

June 3, 2014

The Honorable Senator Harry Reid  
Majority Leader  
United States Senate

Dear Senator Reid,

The undersigned human rights and free expression organizations are dedicated to ensuring that the Internet remains a free and open global platform and committed to supporting multi-stakeholder approaches to Internet governance as a key means to achieving this goal. We write to express our support for the Department of Commerce's National Telecommunications and Information Administration (NTIA) announcement of its intent to transition key Internet domain name functions to the global multi-stakeholder community. Further, we wish to convey our deep disappointment with the House of Representatives' approval of the Shimkus Amendment to the National Defense Authorization Act (NDAA), which reflects the language of the Domain Openness Through Continued Oversight Matters Act (DOTCOM Act) of 2014.

The DOTCOM Act would prohibit NTIA from transitioning stewardship of Internet domain name system functions to the global multi-stakeholder community until the Government Accountability Office conducts an investigation and produces a report to Congress on the impacts of the transition. Although the Act's drafters claim their support for the bill is based on their fear of a takeover of "control" of the Internet by authoritarian regimes, that fear is misplaced; indeed, the DOTCOM Act could actually have the opposite effect and empower those nations seeking greater governmental control of the Internet.

Two years ago, the House and the Senate reached bipartisan and unanimous agreement (H. CON. RES. 127/S. CON. RES. 50) to "preserve and advance the multi-stakeholder governance model under which the Internet has thrived." As part of its long-standing commitment to multi-stakeholders, the United States government has been in the process of privatizing the domain name system since 1998. By using Congressional power to stall the transition, the DOTCOM Act will give additional ammunition to foreign governments and stakeholders who oppose Internet freedom, bolstering their argument for an overhaul of the current Internet governance system to facilitate greater control by non-democratic governments or international organizations. One of the most common criticisms of the existing system of Internet governance—coming from authoritarian regimes and other governments and stakeholders alike—has been that the United States government plays an outsized role in what should be an open and participatory process. The DOTCOM Act would lend legitimacy to those arguments and would be counterproductive to what NTIA can accomplish by transitioning out of its current oversight role.

It is important to remember that NTIA's stewardship of Internet Assigned Numbers Authority (IANA) functions has always been defined as temporary. This proposed transition of oversight to the global multi-stakeholder community is the United States' opportunity to fulfill its decades-long promise and reassure the world of its commitment to an open, participatory, and decentralized approach to Internet governance.

As organizations that support a free and open Internet, we welcome NTIA's announcement and support the guiding criteria that NTIA articulated for that transition: a community-generated proposal that supports and

enhances the open, decentralized, bottom-up, multi-stakeholder model; maintains the security, stability, and resiliency of the Internet's domain name system; and maintains the openness of the Internet. NTIA has explicitly stated that it will not accept any proposal that replaces NTIA's oversight role with a governmental or intergovernmental-led organization or agency. In a recent House Energy and Commerce Committee hearing, the heads of both NTIA and the Internet Corporation for Assigned Names and Numbers (ICANN) reiterated their support for ensuring that NTIA's oversight role is transitioned to a truly multi-stakeholder alternative that will not be co-opted by government actors.<sup>1</sup> Passage of the DOTCOM Act would unnecessarily interfere with the announced transition process, which is still in development through an open consultation convened by ICANN. Further, it would damage the reputation of the United States as a champion of multi-stakeholder Internet governance and contradict previous bipartisan statements of Congressional support for the multi-stakeholder governance model.

It is critical that the IANA transition proposal development process be fair and transparent, and we welcome Congressional interest and participation as an equal stakeholder in the process. However, efforts to interfere with or delay this transition process, or require the Congressional approval beyond the criteria suggested by NTIA, will neither achieve the goals of the bill nor reflect Congress's previously stated position on Internet governance. We therefore strongly urge the Senate to oppose the Shimkus Amendment #6 to the FY15 NDAA and other efforts to block this transfer and to show support for an Internet that is free, open, and guided by global, multi-stakeholder governance principles.

Sincerely,

Access  
American Civil Liberties Union  
Center for Democracy & Technology  
Freedom House  
Human Rights Watch  
New America's Open Technology Institute  
Public Knowledge

Contact:

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CC:  
*Senate Appropriations Leaders,*  
*Senate Armed Services Leadership,*  
*Senate Commerce Committee Leadership*

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<sup>1</sup> See statements by the Honorable Larry Strickling and Mr. Fadi Chehadé at the April 2, 2014 hearing, "Ensuring the Security, Stability, Resilience, and Freedom of the Global Internet," <http://energycommerce.house.gov/hearing/ensuring-security-stability-resilience-and-freedom-global-internet>.