

# United States Senate

WASHINGTON, DC 20510

April 1, 2014

The Honorable Lawrence Strickling  
Assistant Secretary for Communications and Information  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, DC 20230

Dear Assistant Secretary Strickling:

We write concerning the recent announcement by the National Telecommunications and Information Administration (NTIA) that it intends to relinquish responsibility of the Internet Assigned Numbers Authority (IANA) functions to the global multistakeholder community. In its announcement, NTIA also asked the Internet Corporation for Assigned Names and Numbers (ICANN) to convene stakeholders and develop a proposal to transition the role currently played by NTIA.

We strongly support the existing bottom-up, multistakeholder approach to Internet governance that has led to immense prosperity and empowerment for individuals around the world. The current approach has helped to define the open Internet, which has allowed the private sector to deliver technology and services that have changed our lives for the better. In 2012, many of us were leaders on S. Con. Res. 50, a resolution that reinforced the U.S. government's opposition to ceding control of the Internet to the International Telecommunications Union (ITU), an arm of the United Nations, or to any other governmental body. As you know, S. Con. Res. 50 unanimously passed both the Senate and the House of Representatives, a rare instance of bipartisan agreement on such an important topic.

In announcing the intended transition, NTIA committed that it "will not accept a proposal that replaces the NTIA role with a government-led or an inter-governmental organization solution." We agree that any such proposal would be completely unacceptable. Replacing NTIA's role with another governmental organization would be disastrous, and we would vigorously oppose such a plan. We must not allow the IANA functions to fall under the control of repressive governments, America's enemies, or unaccountable bureaucrats.

The global community of Internet stakeholders should act deliberately and transparently as it formulates a possible proposal to transition the IANA functions to a nongovernmental entity. The multistakeholder model of Internet governance and the IANA functions are far too important for this process to be rushed or to be done behind closed doors.

Because this issue is so important to the future of the Internet and for the protection of American values and interests, we request expeditious responses to the following questions and requests for information about the proposed IANA transition.

- A 2000 report by the U.S. General Accounting Office stated that “it is unclear if the Department [of Commerce] has the requisite authority” to transfer control of the IANA functions to a private entity. Please provide us with the Administration’s legal views and analysis on whether the United States Government can transition the IANA functions to another entity without an Act of Congress.
- Please explain why it is in our national interest to transition the IANA functions to the “global multistakeholder community.”
- You have stated that NTIA believes “the timing is right to start the transition process.” Why does the Administration believe *now* is the appropriate time to begin the transition, and what was the specific circumstance or development that led the Administration to decide to begin the transition now?
- What steps will NTIA take to ensure the process to develop a transition plan for the IANA functions is open and transparent?
- Will NTIA actively participate in the global multistakeholder process to develop a transition plan for the IANA functions, or will the Administration leave the process entirely in the hands of ICANN?
- You have stated that NTIA “will not accept a proposal that replaces NTIA’s role with a government-led or an inter-governmental solution,” but NTIA has been silent on how it will ensure the IANA functions do not end up being controlled, directly or indirectly, by a government or inter-governmental entity. What specific options are available to NTIA to prevent this from happening?
- How can the Administration guarantee the multistakeholder organization that succeeds NTIA will not subsequently transfer the IANA functions to a government or intergovernmental organization in the future, or that such successor organization will not eventually fall under the undue influence of other governments?
- NTIA asked ICANN to lead the transition process. However, ICANN has a potential self-interest in increasing its own autonomy and reducing its accountability to other entities. Some stakeholders have expressed concerns that ICANN may seek to control the IANA functions on its own, without oversight from anyone else. How did NTIA determine that ICANN is the appropriate entity to lead the transition process, and how will NTIA ensure that ICANN does not inappropriately control or influence the process for its own self-interest?

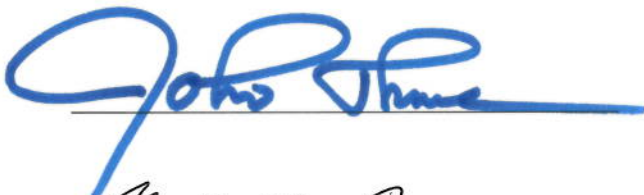
- Does NTIA believe ICANN currently is sufficiently transparent and accountable in its activities, or should ICANN adopt additional transparency and accountability requirements as part of the IANA transition?
- Is it realistic to expect that an acceptable transition plan can be developed before the IANA functions contract expires on September 30, 2015? Is there another example of a similar global stakeholder transition plan being developed and approved in just 18 months?
- How will NTIA ultimately decide whether a proposed transition plan for IANA, developed by global stakeholders, is acceptable? What factors will NTIA use to determine if such a proposal supports and enhances the multistakeholder model; maintains the security, stability, and resiliency of the Internet Domain Name System; meets the needs and expectation of the global customers and partners of the IANA services; and maintains the openness of the Internet?
- Will NTIA also take into account American values and interests in evaluating a proposed transition plan? How?

As this process moves forward, we will conduct careful oversight on behalf of the American people to ensure that American values, American interests, and the open Internet are protected. Your detailed responses to our questions and requests for information will aid in that oversight, and we thank you in advance for your personal attention to this matter.

Sincerely,



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Jerry Moran

Don Coats

Art Fischer

Sally Claiborn

Mike Johnson

Trish

John Boozman

Tom Hille

Ron Johnson

Clara Kim

John Hoeven

Rob Portman

David Vitter

Tom Coburn

Lyndee Weaver

Mike Enzi

John McCain

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