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S. 2749

To provide requirements for the .gov domain, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2019

Mr. PETERS (for himself, Mr. JOHNSON, Ms. KLOBUCHAR, and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide requirements for the .gov domain, 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 “DOTGOV Online
5 Trust in Government Act of 2019” or the “DOTGOV Act
6 of 2019”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

9 (1) the .gov internet domain reflects the work
10 of United States innovators in inventing the internet

1 and the role that the Federal Government played in
2 guiding the development and success of the early
3 internet;

4 (2) the .gov internet domain is a unique re-
5 source of the United States that reflects the history
6 of innovation and global leadership of the United
7 States;

8 (3) when online public services and official com-
9 munications from any level and branch of govern-
10 ment use the .gov domain, they are easily recognized
11 as official and difficult to impersonate;

12 (4) the citizens of the United States deserve on-
13 line public services that are safe, recognizable, and
14 trustworthy;

15 (5) the .gov internet domain should be available
16 to any Federal, State, local, or territorial govern-
17 ment-operated or publicly controlled entity, including
18 any Tribal government recognized by the Federal
19 Government or a State government, for use in their
20 official services, operations, and communications;

21 (6) the .gov internet domain provides a critical
22 service to those Federal, State, local, Tribal, and
23 territorial governments; and

1 (7) the .gov internet domain should be operated
2 transparently and in the spirit of public accessibility,
3 privacy, and security.

4 **SEC. 3. DEFINITIONS.**

5 In this Act—

6 (1) the term “Administrator” means the Ad-
7 ministrator of General Services;

8 (2) the term “Director” means the Director of
9 the Cybersecurity and Infrastructure Security Agen-
10 cy;

11 (3) the term “online service” means any inter-
12 net-facing service, including a website, email, a vir-
13 tual private network, or a custom application; and

14 (4) the term “State” means any State of the
15 United States, the District of Columbia, the Com-
16 monwealth of Puerto Rico, the Virgin Islands,
17 Guam, American Samoa, the Commonwealth of the
18 Northern Mariana Islands, and any possession of the
19 United States.

20 **SEC. 4. DUTIES OF DEPARTMENT OF HOMELAND SECURITY.**

21 (a) PURPOSE.—The purpose of the .gov internet do-
22 main program is to—

23 (1) legitimize and enhance public trust in gov-
24 ernment entities and their online services;

1 (2) facilitate trusted electronic communication
2 and connections to and from government entities;

3 (3) provide simple and secure registration of
4 .gov internet domains;

5 (4) improve the security of the services hosted
6 within these domains, and of the .gov namespace in
7 general; and

8 (5) enable the discoverability of government
9 services to the public and to domain registrants.

10 (b) DUTIES AND AUTHORITIES RELATING TO THE
11 .GOV DOMAIN.—

12 (1) IN GENERAL.—Subtitle A of title XXII of
13 the Homeland Security Act (6 U.S.C. 651 et seq.)
14 is amended—

15 (A) in section 2202(c) (6 U.S.C. 652(c))—

16 (i) in paragraph (10), by striking
17 “and” at the end;

18 (ii) by redesignating paragraph (11)
19 as paragraph (12); and

20 (iii) by inserting after paragraph (10)
21 the following:

22 “(11) carry out the duties and authorities relat-
23 ing to the .gov domain, as described in section 2215;
24 and”; and

25 (B) by adding at the end the following:

1 **“SEC. 2215. DUTIES AND AUTHORITIES RELATING TO .GOV**
2 **DOMAIN.**

3 “(a) AVAILABILITY OF .GOV DOMAIN.—The Director
4 shall make .gov domain name registration services, as well
5 as any supporting services described in subsection (c),
6 generally available—

7 “(1) to any Federal, State, local, or territorial
8 government entity, or other publicly controlled enti-
9 ty, including any Tribal government recognized by
10 the Federal Government or a State government, that
11 complies with the policies for registration developed
12 by the Director as described in subsection (b);

13 “(2) without conditioning registration on the
14 sharing of any information with the Director or any
15 other Federal entity, other than the information re-
16 quired to meet the policies described in subsection
17 (b); and

18 “(3) without conditioning registration on par-
19 ticipation in any separate service offered by the Di-
20 rector or any other Federal entity.

21 “(b) REQUIREMENTS.—The Director, in consultation
22 with the Director of the Office of Management and Budg-
23 et, shall establish and publish on a publicly available
24 website requirements for the registration and operation of
25 .gov domains sufficient to—

1 “(1) minimize the risk of .gov domains whose
2 names could mislead or confuse users;

3 “(2) establish that .gov domains may not be
4 used for commercial or campaign purposes;

5 “(3) ensure that domains are registered and
6 maintained only by authorized individuals; and

7 “(4) limit the sharing or use of any information
8 obtained through the administration of the .gov do-
9 main with any other Department of Homeland Secu-
10 rity component or any other agency of the Federal
11 Government for any purpose other than the adminis-
12 tration of the .gov domain, the services described in
13 subsection (c), and the requirements for establishing
14 a .gov inventory described in subsection (f).

