

Should the U.S. Relinquish Its Authority Over the Internet Domain Name System?

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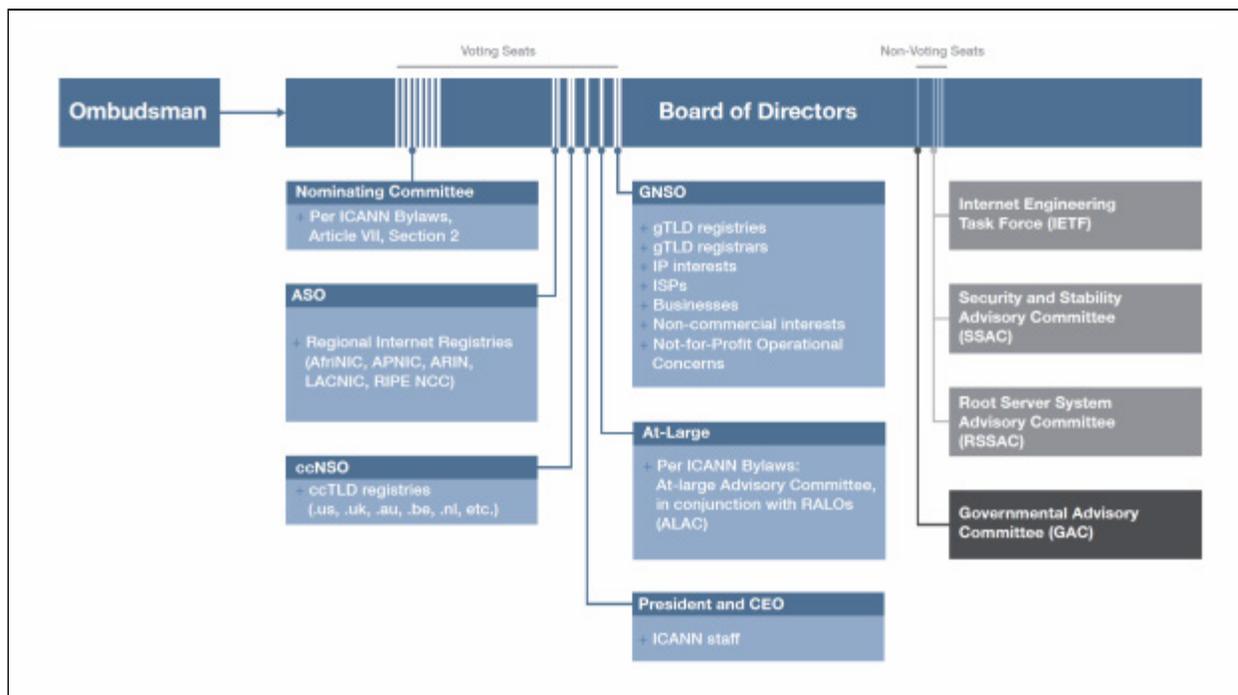
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On March 14, 2014, the National Telecommunications and Information Administration ([NTIA](#)) of the Department of Commerce [announced](#) the intention to transition its stewardship role and procedural authority over key Internet domain name functions to the global Internet multistakeholder community. NTIA's existing authority over the domain name system (DNS) primarily derives from a [contract](#) with the Internet Corporation for Assigned Names and Numbers ([ICANN](#)). The [FY2017 Continuing Resolution](#), as passed by the Senate and House, did not include language to prevent NTIA from allowing its contract with ICANN to expire on September 30, 2016, thus enabling the transition to take place.

Background

The Internet is often described as a "network of networks" because it is not a single physical entity, but hundreds of thousands of interconnected networks linking hundreds of millions of computers around the world. As such, the Internet is international, decentralized, and composed of networks and infrastructure largely owned and operated by private sector entities. Currently, an important aspect of the Internet is governed by a private sector, California-based, international organization called the Internet Corporation for Assigned Names and Numbers (ICANN). Since its establishment in 1998, ICANN has managed and overseen some of the critical technical underpinnings of the Internet such as the [domain name system](#) (DNS) and [Internet Protocol](#) (IP) addressing. ICANN makes its policy decisions using a [multistakeholder model of governance](#), in which a "bottom-up" collaborative consensus process is open to all Internet stakeholders, including owners and operators of servers and networks around the world, domain name registrars and registries, regional IP address allocation organizations, standards organizations, Internet service providers, commercial businesses and intellectual property interests, non-commercial interests, governments, and Internet users (see [Figure 1](#)).

