade groups such as the U.S. Chamber of Commerce, Internet Association and USTelecom, and public interest groups including Public Knowledge and Center for Democracy and Technology, all expressed support for NTIA’s announcement.

Following NTIA’s announcement, an IANA Stewardship Transition Coordination Group (ICG) was formed to serve as the convener for the development of a transition proposal. On September 8, 2014, the ICG requested proposals for each of the primary IANA functions: 1) protocol parameters, 2) Internet numbering resources, and 3) domain name-related functions.³ The proposals on protocol parameters and numbering resources have been submitted and are currently being reviewed by the ICG. The proposal on naming related functions is still under development.

ICANN also initiated a parallel process to address concerns about ICANN’s accountability in the absence of a contractual relationship with NTIA. The Enhancing ICANN Accountability Cross Community Working Group (CCWG) is considering how the community can have better input into processes such as ICANN’s budget approval, bylaw changes, and opportunities for review and redress of ICANN decisions.

NTIA has emphasized that the proposals for IANA transition and increased ICANN accountability are linked and that accountability concerns must be addressed before any transition occurs.

II. DOTCOM ACT

On Wednesday, May 20, 2015, the subcommittee held a legislative hearing on H.R. 805 and the status of the IANA transition. Witnesses from industry and civil society groups testified to the importance of a timely transition of the IANA functions and the substantial progress that has been made by the multistakeholder community to develop the transition and accountability proposals. The witnesses expressed concern about requiring a review of these community proposals by GAO as contemplated by the DOTCOM Act.

Ranking Members Pallone and Eshoo, Chairman Walden, and Rep. Shimkus intend to offer a substitute amendment at markup that addresses concerns about the DOTCOM Act while conducting the necessary oversight of NTIA’s implementation of the IANA transition. The substitute amendment directs NTIA to submit to Congress a report that certifies (1) the transition proposal meets the five criteria outlined in NTIA’s March 2014 announcement, and (2) that the accountability changes recommended by the community have been implemented. Under the substitute amendment, NTIA would not be able to terminate the IANA functions contract for thirty legislative days after the submission of the report.

² National Telecommunications and Information Administration, *NTIA Announces Intent to Transition Key Internet Domain Name Functions* (Mar. 14, 2014) (press release).

³ IANA Stewardship Transition Coordination Group, Request for Proposals (Sept. 8, 2014) (online at www.icann.org/en/system/files/files/rfp-iana-stewardship-08sep14-en.pdf).