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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R. _____

To prohibit the National Telecommunications and Information Administration from relinquishing responsibilities with respect to Internet domain name functions unless it certifies that it has received a proposal for such relinquishment that meets certain criteria, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. KELLY of Pennsylvania introduced the following bill; which was referred to the Committee on _____

A BILL

To prohibit the National Telecommunications and Information Administration from relinquishing responsibilities with respect to Internet domain name functions unless it certifies that it has received a proposal for such relinquishment that meets certain criteria, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Defending Internet
5 Freedom Act of 2015”.

1 **SEC. 2. REQUIREMENTS FOR NTIA RELINQUISHMENT OF**
2 **DNS RESPONSIBILITIES.**

3 (a) IN GENERAL.—Unless the Assistant Secretary
4 submits the certification described in subsection (b) to the
5 appropriate congressional committees—

6 (1) the Assistant Secretary may not relinquish
7 the responsibilities of the NTIA with respect to
8 Internet domain name functions, including responsi-
9 bility with respect to the authoritative root zone file,
10 the IANA functions, or the related root zone man-
11 agement functions; and

12 (2) the Assistant Secretary shall exercise the
13 first option period described in paragraph I.70(b) of
14 the IANA functions contract to extend such contract
15 through September 30, 2017.

16 (b) CERTIFICATION DESCRIBED.—The certification
17 described in this subsection is a written certification that
18 the Assistant Secretary has received a final proposal for
19 relinquishing the responsibilities of the NTIA with respect
20 to Internet domain name functions that ensures the fol-
21 lowing:

22 (1) Control over the management of the Inter-
23 net domain name system will not be exercised by a
24 governmental or intergovernmental body.

25 (2) The bylaws of ICANN have been amended
26 to provide for the following:

1 (A) No director or officer of ICANN may
2 be selected by or represent a governmental or
3 intergovernmental body.

4 (B) The board of directors of ICANN is
5 prohibited from voting on advice or a policy
6 proposal offered by the Governmental Advisory
7 Committee unless such Committee reaches con-
8 sensus regarding such advice or proposal. For
9 purposes of the preceding sentence, the term
10 “consensus” means general agreement in the
11 absence of any formal objection.

12 (C) ICANN is committed to upholding
13 freedom of speech, freedom of the press, free-
14 dom of assembly, and freedom of association
15 and has adopted and implemented standards
16 that are at least as protective of such freedoms
17 as is the First Amendment to the Constitution.

18 (D) The term “supermajority” is defined
19 for purposes of the bylaws of ICANN to mean,
20 with respect to a vote of the board of directors,
21 an affirmative vote by at least four-fifths of all
22 directors.

23 (E) A change in the bylaws of ICANN re-
24 quires a vote of a supermajority of the board of
25 directors.

1 (F) ICANN has an external, independent
2 process for reviewing and resolving disputes be-
3 tween ICANN and external parties, including
4 members of the multistakeholder community, in
5 all matters related to the operations and policy
6 decisions of ICANN. Such process includes the
7 ability to reverse decisions of the board of direc-
8 tors.

9 (G) ICANN shall remain subject to United
10 States law (including State law) and to the ju-
11 risdiction of United States courts (including
12 State courts).

13 (H) ICANN is prohibited from engaging in
14 activities unrelated to ICANN's core mission or
15 entering into an agreement or modifying an ex-
16 isting agreement to impose on a registrar or
17 registry with which ICANN conducts business
18 any condition (such as a condition relating to
19 the regulation of content) that is unrelated to
20 ICANN's core mission.

21 (3) ICANN has adopted policies and procedures
22 for disclosing to the public records and other infor-
23 mation that are at least as protective of public ac-
24 cess as the policies and procedures required by sec-
25 tion 552 of title 5, United States Code (commonly

1 known as the Freedom of Information Act). The
2 policies and procedures adopted include a means by
3 which the denial of a request for access to records
4 or other information may be appealed through the
5 independent dispute resolution process described in
6 paragraph (2)(F).

7 (4) The United States Government has been
8 granted ownership of the .gov and .mil top-level do-
9 mains.

10 (5) ICANN has adopted, if necessary through
11 amendment to its bylaws, all additional measures
12 recommended by the multistakeholder community
13 through the IANA Stewardship Transition Coordina-
14 tion Group, the Cross Community Working Group
15 on Enhancing ICANN Accountability, and the Cross
16 Community Working Group to Develop an IANA
17 Stewardship Transition Proposal on Naming Related
18 Functions.

19 (c) DEFINITIONS.—In this section:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means the Committee on Energy and Com-
23 merce of the House of Representatives and the Com-
24 mittee on Commerce, Science, and Transportation of
25 the Senate.

1 (2) ASSISTANT SECRETARY.—The term “Assist-
2 ant Secretary” means the Assistant Secretary of
3 Commerce for Communications and Information.

4 (3) IANA FUNCTIONS.—The term “IANA func-
5 tions” means the Internet Assigned Numbers Au-
6 thority functions, as described in the IANA func-
7 tions contract.

8 (4) IANA FUNCTIONS CONTRACT.—The term
9 “IANA functions contract” means the contract be-
10 tween the NTIA and ICANN that became effective
11 on October 1, 2012, under which ICANN is required
12 to perform the IANA functions (Contract No.
13 SA1301–12–CN–0035).

14 (5) ICANN.—The term “ICANN” means the
15 Internet Corporation for Assigned Names and Num-
16 bers.

17 (6) ICANN’S CORE MISSION.—The term
18 “ICANN’s core mission” means managing the IANA
19 functions and proposing and overseeing policy deci-
20 sions central to coordinating the global interoper-
21 ability and uniqueness of Internet domain names.

22 (7) NTIA.—The term “NTIA” means the Na-
23 tional Telecommunications and Information Admin-
24 istration.

1 (8) STATE.—The term “State” means each of
2 the several States, the District of Columbia, each
3 commonwealth, territory, or possession of the United
4 States, and each federally recognized Indian tribe.