15 “(c) SUPPORTING SERVICES.—

16 “(1) IN GENERAL.—The Director may provide
17 services to the entities described in subsection (a)(1)
18 specifically intended to support the security, privacy,
19 reliability, accessibility, and speed of registered .gov
20 domains.

21 “(2) RULE OF CONSTRUCTION.—Nothing in
22 this paragraph (1) shall be construed to—

23 “(A) limit other authorities of the Director
24 to provide services or technical assistance to an
25 entity described in subsection (a)(1); or

1 “(B) establish new authority for services
2 other than those the purpose of which expressly
3 supports the operation of .gov domains and the
4 needs of .gov domain registrants.

5 “(d) FEES.—The Director may provide any service
6 relating to the availability of the .gov internet domain pro-
7 gram, including .gov domain name registration services
8 and supporting services described in subsection (c), to en-
9 tities described in subsection (a)(1) with or without reim-
10 bursement.

11 “(e) CONSULTATION.—The Director shall consult
12 with the Director of the Office of Management and Budg-
13 et, the Administrator of General Services, other civilian
14 Federal agencies as appropriate, and entities representing
15 State, local, Tribal, or territorial governments in devel-
16 oping the strategic direction of the .gov domain and in
17 developing the policies required under subsection (b), in
18 particular on matters of privacy, accessibility, trans-
19 parency, and technology modernization.

20 “(f) .GOV INVENTORY.—

21 “(1) IN GENERAL.—The Director shall, on a
22 continuous basis—

23 “(A) inventory all hostnames and services
24 in active use within the .gov domain; and

1 “(B) provide the data described in sub-
2 paragraph (A) to domain registrants at no cost.

3 “(2) REQUIREMENTS.—In carrying out para-
4 graph (1)—

5 “(A) data may be collected through anal-
6 ysis of public and non-public sources, including
7 commercial data sets;

8 “(B) the Director shall share with Federal
9 and non-Federal domain registrants all unique
10 hostnames and services discovered within the
11 zone of their registered domain;

12 “(C) the Director shall share any data or
13 information collected or used in the manage-
14 ment of the .gov domain name registration serv-
15 ices relating to Federal executive branch reg-
16 istrants with the Director of the Office of Man-
17 agement and Budget for the purpose of ful-
18 filling the duties of the Director of the Office
19 of Management and Budget under section 3553
20 of title 44, United States Code;

21 “(D) the Director shall publish on a pub-
22 licly available website discovered hostnames that
23 describe publicly accessible Federal agency
24 websites, to the extent consistent with the secu-

1 rity of Federal information systems but with
2 the presumption of disclosure;

3 “(E) the Director may publish on a pub-
4 licly available website any analysis conducted
5 and data collected relating to compliance with
6 Federal mandates and industry best practices,
7 to the extent consistent with the security of
8 Federal information systems but with the pre-
9 sumption of disclosure; and

10 “(F) the Director shall—

11 “(i) collect information on the use of
12 non-.gov domain suffixes by Federal agen-
13 cies for their official online services;

14 “(ii) collect information on the use of
15 non-.gov domain suffixes by State, local,
16 Tribal, and territorial governments; and

17 “(iii) publish the information collected
18 under clause (i) on a publicly available
19 website.

20 “(3) STRATEGY.—Not later than 180 days after
21 the date of enactment of this Act, the Director shall
22 develop and submit to the Committee on Homeland
23 Security and Governmental Affairs and the Com-
24 mittee on Rules and Administration of the Senate
25 and the Committee on Homeland Security and the

1 Committee on House Administration of the House of
2 Representatives a strategy to utilize the information
3 collected under this subsection for countering mali-
4 cious cyber activity.”.

5 (2) ADDITIONAL DUTIES.—

6 (A) OUTREACH STRATEGY.—Not later
7 than 1 year after the date of enactment of this
8 Act, the Director, in consultation with the Ad-
9 ministrator and entities representing State,
10 local, Tribal, or territorial governments, shall
11 develop and submit to the Committee on Home-
12 land Security and Governmental Affairs and the
13 Committee on Rules and Administration of the
14 Senate and the Committee on Homeland Secu-
15 rity and the Committee on House Administra-
16 tion of the House of Representatives an out-
17 reach strategy to local, Tribal, and territorial
18 governments and other publicly controlled enti-
19 ties as determined by the Director to inform
20 and support migration to the .gov domain,
21 which shall include—

22 (i) stakeholder engagement plans; and

23 (ii) information on how migrating in-
24 formation technology systems to the .gov
25 domain is beneficial to that entity, includ-

1 ing benefits relating to cybersecurity and
2 the supporting services offered by the Fed-
3 eral Government.

