

DOMAIN OPENNESS THROUGH CONTINUED OVERSIGHT MATTERS ACT OF 2015

Mr. SHIMKUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 805) to prohibit the National Telecommunications and Information Administration from relinquishing responsibility over the Internet domain name system until the Comptroller General of the United States submits to Congress a report on the role of the NTIA with respect to such system, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Domain Openness Through Continued Oversight Matters Act of 2015” or the “DOTCOM Act of 2015”.

SEC. 2. REQUIREMENTS FOR IANA STEWARDSHIP TRANSITION.

(a) IN GENERAL.—Until the date that is 30 legislative days after the submission to Congress of the report described in subsection (b), the Assistant Secretary may not permit the NTIA’s role in the performance of the Internet Assigned Numbers Authority functions to terminate, lapse, be cancelled, or otherwise cease to be in effect.

(b) REPORT DESCRIBED.—The report described in this subsection is a report that contains—

(1) the proposal relating to the transition of the NTIA’s stewardship of the Internet Assigned Numbers Authority functions that was developed in a process convened by ICANN at the request of the NTIA; and

(2) a certification by the Assistant Secretary that—

(A) such proposal—

(i) supports and enhances the multistakeholder model of Internet governance;

(ii) maintains the security, stability, and resiliency of the Internet domain name system;

(iii) meets the needs and expectations of the global customers and partners of the Internet Assigned Numbers Authority services;

(iv) maintains the openness of the Internet; and

(v) does not replace the role of the NTIA with a government-led or intergovernmental organization solution; and

(B) the required changes to ICANN’s bylaws contained in the final report of ICANN’s Cross Community Working Group on Enhancing ICANN Accountability and the changes to ICANN’s bylaws required by ICANN’s IANA Stewardship Transition Coordination Group have been adopted.

(c) DEFINITIONS.—In this section:

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

(2) ICANN.—The term “ICANN” means the Internet Corporation for Assigned Names and Numbers.

(3) LEGISLATIVE DAY.—The term “legislative day” does not include Saturdays, Sundays, legal public holidays, or days either House of Congress is adjourned for more than 3 days during a session of Congress.

(4) NTIA.—The term “NTIA” means the National Telecommunications and Information Administration.

Amend the title so as to read: “A bill to provide for certain requirements relating to the Internet Assigned Numbers Authority stewardship transition.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman

from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are here to consider H.R. 805, the DOTCOM Act. I first introduced this legislation last Congress, and I am proud to see it brought to the floor today. The DOTCOM Act is a great example of what can get done when we work together and build on the Energy and Commerce Committee’s growing record of legislative success.

Mr. Speaker, as many of my colleagues know, from the time the administration announced their intent to transition the IANA functions, I have had serious concerns about the potential risk associated with the move. I have said time and again that this is far too important to rush and that we must carefully consider all the potential consequences and outcomes before any transition occurs.

Mr. Speaker, my bill would require a period of 30 legislative days for us to review any proposal that NTIA receives from the multistakeholder community and ICANN. This allows us to hear from our constituents and consult with outside experts before we decide if ICANN’s proposal is satisfactory. If, in this review period allowed only through passage of the DOTCOM Act, we find that ICANN and/or its proposal does not adequately protect the free and open Internet, Congress can then take action to either completely stop the transfer or require more safeguards to be put in place.

Additionally, and perhaps most importantly, the DOTCOM Act requires NTIA to renew their contract to continue these important stewardship functions with ICANN before it expires in September. Everyone agrees that the contract should remain with NTIA while this process moves forward. DOTCOM is the vehicle to make sure this does in fact happen. Extending the contract takes the pressure off of making a rushed transition and perhaps making mistakes. We get one bite at the apple on this, and we need to make sure it is done correctly.

Mr. Speaker, before I relinquish my time, I want to say that I am very proud of the work that has been done on this bill in the Energy and Commerce Committee, particularly by Chairmen UPTON and WALDEN and Ranking Members PALLONE and ESHOO. We wouldn’t be here today without their hard work and also the work of

staff, particularly Greta Joynes of my office and committee staff David Redl, Kelsey Guyselman, Margaret McCarthy, David Goldman, and Tiffany Guarascio.

Mr. Speaker, clearly, this is an issue that has brought both sides together for the best interests of all Americans. I ask my colleagues to support the passage of H.R. 805, and I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 805, the Domain Openness Through Continued Oversight Matters, or DOTCOM, Act. I am pleased to support this bill, and I want to commend my colleagues for the bipartisan process in the Energy and Commerce Committee that brought us here.

