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ONE HUNDRED TENTH CONGRESS

**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

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May 6, 2008

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The Honorable Carlos M. Gutierrez  
Secretary  
U.S. Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, D.C. 20230

Dear Mr. Secretary:

We are writing to share our concern over proposals for a major change in the Department of Commerce's (DOC) relationship with the Internet Corporation for Assigned Names and Numbers (ICANN). We are encouraged by the response of the National Telecommunications and Information Administration to the public comments submitted for the mid-term review of the Joint Project Agreement with ICANN prior to the scheduled conclusion date in September 2009. We wish to express our views on this important matter for the record.

For more than a decade, ICANN has played a crucial role ensuring the stability and reliability of the Internet. Any change that threatens the important U.S. role in promoting U.S. commercial and free speech principles on the Internet can only hurt the consumers and businesses that count on this network every day.

As a technology that was originally created through support of American taxpayers for the Department of Defense (DOD), we are proud of the American origins of the Internet. Growing from its modest roots as a DOD communications system, the Internet soon found its way to academia, where again it enjoyed limited use as a research tool. When the U.S. Congress authorized commercial use of the Internet, an explosion of innovation occurred, facilitated by significant entrepreneurial investment that has made the Internet indispensable to modern commerce. Today, literally billions of Internet commercial transactions and communications occur every day and the Internet is one of the most important facilitators of commerce. Moreover, it is a vibrant means of communications, where citizens can exercise free speech and build community, and where non-commercial, religious, cultural, and governmental communications, applications, and services are present and growing.

ICANN's role has changed during this transformation. Initially envisioned as a collective representative of Internet users entrusted to oversee the Internet's domain name and addressing system, ICANN has evolved into a coordinating body to establish rules and procedures that make the Internet function smoothly and protect the interests of its many stakeholders.


While it remains the best option for reaching consensus in an increasingly divided world, we also believe ICANN can and should ensure transparency and promote greater accountability in its operations. We certainly hope that the Department will not abandon its role, now or in the near future, in facilitating the transition of the technical management and coordination of the domain name system to the private sector. The current model, which emphasizes private sector leadership, remains a sound approach to ensure the stability and security of the Internet.

We request that you respond to the following questions by the close of business two weeks from the date of this letter:

1. Does the Department of Commerce intend to continue its oversight role of ICANN to ensure the stability and security of the core Internet infrastructure?
2. In what way does the Department intend to continue that role?
3. Does the Department intend to ensure that the key facilities of the root server system continue to be housed in the United States?
4. The Chairman of ICANN said in February 2008, at the Department's public meeting, "Among the respondents there were concerns expressed that ICANN will leave the United States and seek broad immunities from legal process by third parties or contracting parties. Let me be loud and clear on this. That will not happen. The U.S. for historic and practical reasons will remain ICANN's headquarters." How does the Department intend to ensure that ICANN fulfills this commitment?

Thank you for your attention to our request. We look forward to working with you to reach a satisfying outcome.

Sincerely,



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John D. Dingell  
Chairman



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Joe Barton  
Ranking Member



Edward J. Markey  
Chairman  
Subcommittee on Telecommunications  
and the Internet



Cliff Stearns  
Ranking Member  
Subcommittee on Telecommunications  
and the Internet



Mike Doyle  
Vice Chairman  
Subcommittee on Telecommunications  
and the Internet



Fred Upton  
Member  
Subcommittee on Telecommunications  
and the Internet



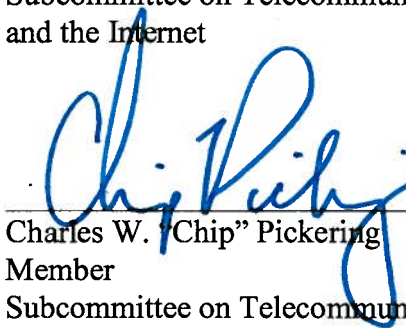
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