4 (B) REFERENCE GUIDE.—Not later than 1
5 year after the date of enactment of this Act, the
6 Director, in consultation with the Administrator
7 and entities representing State, local, Tribal, or
8 territorial governments, shall develop and pub-
9 lish on a publicly available website a reference
10 guide for migrating online services to the .gov
11 domain, which shall include—

12 (i) process and technical information
13 on how to carry out a migration of com-
14 mon categories of online services, such as
15 web and email services;

16 (ii) best practices for cybersecurity
17 pertaining to registration and operation of
18 a .gov domain; and

19 (iii) references to contract vehicles
20 and other private sector resources vetted
21 by the Director that may assist in per-
22 forming the migration.

23 (C) SECURITY ENHANCEMENT PLAN.—Not
24 later than 1 year after the date of enactment of
25 this Act, the Director shall develop and submit

1 to the Committee on Homeland Security and
2 Governmental Affairs and the Committee on
3 Rules and Administration of the Senate and the
4 Committee on Homeland Security and the Com-
5 mittee on House Administration of the House
6 of Representatives a .gov domain security en-
7 hancement strategy and implementation plan on
8 how to improve the cybersecurity benefits of the
9 .gov domain during the 5-year period following
10 the date of enactment of this Act, which shall
11 include—

12 (i) a modernization plan for the infor-
13 mation systems that support operation of
14 the .gov top-level domain, such as the reg-
15 istrar portal, and how these information
16 systems will remain current with evolving
17 security trends;

18 (ii) a modernization plan for the
19 structure of the .gov program and any sup-
20 porting contracts, and how the program
21 and contracts can remain flexible over time
22 so as to take advantage of emerging tech-
23 nology and cybersecurity developments;
24 and

1 (iii) an outline of specific security en-
 2 hancements the .gov program intends to
 3 provide to users during that 5-year period.

4 (3) TECHNICAL AND CONFORMING AMEND-
 5 MENT.—The table of contents in section 1(b) of the
 6 Homeland Security Act of 2002 (Public Law 107–
 7 196; 116 Stat. 2135) is amended by inserting after
 8 the item relating to section 2214 the following:

“Sec. 2215. Duties and authorities relating to .gov domain.”.

9 (c) HOMELAND SECURITY GRANTS.—Section
 10 2008(a) of the Homeland Security Act of 2002 (6 U.S.C.
 11 609(a)) is amended—

12 (1) in paragraph (13), by striking “and” at the
 13 end;

14 (2) by redesignating paragraph (14) as para-
 15 graph (15); and

16 (3) by inserting after paragraph (13) the fol-
 17 lowing:

18 “(14) migrating any online service (as defined
 19 in section 3 of the DOTGOV Online Trust in Gov-
 20 ernment Act of 2019) to the .gov domain; and”.

21 **SEC. 5. REPORT.**

22 Not later than 1 year after the date of enactment
 23 of this Act, and every 2 years thereafter for 4 years, the
 24 Director shall submit a report to or conduct a detailed
 25 briefing for the Committee on Homeland Security and

1 Governmental Affairs and the Committee on Rules and
2 Administration of the Senate and the Committee on
3 Homeland Security and the Committee on House Admin-
4 istration of the House of Representatives on the status
5 of—

6 (1) the outreach strategy described in section
7 4(b)(2)(A);

8 (2) the security enhancement strategy and im-
9 plementation plan described in section 4(b)(2)(C);

10 (3) the inventory described in 2215(f) of the
11 Homeland Security Act of 2002, as added by section
12 4(b) of this Act; and

13 (4) the supporting services described in section
14 2215(c)(1) of the Homeland Security Act of 2002,
15 as added by section 4(b) of this Act.

16 **SEC. 6. TRANSITION.**

17 (a) There shall be transferred to the Director the .gov
18 internet domain program, as operated by the General
19 Services Administration under title 41, Code of Federal
20 Regulations, on the date of enactment of this Act.

21 (b) Not later than 30 days after the date of enact-
22 ment of this Act, the Director shall submit a plan for the
23 operational and contractual transition of the .gov internet
24 domain program to the Committee on Homeland Security
25 and Governmental Affairs and the Committee on Rules

1 and Administration of the Senate and the Committee on
2 Homeland Security and the Committee on House Admin-
3 istration of the House of Representatives.

4 (c) Not later than 120 days after the date of enact-
5 ment of this Act, the Director shall begin operationally
6 administering the .gov internet domain program, and shall
7 publish on a publicly available website the requirements
8 for domain registrants as described in section 2215(b) of
9 the Homeland Security Act of 2002, as added by section
10 4(b) of this Act.

11 (d) On the date of publication for the requirements
12 in subsection (c), the Administrator shall rescind the re-
13 quirements in part 102–173 of title 41, Code of Federal
14 Regulations.

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