

Response to Written Questions Submitted by Honorable Ted Cruz to Peter Davidson

Question 1. Mr. Davidson, Last year the previous administration allowed the Federal Government's contract with ICANN to expire. Do you think that was a wise and prudent decision?

Response. I believe the best option would have been to retain the status quo. The worst option would have been to allow governments, many of which are not democracies and have dismal records in terms of protection free speech and human rights, to control important Internet governance functions. As the Secretary indicated during his testimony before the Committee, he is not aware of a viable alternative to the current state of affairs, but is willing to consider options if presented. If confirmed, and to the extent I am not limited from participating in such matters, I am committed to working with the Secretary, the Administration and Congress to consider all options going forward to assure that U.S. interests are at the forefront of any Internet governance discussions.

Question 2. Mr. Davidson, As you may be aware, in the lead up to the ICANN transition there was an appropriations rider that stated that, "None of the funds made available by this act may be used to relinquish the responsibility of the National Telecommunications and Information Administration, during fiscal year 2016, with respect to Internet domain name functions, including responsibility with respect to the authoritative root zone file and the Internet Assigned Numbers Authority Functions."

Despite the enactment of this rider, the Department of Commerce during the previous administration awarded a contract in the amount of \$18,690 to the Berkman Center at Harvard University to study the transition plan, paid Professor Brakman-Reiser \$9,207 to conduct a review of the transition plan, and incurred expenses of \$1,658 for two meetings in New York with experts relating solely to the Internet transition. The Department of Commerce made these expenditures under what I consider was a tortured interpretation of this statutory language and unfaithful to the text.

If confirmed, will you commit to this Committee to conduct a review to see if any individuals at the Department of Commerce violated the Federal Antideficiency Act, which provides that it is a criminal offense, punishable by up to two years in prison and a \$5,000 fine if an officer of the government knowingly and willfully makes or authorizes an expenditure or an obligation exceeding an amount available in an appropriation or fund for the expenditure of the obligation?

Response. Yes, if confirmed, such a review will be conducted.

Question 3. If confirmed, will you also commit to this Committee that you will conduct a review of all legal analysis conducted by or in conjunction with the Department of Commerce related to the Internet transition?

Response. Yes, if confirmed, such a review will be conducted.

Question 4. Mr. Davidson, Microsoft and Facebook and YouTube, which is owned by Google, all of whom supported President Obama's Internet transition, have signed a code of conduct with

the European Union to remove so-called hate speech from European countries in less than 24 hours. Do you think these global technology companies have a good record of protecting free speech? And what can be done to protect the First Amendment rights of American citizens?

Response. If confirmed, I am committed to working with you and your colleagues to assure the continued free flow of information around the world. I believe that the Department of Commerce should be at the table in all policy discussions related to practices that may affect vital U.S. interests, including free speech. I am personally very committed to help the Department and the U.S. Government use all the tools at its disposal in this regard. The U.S. Government and American companies should be vigilant in protecting free speech and human rights of Americans and their other customers around the world.