Internet Society's Response to the Questions of
The Honorable Renee Ellmers

1. **ICANN is a global organization to provide policy and protection for all citizens throughout the world. As threats to our nation's cybersecurity increasingly grow more frequent and more complex, without accountability to the United States, how can we ensure that the leadership inside ICANN would not be unduly influenced or implement policy that could negatively impact every company and individual in the United States who rely upon fair and open access of the Internet each and every day? For example, the staff of ICANN make decisions every day impacting companies and their very business models such as how to implement policy relating to the new gTLD program or enforcing requirements that protect people from bad actors using domain names or web sites to cause harm to others.**

   While this question is specific to ICANN, I think it is important to respond first to the broader question as relates to the IANA transition.

   Each of the three IANA functions is associated with a particular community that has a direct operational or service relationship with the IANA functions operator—specifically, the Internet Engineering Task Force (IETF) for protocol parameters, the Regional Internet Registries (RIRs) for number allocations, and the Internet Corporation for Assigned Names and Numbers (ICANN) community for names. These communities have often been referred to as the "operational communities" or "directly affected parties" and it is these communities that define the policies for the values that IANA keeps track of. As part of the IANA transition process, each community has reviewed its own processes to ensure that they are open, transparent, accountable and not subject to capture by any one stakeholder or stakeholder group.

   ICANN, specifically, has two different but inter-related roles for which it is responsible in the current operations of IANA. The first relates to policy development for Internet domain names and the second is the performance of the IANA functions by the IANA Department within ICANN.

   Policy development for domain names - both for gTLDs and ccTLDs - is not done by ICANN staff, by its leadership or its Board of Directors. Rather the policies are formed by ICANN's multistakeholder global community, which includes governments, businesses, civil society advocates and the technical community all participating through ICANN's Supporting Organizations and Advisory

Committees. The transition proposal related to ICANN accountability strengthens the role of the community and helps ensure that ICANN remains fully accountable to its community.

Similarly, policy development related to protocol parameters and IP addresses are set by the relevant operational communities - the Internet Engineering Task Force (IETF) and the Regional Internet Registries (RIRs). The implementation of those policies is carried out by the IANA Department of ICANN. Importantly, under the proposed plan, each operational community will have a contractual relationship with the IANA functions operator; therefore, each operational community will have the right to select a new entity for the performance of the IANA functions as a last resort.

Thus, from an operational perspective, the final transition proposal maintains an important separation between policy development and implementation for the IANA functions, which is key in ensuring the overall stability and resiliency of the Internet and to avoiding capture.

2. **The transition plan asks for the U.S. government to place trust in an organization governed by volunteers who self-select leaders rather than elect or appoint leaders. In some cases leaders may or may not be qualified, and in some cases may clearly have financial or other interests influencing their decision making and approach to developing policy for everyone. When the internet is so central to how our people and companies live and thrive, can we really simply trust that this will be done fairly and appropriately, particularly given the political volatility in today's climate? What safeguards can we instill to insure fair decisions for all?**

The Internet is an open ecosystem of individuals and organizations that fulfill their missions through a framework of mutual trust and collaboration. The IANA transition proposal does not change the way the Internet has been operating for the past 30 years – in fact, voluntary, bottom up decision making has been the hallmark of the Internet since its earliest days.

The Internet's original design and the processes that were put in place by the various communities to support this design have proven their resiliency and robustness. Simply put, the transition plan takes these well-documented practices and safeguards – the communities' accountability mechanisms, the consensus-based decision-making model, the transparency of discussions and the collaboration and coordination between Internet institutions – and enhances them.

3. **Why the need to transition from the United States before the Accountability workstream 2 is completed? With so much at stake and so many potential threats to the US economy, safety and security driven by potential bad actors on the internet ranging from North Koreans, Chinese, Russians and ISIS/ISIL, why risk this to a group of volunteers without accountability back to the United States?**

   NTIA's original intent to transition key domain name system (DNS) and technical coordination functions – the IANA functions – away from the U.S. Government was outlined in the 1998 Statement of Policy *"Management of Internet Names and Addresses"*. The development of this policy statement was guided by consultations and public input, including over 430 written comments (amounting to some 1,500 pages) from public and private sector stakeholders around the world.

   As part of the transition of the IANA functions, the NTIA requested that issues of ICANN's accountability be addressed. For the past two years, the global multistakeholder community has been working towards an accountability framework that would ensure the IANA functions continue to operate under a predictable, stable and secure way. This process was characterized as Work Stream 1 and its recommendations were submitted to the NTIA last month along with the IANA Transition proposal. In short, this process has always been about transitioning the IANA functions and not simply about ICANN.

   Regarding Work Stream 2, it is a process that is not related directly to IANA or its operations. It rather relates directly to ICANN as a corporation. It is a longer process and it is meant to deal with issues of corporate governance and the potential restructuring of the way a corporation operates. Notwithstanding its significance for ICANN and its community, it is not directly related to the operation of IANA or the Internet in general. Given that the Internet will continue to grow and evolve over time, it is important that all organizations, including ICANN, continue to evolve in order to ensure that they meet the needs and expectations of their communities.