



UNITED STATES DEPARTMENT OF COMMERCE
Office of Legislative and
Intergovernmental Affairs
Washington, D.C. 20230

June 29, 2016

The Honorable Ted Cruz
United States Senate
Washington, DC 20510

The Honorable James Lankford
United States Senate
Washington, DC 20510

The Honorable Michael S. Lee
United States Senate
Washington, DC 20510

The Honorable Sean P. Duffy
United States House of Representatives
Washington, DC 20515

Dear Senator Cruz, Senator Lankford, Senator Lee and Congressman Duffy:

I am writing in response to your June 21, 2016, letter to Assistant Secretary Strickling regarding the transition of the U.S. Government's stewardship of key Internet domain name functions. The Department of Commerce writes you today to provide some initial information; we are gathering materials responsive to your requests and will send a subsequent letter containing further information.

The National Telecommunications and Information Administration (NTIA) and the Department respect and honor the laws that Congress enacts, and we take very seriously our obligations under Section 539 of Public Law 114-113, which prohibits the use of appropriated funds to "relinquish the responsibility of the National Telecommunications and Information Administration, during fiscal year 2016, with respect to Internet domain name system functions." We have complied with this provision. NTIA has not and will not use appropriated funds to relinquish its stewardship role during fiscal year 2016.¹

It is important to note that Section 539 does not prohibit the use of funds to engage in preparatory activities related to the potential future transition, including evaluation of the transition plan. Indeed, the Senate Committee on Appropriations previously directed NTIA "to conduct a thorough review and analysis of any proposed transition"² and to provide quarterly

¹ NTIA has no legal or statutory responsibility for managing the Internet domain name system. In 1997, President Clinton directed the Department of Commerce to support efforts to make the governance of the Internet domain name system private. See Clinton, William J., *Memorandum on Electronic Commerce*, 1997 Pub. Papers 898-900 (July 1, 1997), available at <https://www.gpo.gov/fdsys/pkg/PPP-1997-book2/pdf/PPP-1997-book2-doc-pg898-2.pdf>.

² S. Rep. No. 113-181 "directs NTIA to conduct a thorough review and analysis of any proposed transition." <https://www.congress.gov/113/crpt/srpt181/CRPT-113srpt181.pdf>.

reports on the process.³ Enclosed please find all of the quarterly reports to date called for in the appropriations report language and submitted by NTIA to Congress. These reports are also publicly available on the NTIA website, along with additional materials relating to the domain name system and the Internet Assigned Numbers Authority (IANA) functions.⁴

In addition, Congress has held multiple hearings at which NTIA and other stakeholders have testified about the proposed transition, including describing NTIA's preparatory activities with respect to the proposed transition. Enclosed you will find Assistant Secretary Strickling's testimony from the congressional hearings at which he testified on this topic.⁵

NTIA has been transparent and regularly provided Congress with updates on its activities regarding the Internet domain name system, including its plans to assess the transition proposal. On June 9, 2016, as you note, NTIA notified Congress that it had completed its assessment of the transition proposal, which was developed by the global multistakeholder community. NTIA's assessment found that the proposal meets the criteria set by NTIA in March 2014. NTIA also provided Congress with advance briefings on this report on June 8th. At both of the congressional briefings and in writing on June 9th, NTIA outlined that there were additional steps that would have to be taken prior to the transition. Enclosed please find both the letter to Congress and the letter to the Internet Corporation for Assigned Names and Numbers (ICANN) regarding the assessment and next steps.⁶ NTIA's activities have been consistent with the directives in the congressional reports noted above, and they also have been responsive to calls from members of Congress to provide transparency and scrutiny of the proposal and preparatory activities over the past two years.⁷

As noted, NTIA is working to gather materials responsive to the requests in your letter. NTIA and the Department are of course available to meet with you and your staff if you would

³ *Id.* Similarly, S. Rep. No. 114-66 states that “[t]he Committee understands NTIA’s plans to transition the agency’s technical stewardship of the Internet Assigned Numbers Authority [IANA] and that NTIA is currently awaiting the delivery of a transition plan that it can evaluate” and “directs NTIA to continue quarterly reports to the Committee on all aspects of the transition process.” <https://www.congress.gov/114/crpt/srpt66/CRPT-114srpt66.pdf>.

⁴ These reports and other publications can be found at: <https://www.ntia.doc.gov/category/domain-name-system>.

⁵ House Energy and Commerce Subcommittee on Communications and Technology (April 2, 2014), “Ensuring the Security, Stability, Resilience, and Freedom of the Global Internet,”

<https://www.ntia.doc.gov/speechtestimony/2014/testimony-assistant-secretary-strickling-hearing-ensuring-security-stability-re>;

House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet (April 10, 2014),

“Should the Department of Commerce Relinquish Direct Oversight Over ICANN,”

<https://www.ntia.doc.gov/speechtestimony/2014/testimony-assistant-secretary-strickling-hearing-should-department-commerce-rel>;

Senate Committee on Commerce, Science, and Transportation (February 25, 2015), “Preserving the Multistakeholder Model of Internet Governance,”

<https://www.ntia.doc.gov/speechtestimony/2015/testimony-assistant-secretary-strickling-senate-committee-commerce-science-and>;

House Energy and Commerce Subcommittee on Communications and Technology (July 8,

2015), “Internet Governance Progress After ICANN53,” <https://www.ntia.doc.gov/speechtestimony/2015/testimony-strickling-internet-governance-progress-after-icann-53>.

⁶ NTIA Letter to Congress (June 9, 2016),

https://www.ntia.doc.gov/files/ntia/publications/ntia_letter_to_congress_transmitting_ntias_assessment_of_iana_transition_proposal_06.09.16.pdf;

NTIA Letter to ICANN (June 9, 2016),

https://www.ntia.doc.gov/files/ntia/publications/crocker_transmittal_letter_20160609.pdf

⁷ *E.g.*, H. Rep. No. 114-175, <https://www.congress.gov/114/crpt/hrpt175/CRPT-114hrpt175.pdf>.

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like to discuss these matters further. If you have any questions, please feel free to contact me at 202-482-3663.

Sincerely,


Steve Haro
Assistant Secretary
for Legislative and Intergovernmental Affairs

cc: David Smith, Deputy Inspector General, U.S. Department of Commerce

Enclosures