

Calendar No. 401

116TH CONGRESS
2D SESSION

S. 2749

[Report No. 116–192]

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, Mr. LANKFORD, Ms. HASSAN, and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JANUARY 6, 2020

Reported by Mr. JOHNSON, with amendments

[Omit the part struck through and insert the part printed in *italie*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “DOTGOV Online
3 Trust in Government Act of 2019” or the “DOTGOV Act
4 of 2019”.

5 **SEC. 2. FINDINGS.**

6 Congress finds that—

7 (1) the .gov internet domain reflects the work
8 of United States innovators in inventing the internet
9 and the role that the Federal Government played in
10 guiding the development and success of the early
11 internet;

12 (2) the .gov internet domain is a unique re-
13 source of the United States that reflects the history
14 of innovation and global leadership of the United
15 States;

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

20 (4) the citizens of the United States deserve on-
21 line public services that are safe, recognizable, and
22 trustworthy;

23 (5) the .gov internet domain should be available
24 *at no cost or a negligible cost* to any Federal, State,
25 local, or territorial government-operated or publicly
26 controlled entity, including any Tribal government

1 recognized by the Federal Government or a State
2 government, for use in their official services, oper-
3 ations, and communications;

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

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

10 **SEC. 3. DEFINITIONS.**

11 In this Act—

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

14 (2) the term “Director” means the Director of
15 the Cybersecurity and Infrastructure Security Agen-
16 cy;

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

20 (4) the term “State” means any State of the
21 United States, the District of Columbia, the Com-
22 monwealth of Puerto Rico, the Virgin Islands,
23 Guam, American Samoa, the Commonwealth of the
24 Northern Mariana Islands, and any possession of the
25 United States.

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

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

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

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

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

10 (4) improve the security of the services hosted
11 within these domains, and of the .gov namespace in
12 general; and

13 (5) enable the discoverability of government
14 services to the public and to domain registrants.

15 (b) DUTIES AND AUTHORITIES RELATING TO THE
16 .GOV DOMAIN.—

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

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

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

23 (ii) by redesignating paragraph (11)
24 as paragraph (12); and

25 (iii) by inserting after paragraph (10)
26 the following:

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

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

5 **“SEC. 2215. DUTIES AND AUTHORITIES RELATING TO .GOV**
 6 **DOMAIN.**

7 “(a) AVAILABILITY OF .GOV DOMAIN.—The Director
 8 shall make .gov domain name registration services, as well
 9 as any supporting services described in subsection (c),
 10 generally available—

11 “(1) to any Federal, State, local, or territorial
 12 government entity, or other publicly controlled enti-
 13 ty, including any Tribal government recognized by
 14 the Federal Government or a State government, that
 15 complies with the ~~policies~~ *requirements* for registra-
 16 tion developed by the Director as described in sub-
 17 section (b);

18 “(2) without conditioning registration on the
 19 sharing of any information with the Director or any
 20 other Federal entity, other than the information re-
 21 quired to meet the ~~policies~~ *requirements* described in
 22 subsection (b); and

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

1 “(b) REQUIREMENTS.—The Director, in consultation
 2 with the Director of the Office of Management and Budg-
 3 et, shall establish and publish on a publicly available
 4 website requirements for the registration and operation of
 5 .gov domains sufficient to—

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

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

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

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

20 “(c) SUPPORTING SERVICES.—

21 “(1) IN GENERAL.—The Director may provide
 22 services to the entities described in subsection (a)(1)
 23 specifically intended to support the security, privacy,
 24 reliability, accessibility, and speed of registered .gov
 25 domains.

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

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

6 “(B) establish new authority for services
7 other than those the purpose of which expressly
8 supports the operation of .gov domains and the
9 needs of .gov domain registrants.

