

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

JOHN D. DINGELL, MICHIGAN
CHAIRMAN EMERITUS
EDWARD J. MARKEY, MASSACHUSETTS
RICK BOUCHER, VIRGINIA
FRANK PALLONE, JR., NEW JERSEY
BART GORDON, TENNESSEE
BOBBY L. RUSH, ILLINOIS
ANNA G. ESHOO, CALIFORNIA
BART STUPAK, MICHIGAN
ELIOT L. ENGEL, NEW YORK
GENE GREEN, TEXAS
DIANA DEGETTE, COLORADO
VICE CHAIRMAN
LOIS CAPPS, CALIFORNIA
MIKE DOYLE, PENNSYLVANIA
JANE HARMAN, CALIFORNIA
JAN SCHAKOWSKY, ILLINOIS
CHARLES A. GONZALEZ, TEXAS
JAY INSLEE, WASHINGTON
TAMMY BALDWIN, WISCONSIN
MIKE ROSS, ARKANSAS
ANTHONY D. WEINER, NEW YORK
JIM MATHESON, UTAH
G.K. BUTTERFIELD, NORTH CAROLINA
CHARLIE MELANCON, LOUISIANA
JOHN BARROW, GEORGIA
BARON P. HILL, INDIANA
DORIS O. MATSUI, CALIFORNIA
DONNA CHRISTENSEN, VIRGIN ISLANDS
KATHY CASTOR, FLORIDA
JOHN SARBANES, MARYLAND
CHRISTOPHER MURPHY, CONNECTICUT
ZACHARY T. SPACE, OHIO
JERRY McNERNEY, CALIFORNIA
BETTY SUTTON, OHIO
BRUCE BRALEY, IOWA
PETER WELCH, VERMONT

ONE HUNDRED ELEVENTH 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
FACSIMILE (202) 225-2525
MINORITY (202) 225-3641

energycommerce.house.gov

JOE BARTON, TEXAS
RANKING MEMBER

RALPH M. HALL, TEXAS
FRED UPTON, MICHIGAN
CLIFF STEARNS, FLORIDA
NATHAN DEAL, GEORGIA
ED WHITFIELD, KENTUCKY
JOHN SHIMKUS, ILLINOIS
JOHN B. SHADEGG, ARIZONA
ROY BLUNT, MISSOURI
STEVE BUYER, INDIANA
GEORGE RADANOVICH, CALIFORNIA
JOSEPH R. PITTS, PENNSYLVANIA
MARY BONO MACK, CALIFORNIA
GREG WALDEN, OREGON
LEE TERRY, NEBRASKA
MIKE ROGERS, MICHIGAN
SUE WILKINS MYRICK, NORTH CAROLINA
JOHN SULLIVAN, OKLAHOMA
TIM MURPHY, PENNSYLVANIA
MICHAEL C. BURGESS, TEXAS
MARSHA BLACKBURN, TENNESSEE
PHIL GINGREY, GEORGIA
STEVE SCALISE, LOUISIANA

August 4, 2009

The Honorable Gary Locke
Secretary
United States Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Mr. Secretary:

We write regarding the fast-approaching expiration of the Joint Project Agreement (JPA) between the United States and the Internet Corporation for Assigned Names and Numbers (ICANN), which promotes the stability, security, and functionality of the Internet Domain Name System (DNS).

The JPA is set to conclude on September 30, 2009. A June 4, 2009, hearing on oversight of ICANN before the Subcommittee on Communications, Technology, and the Internet revealed bi-partisan concern on the part of Subcommittee members about the possibility that the JPA might expire without firm commitments by both parties. There is a broad consensus among members that the substantive ties between ICANN and the Commerce Department should be continued.

Rather than replacing the JPA with additional JPAs or Memoranda of Understanding that expire every few years, we believe the time has come for a permanent instrument to which ICANN and the Department of Commerce are co-signatories. This statement of commitments and principles would ensure that ICANN remains perpetually accountable to the public and to all of its global stakeholders.

