

ONE HUNDRED FOURTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

**MEMORANDUM**

**May 11, 2015**

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

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

**Re: Subcommittee Hearing on “Stakeholder Perspectives on the IANA Transition”**

On Wednesday, May 13, 2015, at 2:00 p.m. in room 2322 of the Rayburn House Office Building, the Subcommittee on Communications and Technology will hold a legislative hearing entitled “Stakeholder Perspectives on the IANA Transition.” The hearing will examine the status of the IANA transition and related legislation, H.R. 805, the Domain Openness Through Continued Oversight Matters (DOTCOM) Act.

**I. BACKGROUND**

The Internet has its origins in ARPANET, a network created by the Department of Defense in 1969, and its successor, the National Science Foundation’s NSFNET. To facilitate the flow of information across the network, the domain name system (DNS) was created as the Internet’s “phone book.” Instead of typing in the series of numbers that makes up the IP address for a specific website, the DNS allows users to type in an alphanumeric domain name. For example, the IP address for the House of Representatives is 143.228.181.132 but an Internet user simply types in [www.house.gov](http://www.house.gov). The DNS is what maps the alphanumeric address to the appropriate numeric IP address.

In 1992, Congress passed the Scientific and Advanced-Technology Act, which permitted NSFNET to connect with commercial networks.<sup>1</sup> Efforts to commercialize the Internet continued as the Clinton Administration sought to reduce U.S. government involvement in the governance of the domain name system.<sup>2</sup> In 1998, the Department of Commerce issued a White Paper, which outlined the U.S. Government’s commitment to a “transition that will allow the private sector to take leadership for DNS management...the U.S. continues to believe, as do most commenters, that neither national governments acting as sovereigns nor intergovernmental

---

<sup>1</sup> 42 U.S.C. § 1862(g).

<sup>2</sup> Memorandum from the White House to Heads of Executive Departments and Agencies, Memorandum on Electronic Commerce (July 1, 1997).

organizations acting as representatives of governments should participate in management of Internet names and addresses.”<sup>3</sup> The National Telecommunications and Information Administration (NTIA) expected to transfer operational responsibility of DNS management by 1998, and anticipated phasing out its policy oversight role by September 2000.

In November 1998, NTIA entered into a Memorandum of Understanding (MOU) with the Internet Corporation for Assigned Names and Numbers (ICANN), a private non-profit headquartered in Los Angeles created to assume key responsibilities for Internet functions.<sup>4</sup> The MOU was revised and replaced as the private sector developed the capacity to assume technical coordination and management of the DNS.

Through a separate contract with the Department of Commerce, ICANN also performs the Internet Assigned Numbers Authority (IANA) functions to manage the domain name system “root zone” files – the master files of top level domain names – as well as coordinate 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. These functions are critical to the ongoing operation of the DNS.<sup>5</sup> Of the IANA functions, NTIA retains only the procedural role of administering changes to the authoritative root zone file that the agency describes as “largely symbolic.”<sup>6</sup> 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.<sup>7</sup>

## **II. IANA TRANSITION**

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.

---

<sup>3</sup> National Telecommunications and Information Administration, Statement of Policy, Management of Internet Names and Addresses (June 10, 1998).

<sup>4</sup> See National Telecommunications and Information Administration, Memorandum of Understanding Between the U.S. Department of Commerce and the Internet Corporation for Assigned Names And Numbers (Nov. 25, 1998).

<sup>5</sup> More specifically, the IANA functions include: (1) the coordination of the assignment of technical Internet protocol parameters; (2) the processing of change requests to the authoritative root zone file of the DNS and root key signing key (KSK) management; (3) the allocation of Internet numbering resources; and (4) the management of the .ARPA and .INT domains.

<sup>6</sup> National Telecommunications and Information Administration, *IANA Functions and Related Root Zone Management Transition Questions and Answers* (Mar. 18, 2014) (online at [www.ntia.doc.gov/other-publication/2014/iana-functions-and-related-root-zone-management-transition-questions-and-answ](http://www.ntia.doc.gov/other-publication/2014/iana-functions-and-related-root-zone-management-transition-questions-and-answ)).

<sup>7</sup> National Telecommunications and Information Administration, *Commerce Department Awards Contract for Management of Key Internet Functions to ICANN* (July 2, 2012) (press release).

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 the global customers and partners of the IANA services; and (4) maintain the openness of the Internet. It also specifically stated that “NTIA will not accept a proposal that replaces the NTIA role with a government-led or an inter-governmental organization solution.”<sup>8</sup> Companies such as Cisco, AT&T, Verizon, and Google, industry trade groups such as the U.S. Chamber of Commerce, Internet Association and USTelecom, and public interest groups including Public Knowledge and Center for Democracy and Technology, all expressed support for NTIA’s announcement.

Following NTIA’s announcement, an IANA Stewardship Transition Coordination Group (ICG) was formed to serve as the convener for 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>9</sup> The proposals on protocol parameters and numbering have been submitted and are currently being reviewed by the ICG. The proposal on naming related functions is still under development.

ICANN also initiated a parallel process to address concerns about ICANN’s accountability in the absence of a contractual relationship with NTIA. The Enhancing ICANN Accountability group 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. NTIA has 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.

### **III. RELATED LEGISLATION**

On May 14, 2013, the House of Representatives passed H.R. 1580 on a 413-0 vote, stating that “it is the policy of the United States to preserve and advance the successful multi-stakeholder model that governs the Internet.”

In March 2014, Representatives John Shimkus (R-IL), Todd Rokita (R-IN) and Marsha Blackburn (R-TN) introduced H.R. 4342, the Domain Openness Through Continued Oversight Matters (DOTCOM) Act, which would prevent NTIA from “relinquishing responsibility over the Internet domain name system” until the Comptroller General of the United States submits a report to Congress on the advantages and disadvantages of transferring such functions to a multi-stakeholder group. On April 10, 2014, the Subcommittee on Communications and Technology voted 16-10 in favor of the bill, with all Democrats present voting no. The bill has been reintroduced as H.R. 805 this Congress.

---

<sup>8</sup> National Telecommunications and Information Administration, *NTIA Announces Intent to Transition Key Internet Domain Name Functions* (Mar. 14, 2014) (press release).

<sup>9</sup> IANA Stewardship Transition Coordination Group, Request for Proposals (Sept. 8, 2014) (online at [www.icann.org/en/system/files/files/rfp-iana-stewardship-08sep14-en.pdf](http://www.icann.org/en/system/files/files/rfp-iana-stewardship-08sep14-en.pdf)).

The Consolidated and Further Continuing Appropriations Act of 2015 included language that restricts NTIA from using appropriated funds to relinquish its stewardship of the IANA functions in fiscal year 2015. NTIA is not prohibited from continuing to participate in the multi-stakeholder community's planning for the transition and is required to report quarterly to Congress on its activities.

#### **IV. WITNESSES**

The following witnesses have been invited to testify:

**Audrey L. Plonk**

Director, Global Cybersecurity and Internet Governance Policy  
Intel Corporation

**Danielle Kehl**

Senior Policy Analyst  
New America's Open Technology Institute

**Brett Schaefer**

Senior Research Fellow in International Regulatory Affairs  
Heritage Foundation

**Steve DelBianco**

Executive Director  
NetChoice

**Matthew Shears**

Representative and Director  
Global Internet Policy and Human Rights Project  
Center for Democracy and Technology