



The Internet Corporation for Assigned Names and Numbers

April 6, 2016

The Honorable Ted Cruz
United States Senate
Russell Senate Office Building, SR-404
Washington, DC 20510

The Honorable Michael S. Lee
United States Senate
Russell Senate Office Building, SR-361A
Washington, DC 20510

The Honorable James Lankford
United States Senate
Hart Senate Office Building, SH-316
Washington, DC 20510

Re: Internet Corporation for Assigned Names and Numbers

Dear Senator Cruz, Senator Lee, and Senator Lankford:

I write to you in response to your recent letters in February and March of this year relating to the Internet Corporation for Assigned Names and Numbers (“ICANN”) (the “Letters”). I am the Chairman of the Board and am speaking in my capacity on behalf of ICANN’s Board of Directors.

Background on ICANN – By way of background, ICANN is a global organization whose mission is to ensure the stable and secure operation of the Internet’s unique identifier system — for example the Internet’s domain names. ICANN also facilitates policy development by stakeholders from around the globe reasonably related to those technical functions. The ICANN multistakeholder model brings together thousands of representatives from large and small businesses, technical experts, civil society, researchers, academics and end users from all over the world.

The stakeholders within this multistakeholder model initiate and develop policy, making decisions by community consensus. Governments perform an advisory role within ICANN, providing advice, as appropriate, to the ICANN Board. They do not initiate or develop ICANN policy (though they may provide comment when it touches on public policy issues).

Finally, it is important to note that ICANN’s technical role does not include the content layer of the Internet in which issues such as freedom of expression may arise.



IANA Stewardship Transition – As you are likely aware, on March 10, 2016, ICANN submitted to the National Telecommunications and Information Administration (“NTIA”) an Internet Assigned Numbers Authority (“IANA”) Stewardship Transition Proposal (“Proposal”), which outlines the transition of NTIA’s stewardship of the IANA’s technical functions to the global multistakeholder community. This Proposal offers assurances to enhance ICANN’s accountability as a fully independent organization, including mechanisms enhancing ICANN accountability that must be in place or committed to within the time frame of the IANA Stewardship Transition. The Proposal is the result of an inclusive, global discussion amongst representatives from large and small business, technical experts, civil society, governments, researchers, academics, and end users.

ICANN’s Limited Mission – In connection with this transition, ICANN also hopes to clarify any misconceptions with regard to its role in the global Internet community. ICANN has a narrow mission to ensure the stable and secure operation of the Internet’s unique identifier systems. In this sense, ICANN’s role is limited to ensuring the technical coordination of these identifiers—names, IP numbers, and protocol parameters. ICANN’s authority does not extend to the regulation of content, and no aspect of the IANA transition process would change that.

ICANN’s Multistakeholder Model – The Internet’s Domain Name System that ICANN coordinates with the support and assistance of many others around the world is a truly global function. As such, it is coordinated on a global basis in order to maintain and assure that there is a single, global, interoperable Internet. ICANN stakeholders are based in nearly every country in the world, as the Internet is now used in every country around the world.

Indeed, maintaining this single, global, interoperable Internet is central to the proposed transition and vital to the free flow of information and commerce around the world. As stewardship of IANA’s technical functions is transferred to the multistakeholder community, ICANN’s activities will continue to be shaped by seven supporting organizations and advisory committees representing these global Internet stakeholders. ICANN’s Governmental Advisory Committee (“GAC”) is just one of those seven bodies, consisting of more than 160 governments, including the United States.

ICANN’s Global Engagement – Over the past few years, ICANN has focused its efforts on globalizing operations. This effort has included the development of two new hub offices in Istanbul and Singapore, through which ICANN is dispersing its global operations in coordination with its long-standing corporate hub in Los Angeles, California. Through this focus on hub offices, ICANN can now deliver customer service across time zones, and the organization maintains personnel across all key operations globally. This expansion has been a key part of ICANN’s ability to reach Internet users around the world.

