28 January 2016

Hon. Lawrence E. Strickling
Assistant Secretary for Communications and Information and
Administrator, National Telecommunications and Information Administration,
U.S. Department of Commerce
Washington, DC 20230

Re: Affirmation of Commitments Review Changes

Dear Assistant Secretary Strickling:

I write to you as a signatory to the Affirmation of Commitments (AoC) and at the request of the ICANN Board to propose changes to implementation of AoC Reviews.

SSR2, WHOIS2 & CCT Reviews

As you are aware, ICANN is committed to performing recurring reviews on key aspects of ICANN's operations under a specific timeline. Under that timeline, ICANN would simultaneously organize in October 2015: the second community review of the security, stability and resiliency of the DNS (SSR2); the second community review of the WHOIS policy (WHOIS2); and the first review under the AoC of the impact of new gTLDs on competition, consumer choice and trust (CCT Review).

ICANN stands ready to conduct these reviews as scheduled under the AoC. However, the ICANN community expressed concern regarding volunteer workload and its ability to effectively participate in these important accountability mechanisms, and asked for a delayed, staggered start to the SSR2 and WHOIS2 Reviews. Extensive community consultations occurred on this issue over the last year, including public sessions at ICANN meetings and an online public comment forum. In consideration of the community's concerns, and given the unique circumstances facing the ICANN community as it works to support the transition of the USG's historic stewardship role of the IANA functions, the ICANN Board has endorsed delaying the start of the SSR2 and WHOIS2 Reviews for nine and twelve

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months, respectively. The first CCT Review has already commenced, as previously scheduled, with the announced composition of the review team in December and their first call in January. The Board also authorized this dialogue to seek NTIA's agreement with these new start dates to accommodate the community's concerns.

Review Schedules and Other Potential Changes

The Board also endorsed starting the third Accountability and Transparency Review (ATRT3) with a call for volunteers in July 2017, based on the proposed trigger of three years from the time that the Board took action on the recommendations of the prior Review Team. Given the amount of time that will have passed since the submission of the ATRT2 recommendations, we believe that the call for volunteers should take place in January 2017. In the interim, ICANN staff will publish a thorough report on implementation of the ATRT2 recommendations by the third quarter of 2016.

Finally, the Board also acknowledged that the work of the CCWG on Enhancing Accountability might impact AoC Reviews, and that adopted Accountability Framework recommendations will be factored into the Reviews timeline and processes. Indeed, the Draft Proposal from the Cross Community Working Group on Accountability (CCWG) recommends that the AoC Reviews be incorporated into the Bylaws on a five year schedule and proposes modifications in the manner in which reviews are to be conducted in the future. We look forward to continued discussions and future resolution of proposed changes to the AoC Reviews.

Proposed Revision to Whois Review Text

As part of the CCWG work on AoC reviews, the ICANN Board proposed a revision of the text regarding the Whois Review that would acknowledge the ongoing community policy development work on a Next Generation Registration Directory Service.

We note that the CCWG-Accountability Working Group is considering the Board-proposed text while considering a different method for determining the trigger point for the start of the next review. We look forward to discussing this proposed change that would ensure that the Whois Review evolves with the possible introduction of a Next Generation Registration Directory Service. We hope that you will support the change in the context of the CCWG's efforts to develop a proposal to enhance ICANN's accountability.

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Finally, I would like to call your attention to the Board's endorsement of the proposed process and operational improvements that were posted for public comment and are designed to simplify and increase the effectiveness of Reviews. These improvements were spurred by ATRT2 recommendations that called for improvements to the Review process, one of many examples of how the ATRT and other AoC Reviews have helped advance ICANN's accountability and effectiveness.

Please let me know if you have any questions regarding the nature of this request or if you would like to discuss the implications with my team.

Thank you for your consideration of this request.   We look forward to your reply.

Sincerely,

Fadi Chehadé
President & CEO, ICANN

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