The Internet is a great American success story that has benefited billions of users around the globe. Over the last two decades, the United States Government has taken steps to get out of the way and empower a bottom-up approach to Internet governance. Thanks to the success of this multistakeholder model, the Internet has opened up new markets and economic opportunities and become an unprecedented platform for democratic free expression.

Mr. Speaker, under both Republican and Democratic administrations, the U.S. Government has supported the idea that the Internet should be governed through a decentralized process, free from governmental control. Since the late 1990s, the U.S. Government has moved towards private sector management of the domain name system. To put it another way, we think that the future of the Internet should be determined by businesses, civil society, and technical experts.

Congress has also explicitly embraced this vision. As recently as 2013, the House voted unanimously in support of a bill making it official U.S. policy to “preserve and advance the successful multistakeholder model that governs the Internet.”

Mr. Speaker, completing the transition of the Internet Assigned Numbers Authority advances that policy goal. The IANA transition reaffirms our two-decade commitment to the global multistakeholder community, but we have a responsibility to make sure that the transition is done right.

The DOTCOM Act continues the longstanding congressional support for the global, open Internet while appropriately conducting oversight of the National Telecommunications and Information Administration. We require NTIA to live up to the commitments the agency has made for the IANA transition and ensure that transparency and accountability mechanisms are in place before the U.S. Government can relinquish its stewardship role. In short, I believe our bill provides the necessary safeguards for the IANA transition to occur without unnecessary delay.

Our vote on the DOTCOM Act today is timely for several reasons. Key

meetings are taking place, as we speak, in Buenos Aires, Argentina, to finalize planning for the IANA transition. And quick action on the DOTCOM Act is needed to provide a better alternative to the language in the House Commerce, Justice, Science Appropriations bill that blocks NTIA's ability to implement the transition. Unlike the appropriations rider, the DOTCOM Act provides a real opportunity for congressional oversight, so I urge all my colleagues to support it.

Finally, Mr. Speaker, I want to thank Chairmen UPTON and WALDEN, Representative SHIMKUS, and their respective staffs, David Redl and Greta Joynes, for working with Congresswoman ESHOO and other Democrats on this bill. The DOTCOM Act shows what we can accomplish when our work is bipartisan from the start. I would also like to thank David Goldman and Margaret McCarthy of my staff for their hard work on this legislation. I look forward to working with you all and our colleagues in the Senate to see this bill become law.

Mr. Speaker, I have no other speakers. I urge passage of the DOTCOM Act.

I yield back the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 805, the DOTCOM Act.

Over the past two decades, U.S. policy through Republican and Democratic administrations has supported the transition of the Internet Assigned Numbers Authority (IANA) to the private sector. The DOTCOM Act which passed the Energy and Commerce Committee by voice vote last week carries on this bipartisan tradition by ensuring that the IANA transition supports and enhances the multi-stakeholder model of Internet governance; maintains the security, stability, and resiliency of the Internet domain name system; and does not replace the role of the NTIA with a government-led or intergovernmental organization solution.

Importantly, the DOTCOM Act as amended by the Committee, represents a sensible alternative to the funding restriction included in the House-passed Commerce, Justice and Science (CJS) Appropriations bill. I look forward to working with my colleagues to see that the DOTCOM Act becomes the law of the land—rather than enacting a counterproductive limitation of funds which sends the wrong message to the international community.

I thank Chairman WALDEN, Ranking Member PALLONE and Congressman SHIMKUS for their bipartisan cooperation on this bill and I urge my colleagues to support the DOTCOM Act, which is a vote for the multi-stakeholder model of Internet governance and a global, open Internet, free from governmental control.

Mr. UPTON. Mr. Speaker, right now as we speak, the international community is meeting in Argentina to discuss the state of the Internet around the globe. We have an opportunity today to send a loud and clear message to those gathered in Buenos Aires: that the United States will not stand for anything other than strong safeguards to protect our online future.

By advancing the DOTCOM Act, we can ensure that the Internet—the world's greatest

platform of ideas, commerce, and social connection—continues to thrive to the benefit of folks in Michigan and every corner of the country.