Another aspect of ICANN’s globalization has involved opening engagement offices. ICANN currently has six engagement offices: Washington, D.C., USA; Brussels, Belgium; Geneva,



Switzerland; Montevideo, Uruguay; Seoul, Korea; and Beijing, China. During ICANN's March 2016 meeting in Marrakech, ICANN announced that, as of April 1, 2016, it will open a new engagement office in Nairobi, Kenya. These small offices are each focused on regional and other specific engagement efforts, which increase ICANN's responsiveness in the respective regions and help improve ICANN's regional engagement.

As part of ICANN's service to the global Internet community, ICANN rotates the site of its public meetings across the regions of the world. In fact, ICANN's bylaws require it to hold its meetings in the organization's five geographic regions and to engage with the local multi-stakeholder community (industry, the technical community, civil society, academia, non-profit organizations, Internet users, and governments). For many countries, hosting an ICANN public meeting is an opportunity to demonstrate support for ICANN and the multistakeholder model, and government officials frequently participate in the opening ceremonies.

Here are some of the many government officials who have addressed the ICANN community during one of ICANN's recent meetings:

- At the most recent ICANN meeting in March 2016 in Marrakech, Morocco, Morocco's Minister of Industry, Trade, Investment, Digital Economy, Mr. Moulay Hafid Elalamy, provided a welcoming address at the opening ceremony.
- At ICANN's Meeting in October 2015 in Dublin, Ireland, Alex White, the Minister of Energy Resources for Ireland, spoke.
- At ICANN's Meeting in October 2014 in Los Angeles, U.S. Secretary of Commerce, Penny Pritzker, spoke.
- At ICANN's meeting in March 2012 in Costa Rica, the welcome ceremony included a speech from the President of the Republic of Costa Rica, Mrs. Laura Chinchilla Miranda.

These are just some examples of how government leaders participate in ICANN meetings. Having representation by members of governments is a matter of diplomacy and encourages the spread of the multistakeholder model.

ICANN does not endorse the views of any particular stakeholder, regardless of the organization's engagement efforts, the composition of its advisory committees, and where it holds its meetings. In this sense, ICANN's engagement with China as a global Internet stakeholder does not suggest any level of support for the nation's government or its policies. Similarly, no endorsement of such matters could reasonably be inferred from the operations of the United States' largest technology firms operating in China, including Cisco, Dell, HP, IBM, Intel, LinkedIn, Microsoft, Qualcomm and Uber. These firms, like ICANN, do not endorse the policies, laws, and regulations of



China simply by operating there. As long as the U.S. Government has a policy of engagement with China, U.S. firms operate there without the insinuation that doing so makes them complicit in China's censorship.

ICANN seeks to have genuine global engagement from all countries and all regions. With nearly 700 million Internet users, stakeholders from China, including its government, have an understandable desire to participate at ICANN. And they have done so constructively. For example, members of China's technical community have played an important role in the introduction of Internationalized Domain Names ("IDNs"), or non-Latin scripts on the Internet. As a result of their efforts and those of many others from countries around the world that do not use Latin scripts, there are now more than 120 delegated IDNs in Arabic, Chinese, Cyrillic, Tamil, and Hebrew scripts, among others.

ICANN's plans for engagement with China will continue in the same way we engage with other countries. ICANN staff facilitates the organization's ongoing involvement with stakeholders through outreach, communication, capacity building, and education. This engagement is approved by the global community, including U.S. stakeholders, as part of ICANN's five-year strategy and operation plans.

Finally, with respect to questions concerning the role that ICANN's former CEO, Fadi Chehadé, will play on an advisory committee to the World Internet Conference ("WIC"), as Mr. Chehadé explained in his February 19, 2016 response to your questions, this appointment is not coterminous with his position at ICANN. To the contrary, Mr. Chehadé officially stepped down as ICANN's CEO on March 15, 2016 and will not assume his new advisory role with WIC until later this year. The Board is not aware of any conflicts of interest relating to his activities during his tenure that would require additional steps to be taken in order to remain consistent with ICANN's policies in effect relating to conflicts.

As ICANN has undertaken these tasks, it has worked—and continues to work—to keep the Senate Commerce Committee, as the Senate's committee of jurisdiction, up-to-date on relevant developments. We are hopeful that this will answer your concerns. Please let us know if you have any questions regarding the above.

Sincerely,

Dr. Stephen Crocker
Chair, ICANN Board of Directors