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

16 “(d) *FEES.*—

17 “(1) *IN GENERAL.*—*The Director may provide*
18 *any service relating to the availability of the .gov*
19 *internet domain program, including .gov domain*
20 *name registration services described in subsection (a)*
21 *and supporting services described in subsection (c), to*
22 *entities described in subsection (a)(1) with or without*
23 *reimbursement.*

24 “(2) *LIMITATION.*—*The total fees collected for*
25 *new .gov domain registrants or annual renewals of*

1 *.gov domains shall not exceed the direct operational*
 2 *expenses of maintaining the .gov internet domain.*

3 “(e) CONSULTATION.—The Director shall consult
 4 with the Director of the Office of Management and Budg-
 5 et, the Administrator of General Services, other civilian
 6 Federal agencies as appropriate, and entities representing
 7 State, local, Tribal, or territorial governments in devel-
 8 oping the strategic direction of the .gov domain and in
 9 ~~developing the policies required~~ *establishing requirements*
 10 under subsection (b), in particular on matters of privacy,
 11 accessibility, transparency, and technology modernization.

12 “(f) .GOV INVENTORY.—

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

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

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

19 “(2) REQUIREMENTS.—In carrying out para-
 20 graph (1)—

21 “(A) data may be collected through anal-
 22 ysis of public and non-public sources, including
 23 commercial data sets;

24 “(B) the Director shall share with Federal
 25 and non-Federal domain registrants all unique

1 hostnames and services discovered within the
2 zone of their registered domain;

3 “(C) the Director shall share any data or
4 information collected or used in the manage-
5 ment of the .gov domain name registration serv-
6 ices relating to Federal executive branch reg-
7 istrants with the Director of the Office of Man-
8 agement and Budget for the purpose of ful-
9 filling the duties of the Director of the Office
10 of Management and Budget under section 3553
11 of title 44, United States Code;

12 “(D) the Director shall publish on a pub-
13 licly available website discovered hostnames that
14 describe publicly accessible Federal agency
15 websites, to the extent consistent with the secu-
16 rity of Federal information systems but with
17 the presumption of disclosure;

18 “(E) the Director may publish on a pub-
19 licly available website any analysis conducted
20 and data collected relating to compliance with
21 Federal mandates and industry best practices,
22 to the extent consistent with the security of
23 Federal information systems but with the pre-
24 sumption of disclosure; and

25 “(F) the Director shall—

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

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

7 “(iii) publish the information collected
8 under clause (i) on a publicly available
9 website.

10 “(3) STRATEGY.—Not later than 180 days after
11 the date of enactment of this ~~Act~~ *section*, the Direc-
12 tor shall develop and submit to the Committee on
13 Homeland Security and Governmental Affairs and
14 the Committee on Rules and Administration of the
15 Senate and the Committee on Homeland Security
16 and the Committee on House Administration of the
17 House of Representatives a strategy to utilize the in-
18 formation collected under this subsection for coun-
19 tering malicious cyber activity.”.

20 (2) ADDITIONAL DUTIES.—

21 (A) OUTREACH STRATEGY.—Not later
22 than 1 year after the date of enactment of this
23 Act, the Director, in consultation with the Ad-
24 ministrator and entities representing State,
25 local, Tribal, or territorial governments, shall

1 develop and submit to the Committee on Home-
2 land Security and Governmental Affairs and the
3 Committee on Rules and Administration of the
4 Senate and the Committee on Homeland Secu-
5 rity and the Committee on House Administra-
6 tion of the House of Representatives an out-
7 reach strategy to local, Tribal, and territorial
8 governments and other publicly controlled enti-
9 ties as determined by the Director to inform
10 and support migration to the .gov domain,
11 which shall include—

12 (i) stakeholder engagement plans; and

13 (ii) information on how migrating in-
14 formation technology systems to the .gov
15 domain is beneficial to that entity, includ-
16 ing benefits relating to cybersecurity and
17 the supporting services offered by the Fed-
18 eral Government.

