

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 BONG 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;

The Honorable Gary Locke

August 4, 2009


Page 2

- 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 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.

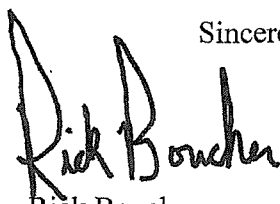
A permanent instrument stating commitments and principles by both parties will place beyond doubt the value of the current model for managing the DNS devised by the Commerce Department and implemented by ICANN, which has proven to be stable and has prevented control by any one entity of these critical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

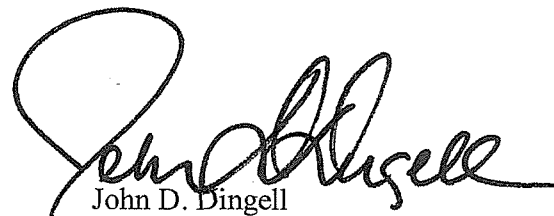
Sincerely,



Henry A. Waxman  
Chairman

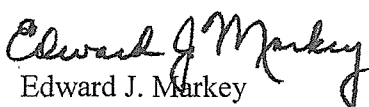


Rick Boucher  
Chairman  
Subcommittee on Communications  
Technology and the Internet

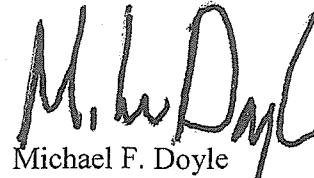


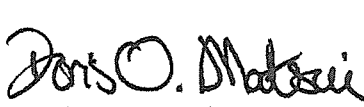
John D. Dingell  
Chairman Emeritus


The Honorable Gary Locke  
August 4, 2009  
Page 3

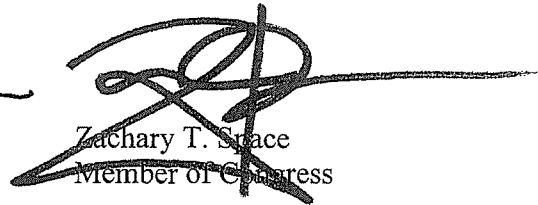
  
Edward J. Markey  
Member of Congress

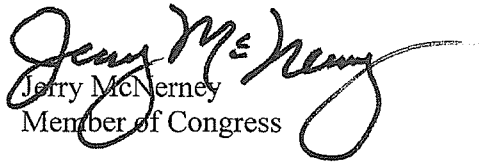
  
Bart Stupak  
Member of Congress

  
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