As we move toward transitioning the United States' oversight role of the Domain Name System to the international community of stakeholders, it is essential we tread carefully and thoughtfully. The bill we are considering today is a bipartisan effort to ensure appropriate congressional oversight of this incredibly important transition, and ensure that the administration and NTIA get it right as there are no do-overs.

Over the course of the past year, the Energy and Commerce Committee has engaged in efforts to ensure that any transition proposal considered by the administration contains the necessary safeguards to protect the Internet. This bill incorporates the criteria initially put forward by NTIA, and requires the agency to certify to Congress that the proposal meets these important metrics. It would also put important accountability measures in place for the Internet community.

This legislation, which the Energy and Commerce Committee approved by voice vote, is the result of many informative hearings, feedback from a variety of stakeholders—both domestically and internationally—and productive and ongoing conversations between members on both sides of the aisle. Once again, our committee's efforts demonstrate that Congress can work together to achieve meaningful results and build a bipartisan record of success. I want to recognize Mr. SHIMKUS for his leadership on this issue from the beginning, as well as Chairman WALDEN and Ranking Member PALLONE for their hard work on this commonsense solution to protect the Internet on which we have come to depend.

The world is watching. A vote for the DOTCOM Act is a vote for effective Congressional oversight. I urge all members to support this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 805, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHIMKUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

TSCA MODERNIZATION ACT OF 2015

Mr. SHIMKUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2576) to modernize the Toxic Substances Control Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “TSCA Modernization Act of 2015”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Testing of chemical substances and mixtures.

Sec. 4. Regulation of hazardous chemical substances and mixtures.

Sec. 5. Relationship to other Federal laws.

Sec. 6. Disclosure of data.

Sec. 7. Effect on State law.

Sec. 8. Administration of the Act.

Sec. 9. Conforming amendments.

SEC. 2. DEFINITIONS.

Section 3 of the Toxic Substances Control Act (15 U.S.C. 2602) is amended—

(1) by redesignating paragraphs (7) through (14) as paragraphs (8) through (15) and (12) through (16), respectively;

(2) by inserting after paragraph (6) the following:

“(7) The term ‘intended conditions of use’ means the circumstances under which a chemical substance is intended, known, or reasonably foreseeable to be manufactured, processed, distributed in commerce, used, and disposed of.”; and

(3) by inserting after paragraph (10), as so redesignated, the following:

“(11) The term ‘potentially exposed subpopulation’ means a group of individuals within the general population who, due to either greater susceptibility or greater potential exposure, are likely to be at greater risk than the general population of adverse health effects from exposure to a chemical substance.”.

SEC. 3. TESTING OF CHEMICAL SUBSTANCES AND MIXTURES.

Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)(iii), by striking “; or” and inserting a semicolon;

(B) in subparagraph (B)(iii), by striking “; and” and inserting “; or”; and

(C) by adding at the end the following:

“(C) testing of a chemical substance is necessary to conduct a risk evaluation under section 6(b); and”;

(2) in the matter following subsection (a)(2), by inserting “, order, or consent agreement” after “by rule”; and

(3) in subsection (b)(5), by striking “paragraph (1)(A) or (1)(B)” and inserting “paragraph (1)(A), (1)(B), or (1)(C)”.

SEC. 4. REGULATION OF HAZARDOUS CHEMICAL SUBSTANCES AND MIXTURES.

(a) SCOPE OF REGULATION.—Section 6(a) of the Toxic Substances Control Act (15 U.S.C. 2605(a)) is amended—

(1) by striking “finds that there is a reasonable basis to conclude” and inserting “determines under subsection (b)”;

(2) by inserting “or designates a chemical substance under subsection (i)(2),” before “the Administrator shall by rule”; and

(3) by striking “to protect adequately against such risk using the least burdensome requirements” and inserting “so that the chemical substance or mixture no longer presents or will present an unreasonable risk, including an identified unreasonable risk to a potentially exposed subpopulation”.

(b) RISK EVALUATIONS.—Section 6(b) of the Toxic Substances Control Act (15 U.S.C. 2605(b)) is amended to read as follows:

“(b) RISK EVALUATIONS.—

“(1) IN GENERAL.—The Administrator shall conduct risk evaluations pursuant to this subsection to determine whether or not a chemical substance presents or will present, in the absence of requirements under subsection (a), an unreasonable risk of injury to health or the environment.

“(2) APPLYING REQUIREMENTS.—The Administrator shall apply requirements with respect to a chemical substance through a rule