19 (B) REFERENCE GUIDE.—Not later than 1
20 year after the date of enactment of this Act, the
21 Director, in consultation with the Administrator
22 and entities representing State, local, Tribal, or
23 territorial governments, shall develop and pub-
24 lish on a publicly available website a reference

1 guide for migrating online services to the .gov
2 domain, which shall include—

3 (i) process and technical information
4 on how to carry out a migration of com-
5 mon categories of online services, such as
6 web and email services;

7 (ii) best practices for cybersecurity
8 pertaining to registration and operation of
9 a .gov domain; and

10 (iii) references to contract vehicles
11 and other private sector resources vetted
12 by the Director that may assist in per-
13 forming the migration.

14 (C) SECURITY ENHANCEMENT PLAN.—Not
15 later than 1 year after the date of enactment of
16 this Act, the Director shall develop and submit
17 to the Committee on Homeland Security and
18 Governmental Affairs and the Committee on
19 Rules and Administration of the Senate and the
20 Committee on Homeland Security and the Com-
21 mittee on House Administration of the House
22 of Representatives a .gov domain security en-
23 hancement strategy and implementation plan on
24 how to improve the cybersecurity benefits of the
25 .gov domain during the 5-year period following

1 the date of enactment of this Act, which shall
2 include—

3 (i) a modernization plan for the infor-
4 mation systems that support operation of
5 the .gov top-level domain, such as the reg-
6 istrar portal, and how these information
7 systems will remain current with evolving
8 security trends;

9 (ii) a modernization plan for the
10 structure of the .gov program and any sup-
11 porting contracts, and how the program
12 and contracts can remain flexible over time
13 so as to take advantage of emerging tech-
14 nology and cybersecurity developments;
15 and

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

19 (3) TECHNICAL AND CONFORMING AMEND-
20 MENT.—The table of contents in section 1(b) of the
21 Homeland Security Act of 2002 (Public Law 107–
22 196; 116 Stat. 2135) is amended by inserting after
23 the item relating to section 2214 the following:

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

1 (c) HOMELAND SECURITY GRANTS.—Section
2 2008(a) of the Homeland Security Act of 2002 (6 U.S.C.
3 609(a)) is amended—

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

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

8 (3) by inserting after paragraph (13) the fol-
9 lowing:

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

13 **SEC. 5. REPORT.**

14 Not later than 1 year after the date of enactment
15 of this Act, and every 2 years thereafter for 4 years, the
16 Director shall submit a report to or conduct a detailed
17 briefing for the Committee on Homeland Security and
18 Governmental Affairs and the Committee on Rules and
19 Administration of the Senate and the Committee on
20 Homeland Security and the Committee on House Admin-
21 istration of the House of Representatives on the status
22 of—

23 (1) the outreach strategy described in section
24 4(b)(2)(A);

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

3 (3) the inventory described in 2215(f) of the
4 Homeland Security Act of 2002, as added by section
5 4(b) of this Act; ~~and~~

6 (4) the supporting services described in section
7 2215(c)(1) of the Homeland Security Act of 2002,
8 as added by section 4(b) of this Act; *and*

9 (5) *the development, assessment, and determina-*
10 *tion of the amount of any fees imposed on new .gov*
11 *domain registrants or annual renewals of .gov do-*
12 *main in accordance with section 2215(d) of the*
13 *Homeland Security Act of 2002, as added by section*
14 *4(b) of this Act.*

15 **SEC. 6. TRANSITION.**

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

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

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

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

10 (d) On the date of publication ~~for the requirements~~
11 ~~in subsection (e) of the requirements for domain registrants~~
12 *under subsection (c)*, the Administrator shall rescind the
13 requirements in part 102–173 of title 41, Code of Federal
14 Regulations.

15 (e) *During the 5-year period beginning on the date of*
16 *enactment of this Act, any fee charged for new .gov domain*
17 *registrants or annual renewals of .gov domains shall be not*
18 *more than the amount of the fee charged for such registra-*
19 *tion or renewal as of October 1, 2019.*

Calendar No. 401

116TH CONGRESS
2D Session

S. 2749

[Report No. 116-192]

A BILL

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

JANUARY 6, 2020

Reported with amendments