

December 31, 2020

The Honorable Roger Wicker
Chairman
Senate Committee on Commerce, Science
& Transportation
512 Dirksen Senate Building
Washington DC, 20510

The Honorable Maria Cantwell
Ranking Member
Senate Committee on Commerce, Science
& Transportation
512 Dirksen Senate Building
Washington DC, 20510

Chairman Wicker & Ranking Member Cantwell:

On behalf of the Coalition for a Secure & Transparent Internet (CSTI) we applaud the recent recommendation by the National Telecommunications and Information Administration (NTIA) for Congress to reverse the negative impact the overly broad interpretation of the European Union's General Data Protection Regulation (GDPR) has had on maintaining open access to accurate WHOIS data. CSTI agrees with NTIA and stands ready to work with you to enact legislation immediately to address this critical cyber security and consumer protection issue.

CSTI was founded in 2018 by a diverse set of stakeholders who shared similar concerns over the potential impact the interpretation of the GDPR would have on registries and registrars continuing to make accurate WHOIS information public. Over the past few years, we have worked to raise awareness with Members of Congress and Administration officials as to what WHOIS is, how it is used and the importance of maintaining open access and accurate data.

WHOIS information has historically been used by law enforcement, consumer advocacy groups, third-party investigators, intellectual property holders and others to identify *who is* behind a domain name or website. If the registrant of a website or domain is conducting illegal or otherwise malicious activity, investigators can access information about the registrant to pursue legal avenues as well as identify other, potentially dangerous domains that are also attributed to that registrant. In this way, WHOIS is critical to our ability to identify, end as well as proactively prevent cybercrimes, exploitation, intellectual property theft and other harmful activity.

We were pleased to see report language included for the Commerce, Justice and the State Department section in the recently passed *Consolidated Appropriations Act for 2021* that stated that:

“NTIA is directed, through its position within the Governmental Advisory Committee, to work with ICANN to expedite the establishment of a global access model that provides law enforcement, intellectual property rights holders, and third parties with timely access to accurate domain name registration information for legitimate purposes. NTIA is encouraged, as appropriate, to require registrars and registries based in the United States to collect and make public accurate domain name registration information.”



CSTI appreciates the inclusion of this language and the recognition by Congress of the important role public access to accurate WHOIS information has in assisting law enforcement and cyber security experts to help protect US cyber security and consumers on the Internet.

NTIA has for over three years tried to work through the GAC to establish a global access model. However, as was articulated in the NTIA letter, the ICANN process recommendations failed to address the basic issues to implement such a system. In addition, we are concerned that NTIA's ability to "*require registrars and registries based in the United States to collect and make public accurate domain name registration information*" is limited and US legislation is the only real mechanism to fix the WHOIS problem. It is important to note that even if ICANN is able to address these basic issues, implementation of a global access model would take, according to ICANN itself, three more years to implement putting Americans at continued risk.

Therefore, CSTI commends NTIA for its recommendation and stands ready to work with you and Congress to immediately enact legislation to restore this critical tool to protect Americans online.

Sincerely,

The Coalition for a Secure & Transparent Internet

Enclosures