Figure 1. CANN's Multistakeholder Model



Source: [ICANN](https://www.icann.org/).

The U.S. government has no statutory authority over ICANN or the DNS. However, because the Internet evolved from a network infrastructure created by the Department of Defense, the U.S. government originally owned and operated (primarily through private contractors) many of the key components of the network architecture that enabled the DNS to function. Currently, the U.S. government retains limited authority over the Internet's DNS, primarily through the [Internet Assigned Numbers Authority \(IANA\) functions contract](#) between NTIA and ICANN. Under the IANA functions contract, ICANN is authorized by NTIA to perform various [technical functions](#) necessary to support the Internet domain name system. While primarily administrative in nature, the IANA functions contract carries broader significance because it has conferred upon the U.S. government a "stewardship" role over ICANN and the DNS. By virtue of the IANA functions contract, NTIA arguably has more influence over ICANN and the DNS than other national governments. This stewardship role does not mean that the NTIA controls ICANN or has the authority to approve or disapprove ICANN policy decisions. Rather, the U.S. government's authority over the IANA functions has been viewed by the Internet community as a "backstop" that serves to reassure Internet stakeholders that the U.S. government is prepared and positioned to constitute a check on ICANN under extreme circumstances.

Transition Proposal

NTIA stated that it would let the IANA contract with ICANN expire if a satisfactory transition could be achieved. To accomplish this transition, NTIA asked ICANN to convene interested global Internet stakeholders to develop a transition proposal. NTIA stated that it would not accept any transition proposal that would replace the NTIA role with a government-led or an intergovernmental organization solution. For two years, Internet stakeholders have been engaged in a process to develop a transition proposal that meets [NTIA's criteria](#). On March 10, 2016, the ICANN Board formally accepted the multistakeholder community's transition plan and transmitted that plan to NTIA for approval. On June 9, 2016, NTIA issued its [IANA Stewardship Transition Proposal Assessment Report](#). The report announced NTIA's formal determination that the transition proposal meets the criteria set forth when NTIA announced its intention to transition U.S. government stewardship over IANA. Having received an August 12, 2016, notification from ICANN that it had completed the implementation tasks associated with the IANA transition plan, NTIA [notified](#) ICANN on August 16, 2016, that "barring any significant impediment, NTIA intends to allow the IANA functions contract to expire as of October 1."

Should the Transition Go Forward?

[Supporters of the transition](#) argue that since the inception of ICANN in 1998, its privatization was envisioned by the U.S. government. They assert that by transferring its remaining authority over ICANN and the DNS to the global Internet community, the U.S. government will bolster its continuing support for the multistakeholder model of Internet governance, and that this will enable the United States to more effectively argue and work against proposals for intergovernmental control over the Internet.

Those [opposed to the transition](#) are concerned about the risks of the United Nations or foreign governments—particularly those favoring censorship of the Internet—gaining influence over the DNS through the transition to a new Internet governance mechanism that is no longer subject to U.S. government oversight. Others, while not necessarily opposed to the transition outright, argue that [ICANN is not ready](#), that outstanding issues need to be resolved, and that the IANA functions contract should be extended.

The [FY2017 Continuing Resolution](#), as passed by the Senate and House, did not include language to prevent NTIA from allowing its contract with ICANN to expire on September 30, 2016, thereby enabling the transition to go forward. A [lawsuit](#) filed on September 28, 2016, by four states seeking to delay the transition was [denied](#).

For further information, see CRS Report R44022, [The Future of Internet Governance: Should the United States Relinquish Its Authority over ICANN?](#), and CRS Report R42351, [Internet Governance and the Domain Name System: Issues for Congress](#).