In our view, the instrument should:

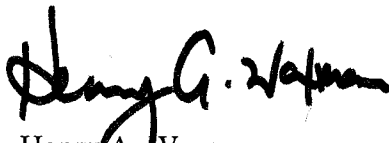
- Ensure that the Department of Commerce continue in its present relationship with respect to ICANN;

- Provide for periodic reviews of ICANN's performance with respect to transparency and accountability, the security and stability of the Internet, management of generic top-level domains (gTLDs), and implementation of any new gTLDs. These reviews would be in addition to the role the Department exercises under the separate contract with ICANN for administration of the Internet Assigned Naming Authority (IANA) functions;
- Outline the steps ICANN will take to maintain and improve its accountability;
- Create a mechanism for ICANN's implementation of any new gTLDs and internationalized domain names that ensures appropriate consultation with stakeholders ;
- Ensure that ICANN will adopt measures to maintain timely and public access to accurate and complete WHOIS information, including registrant, technical, billing, and administrative contact information that is critical to the tracking of malicious websites and domain names; and
- Include commitments that ICANN will remain a not-for-profit corporation headquartered in the United States.


A permanent instrument stating commitments and principles by both parties will place beyond doubt the value of the current model for managing the DNS devised by the Commerce Department and implemented by ICANN, which has proven to be stable and has prevented control by any one entity of these critical functions.

The Internet has become an indispensable tool for worldwide commerce and communication. Its success depends upon the stability and security of the DNS, which requires dependable and transparent management by ICANN. A permanent statement of commitments and principles for ICANN that includes a continued role for the Department of Commerce will ensure that ongoing stability and security.

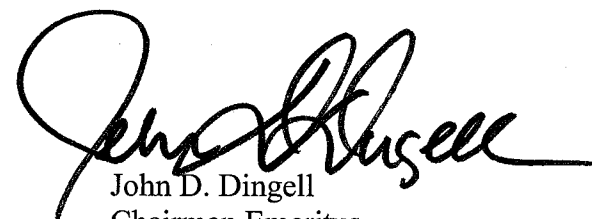
Sincerely,



Henry A. Waxman
Chairman



Rick Boucher
Chairman
Subcommittee on Communications
Technology and the Internet



John D. Dingell
Chairman Emeritus

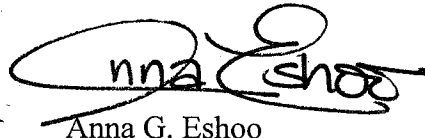
The Honorable Gary Locke
August 4, 2009
Page 3



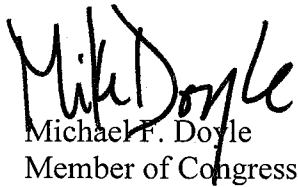
Edward J. Markey
Member of Congress



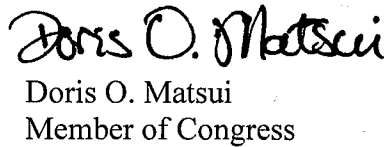
Bart Stupak
Member of Congress



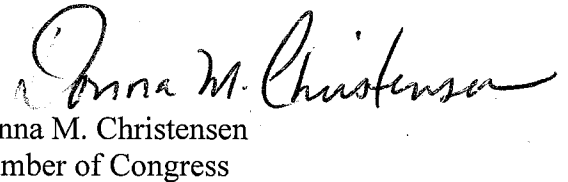
Anna G. Eshoo
Member of Congress



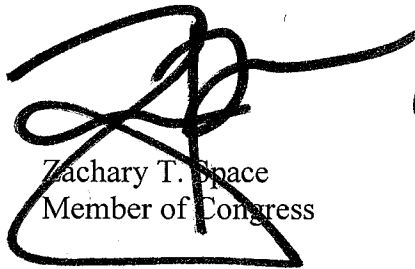
Michael F. Doyle
Member of Congress



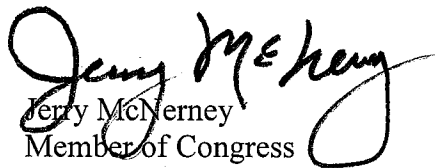
Doris O. Matsui
Member of Congress



Donna M. Christensen
Member of Congress



Zachary T. Space
Member of Congress



Jerry McNerney
Member of Congress