

ONE HUNDRED FOURTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
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**MEMORANDUM**

**July 6, 2015**

**To: Subcommittee on Communications and Technology Democratic Members and Staff**

**Fr: Committee on Energy and Commerce Democratic Staff**

**Re: Subcommittee Hearing on “Internet Governance Progress After ICANN 53”**

On Wednesday, July 8, 2015, at 10:00 a.m. in room 2123 of the Rayburn House Office Building, the subcommittee on Communications and Technology will hold a hearing entitled “Internet Governance Progress After ICANN 53.” The hearing will examine the status of the IANA transition and ICANN accountability reforms.

**I. BACKGROUND**

For nearly two decades, the National Telecommunications and Information Administration (NTIA) at the Department of Commerce has been engaged in a contractual relationship with the Internet Corporation for Assigned Names and Numbers (ICANN) to carry out and perform the Internet Assigned Numbers Authority (IANA) technical Internet functions. The current IANA contract is set to expire on September 30, 2015. The contract provides NTIA with two two-year options to extend the agreement through September 30, 2019.

This relationship has evolved as the multi-stakeholder system has developed greater capacity to assume coordination and management of the domain name system.

Under the contract, ICANN manages the domain name system “root zone” files – the master files of top level domain names – and it coordinates the allocation of IP addresses. It ensures that changes to, and distributions of, the lists of names and addresses for all top level domains are performed properly.

On March 14, 2014, NTIA announced that the U.S. Government would seek to transfer the IANA functions to the private, global, multi-stakeholder community. NTIA directed ICANN to convene global stakeholders to develop a proposal to transition the current role played by NTIA.

The agency highlighted that the transition proposal must have broad community support while adhering to the following principles: (1) support and enhance the multi-stakeholder model; (2) maintain the security, stability, and resiliency of the Internet DNS; (3) meet the needs and expectations of IANA services global customers and partners; and (4) maintain the openness of the Internet. It further stated in categorical fashion that “NTIA will not accept a proposal that replaces the NTIA role with a government-led or an inter-governmental organization solution.”<sup>1</sup>

Following NTIA’s announcement, an IANA Stewardship Transition Coordination Group (ICG) was formed to convene the development of a transition proposal. On September 8, 2014, the ICG requested proposals for each of the primary IANA functions: (1) protocol parameters; (2) Internet numbering resources; and (3) domain name-related functions.<sup>2</sup> With the delivery of the naming proposal to the ICG last month, all three proposals have now been submitted. The ICG must now consolidate the three proposals into one submission that meets the criteria laid out by NTIA.

ICANN also initiated a parallel process to address concerns about ICANN’s accountability in the absence of a contractual relationship with NTIA. The Cross Community Working Group (CCWG) on Accountability is considering how the community can have better input into processes such as ICANN’s budget approval, bylaw changes, and opportunities for review and redress of ICANN decisions. On May 4, the CCWG-Accountability group released its draft report on accountability enhancements for public comment.

NTIA and Congress have emphasized that the proposals for the IANA transition and increased ICANN accountability are linked and that accountability concerns must be addressed before any transition occurs.

## **II. ICANN 53**

Last month, the multi-stakeholder community convened in Buenos Aires, Argentina for the 53<sup>rd</sup> meeting of ICANN. During the meeting the naming functions proposal – the last of the three components of the IANA transition plan – was approved. Much of the focus of the week was on ICANN accountability after the IANA transition. The community spent the week discussing models for accountability post-transition and will continue these discussions in Paris later this month and at ICANN 54 in Dublin in October.

In his remarks at ICANN 53, NTIA Assistant Secretary Strickling posed key questions about the ICANN accountability work and encouraged the community to focus on how to implement the final recommendations. ICANN President and CEO Chehade outlined an ambitious timeline for completion of the IANA transition. Mr. Chehade also recently announced he will step down as ICANN President and CEO in March 2016.

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<sup>1</sup> National Telecommunications and Information Administration, *NTIA Announces Intent to Transition Key Internet Domain Name Functions* (Mar. 14, 2014) (press release).

<sup>2</sup> IANA Stewardship Transition Coordination Group, Request for Proposals (Sept. 8, 2014).

### **III. RELATED LEGISLATION**

On June 23, 2015, the House of Representatives passed H.R. 805, the Domain Openness Through Continued Oversight Matters (DOTCOM) Act. The bill directs NTIA to submit to Congress a report that certifies (1) the transition proposal meets the five criteria outlined in NTIA's March 2014 announcement, and (2) that the accountability changes recommended by the community have been implemented. It would further prohibit NTIA from terminating the IANA functions contract for 30 legislative days after the submission of the report.

On June 3, 2015, the House passed H.R. 2578, the Commerce, Justice, Science Appropriations bill which funds the Department of Commerce and NTIA. Section 536 of H.R. 2578 prohibits NTIA from using appropriated funds to relinquish its stewardship of the IANA functions.

### **IV. WITNESSES**

The following witnesses have been invited to testify:

**The Honorable Larry Strickling**

Assistant Secretary for Communications and Information  
National Telecommunications and Information Administration  
U.S. Department of Commerce

**Fadi Chehade**

President and CEO  
Internet Corporation for Assigned Names and Numbers