

114TH CONGRESS
2D SESSION

S. 3034

To prohibit the National Telecommunications and Information Administration from allowing the Internet Assigned Numbers Authority functions contract to lapse unless specifically authorized to do so by an Act of Congress.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2016

Mr. CRUZ (for himself, Mr. LEE, and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prohibit the National Telecommunications and Information Administration from allowing the Internet Assigned Numbers Authority functions contract to lapse unless specifically authorized to do so by an Act of Congress.

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 “Protecting Internet
5 Freedom Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Department of Commerce and the Na-
2 tional Telecommunications and Information Admin-
3 istration (in this section referred to as the “NTIA”)
4 should be responsible for maintaining the continuity
5 and stability of services related to certain inter-
6 dependent Internet technical management functions,
7 known collectively as the Internet Assigned Numbers
8 Authority (in this section referred to as the
9 “IANA”), which includes—

10 (A) the coordination of the assignment of
11 technical Internet protocol parameters;

12 (B) the administration of certain respon-
13 sibilities associated with the Internet domain
14 name system root zone management;

15 (C) the allocation of Internet numbering
16 resources; and

17 (D) other services related to the manage-
18 ment of the Advanced Research Project Agency
19 and INT top-level domains.

20 (2) The interdependent technical functions de-
21 scribed in paragraph (1) were performed on behalf
22 of the Federal Government under a contract between
23 the Defense Advanced Research Projects Agency and
24 the University of Southern California as part of a
25 research project known as the Tera-node Network

1 Technology project. As the Tera-node Network
2 Technology project neared completion and the con-
3 tract neared expiration in 1999, the Federal Govern-
4 ment recognized the need for the continued perform-
5 ance of the IANA functions as vital to the stability
6 and correct functioning of the Internet.

7 (3) The NTIA may use its contract authority to
8 maintain the continuity and stability of services re-
9 lated to the IANA functions.

10 (4) If the NTIA uses its contract authority, the
11 contractor, in the performance of its duties, must
12 have or develop a close constructive working rela-
13 tionship with all interested and affected parties to
14 ensure quality and satisfactory performance of the
15 IANA functions. The interested and affected parties
16 include—

17 (A) the multi-stakeholder, private sector
18 led, bottom-up policy development model for the
19 domain name system that the Internet Corpora-
20 tion for Assigned Names and Numbers rep-
21 resents;

22 (B) the Internet Engineering Task Force
23 and the Internet Architecture Board;

24 (C) Regional Internet Registries;

1 (D) top-level domain operators and man-
2 agers, such as country codes and generic;

3 (E) governments; and

4 (F) the Internet user community.

5 (5) The IANA functions contract of the Depart-
6 ment of Commerce explicitly declares that “[a]ll
7 deliverables provided under this contract become the
8 property of the U.S. Government.”. One of the
9 deliverables is the automated root zone.

10 (6) Former President Bill Clinton’s Internet
11 czar Ira Magaziner stated that “[t]he United States
12 paid for the Internet, the Net was created under its
13 auspices, and most importantly everything [research-
14 ers] did was pursuant to government contracts.”.

15 (7) Under section 3 of article IV of the Con-
16 stitution of the United States, Congress has the ex-
17 clusive power to “dispose of and make all needful
18 Rules and Regulations respecting the Territory or
19 other Property belonging to the United States”.

20 (8) The .gov and .mil top-level domains are the
21 property of the United States Government, and as
22 property, the United States Government should have
23 the exclusive control and use of those domains in
24 perpetuity.

1 **SEC. 3. MAINTAINING THE IANA FUNCTIONS CONTRACT.**

2 The Assistant Secretary of Commerce for Commu-
3 nications and Information may not allow the responsibility
4 of the National Telecommunications and Information Ad-
5 ministration with respect to the Internet domain name
6 system functions, including responsibility with respect to
7 the authoritative root zone file and the performance of the
8 Internet Assigned Numbers Authority functions, to termi-
9 nate, lapse, expire, be cancelled, or otherwise cease to be
10 in effect unless a Federal statute enacted after the date
11 of enactment of this Act expressly grants the Assistant
12 Secretary such authority.

13 **SEC. 4. EXCLUSIVE UNITED STATES GOVERNMENT OWNER-**
14 **SHIP AND CONTROL OF .GOV AND .MIL DO-**
15 **MAINS.**

16 Not later than 60 days after the date of enactment
17 of this Act, the Assistant Secretary of Commerce for Com-
18 munications and Information shall provide to Congress a
19 written certification that the United States Government
20 has—

21 (1) secured sole ownership of the .gov and .mil
22 top-level domains; and

23 (2) entered into a contract with the Internet
24 Corporation for Assigned Names and Numbers that
25 provides that the United States Government has ex-

- 1 exclusive control and use of those domains in per-
- 2 petuity.

○